

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

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House Legislative Sentiments
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RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to urge the government of the Russian Federation to honestly and transparently engage in creating a just peace in Chechnya, Ingushetia and the Northern Caucasus Region; and be it further

RESOLVED: That we also urge the encouragement of a return to democratically elected officials and institutions in Chechnya, Ingushetia and the Northern Caucasus Region, and we urge the encouragement of civic and social links between Chechnya, Ingushetia and the Northern Caucasus Region, the Russian Federation and the rest of the world.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I simply wish to say thank you to the people who cosponsored this Resolution. I encourage you to read the Joint Resolution and, despite all the many troubled spots in the world today, to please keep the people of Chechnya and the Northern Caucasus in your thoughts and prayers. Thank you.

Subsequently, the Joint Resolution was **ADOPTED.**
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:

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-1020) - Minority (5) Ought Not to Pass - Committee on TRANSPORTATION on Bill "An Act To Enhance the Security of State Credentials"

(H.P. 1669) (L.D. 2309)

Which was **TABLED** by Representative MAZUREK of Rockland pending his motion to **ACCEPT** the Minority **Ought Not to Pass Report.**

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

Representative **MARLEY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for our absence; we were downstairs working on the highway table. The pending motion, as you can see, is the Minority Ought Not to Pass motion on the Chief Executive's bill about the enhancement of the security of the state credential. I am really standing as Committee Chair, at this point, to give you the pros and cons. As you realize, we have another bill that is still bouncing back and forth between the Chambers about the residency requirement for being a Maine resident, it has a similar LD number, 2304. That is one piece of this that the Federal Government is looking for, as far as to enhance the security of the state credential.

This is really more around the issue of legal presence, around the issue coterminous expiration dates, as far as if you have a visa or you have a student visa and you are visiting the United States, you could get a license that mirrors and expires at the same time as your visa. Those are pieces that would allow us to continue to get the waiver that Federal Government has offered, and I have to say coerced the State of Maine to get, so that Mainers are allowed to continue to use commercial airlines and to enter federal buildings beyond May 11. So I am not in support, at this point, of the Minority Ought Not to Pass because I felt like

this could be an opportunity, legal presence is something that we have argued in this body quite a bit, downstairs in the committee quite a bit, and rather than having it thrust upon us from outside interest groups, it allows the Maine Secretary of State to develop that credential, to develop that rulemaking. I believe there will be an amendment coming that will address some people's concerns but, currently, we are talking about the Ought Not to Pass Amendment.

I absolutely understand and support why people have this opposition. As I said, the course of nature, the Federal Government, it seems to be a very arbitrary ruling that Maine is the only one that should be put through extra hoops to get the waiver, the unfunded federal mandate that this is involved in, but at the same time, how do we profile a Mainer? How do we put people through who just want to go on a trip or go see a family member through secondary security checks at the airport?

At this point, my mind is still—my heart and mind, again, Representative Burns—with the Majority Report, but it is very torn and I think it is obvious that I am not comfortable with the Minority Ought Not to Pass, but I really think this is about a conscience. Do we just want to have this course of nature forced upon us, the unfunded mandate piece, or do you want to stand up to the Federal Government? I will sit. Hopefully, there will be questions that I can try to answer for you, and maybe you can convince me as well. Thank you.

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

Representative **CEBRA:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you this afternoon in opposition to the Ought Not to Pass, but before I let you know why, first, I would like to thank the good Chairman of the Transportation Committee for his hard work on this bill, for his sponsorship of this bill for the Chief Executive. I would like to tell you how we got to this place, and tell you, honestly, how we got to this place, aside from any lobbying or stuff you may have heard that may have changed the way you think about this bill.

A year ago, I was a cosponsor on a bill that prohibited the State of Maine from entering into the Real ID system. Real ID is a real sticky issue, nationally. There are things about Real ID that absolutely appall me, and I don't like a lot of the Real ID, but this bill isn't Real ID. This bill brings us into a posture with the Federal Government, whether we like it or not. It brings us into a posture that provides our Maine residents an ability to travel after a prescribed date without having to go through extra security precautions and that third degree. This bill is not Real ID. This bill is a step in the direction of providing our citizens that ability to travel, domestically, using Maine credentials. There are things in here like legal presence; there are things in the bill like coterminous expiration, where a person's driver's license or state identification card matches the time period that their visa would be, if they are here in the country illegally. These things are prescribed by the Federal Government, but they move us in the direction of tightening our security, they move us in the direction of tightening the controls on illegal immigration, I know a lot of people have a problem with that, but what it does is it provides us the time now, between now and December of this year, so that our people can actually travel unbothered by security. This would buy us some time, and once we get to those dates, there can be different things going on in the Federal Government a year from now that may make this old. A person asked me the other day, will Real ID be repealed, and I really don't believe so. From everything that we read in committee, and we have done a lot of work on this in committee, it won't be repealed. It would possibly be changed, but it won't be completely repealed. Real ID, in

some form, is here to stay, and I think we need to make sure, as a state, we provide our citizens not only the protections they need, but the ability to travel domestically without any problem. I thank you, Mr. Speaker. If a roll call has not been asked for, I would request a roll call.

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** 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 Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a piece of legislation that I have been mulling over in my mind quite a bit in the last couple of days, one that has weighed very heavily on me, because of a number of reasons. One is I don't want to hurt the good citizens of Maine. I don't want to put them through any undue pressures, and I certainly don't want to deny them the right to fly, or I don't want to deny them the right to go the post office. But there are some other things about this LD that leads me to want to oppose it. I remember last year, this House voted not to accept Real ID, and we poked the government in the eye. Well, they are poking us right back, but they are not poking us in the eye, are they? They are making things tough for little old Maine.

Somebody mentioned immigration. Well, I don't know if Maine has a real immigration problem. I talked to a few people who live along the Saint John River. They tell me that they don't have a problem with people swimming across the river to get into the United States. Probably, if anything, people are swimming the other way now.

The cost of this new thing, it is going to be on our licenses. I have people telling me, hey, I don't fly and I don't intend to fly, why should I pay this charge? Why should my ten year old grandson, if he wants to fly to Florida, have to get a passport to get on an airplane? Then we talk about the loss of individual rights, this is the first towards them, the loss of states' rights. All of these things are chipping away at our basic liberties.

I know that, if you look back in American history, during our long history, we have had a number of events that really have played a great role in the shaping of where we are: During the Civil War, for example, that great conflict between the north and south, newspapers were shut down. There was a suspension of habeas corpus. Following the Civil War, President Lincoln was assassinated. Did they let that poor man rest in peace? No, they took his body and they dragged it back and forth across the northern states for weeks on end, waving the bloody flag. Following that, we had a series of black codes passed that affected the south for over one hundred years that led rise to such things as the KKK, the Civil Rights era. Then we had World War I. Following World War I, we are not going to get involved in Europe anymore, oh no, that is bad stuff; we are going to become isolationists, and we did become isolationists. What did that do for the United States? Well, we had the Palmer Raids, where Attorney General Palmer raided people—foreigners, immigrants—for no reason whatsoever; prohibition, which led to an all time high in gangsters; the Great Depression. This was not good policy. Following World War II, we had the McCarthy era, where everybody—everybody—was a communist. People were afraid to get up in the morning and shave and look at themselves in the mirror because they might find a communist there. Well, this is the step that we are taking now. Are we going to soon, some day, plant a little device in our neck so we can be tracked wherever we go? Oh no, this is not the Real ID; no it's not, but it is the first step down the road to have the government control every facet of our life.

Because I oppose this, am I am the bad guy in this situation. Am I the guy that is bad because I have to get my photograph taken, I have to prove who I am everywhere I go? All of the sudden, I become the bad guy. I have lived in this country all of my life, I pay taxes, I support this country. It doesn't make me any less of an American because I don't buy the Real ID. It makes me more of an American because I believe in states' rights, I believe in our individual rights. I would really hope that in the long run, when you stop and think about what we are doing, and you accept this first step toward total control by the Federal Government over our states and our lives, this is what will happen to us.

I would certainly vote Ought Not to Pass on this. We did it last year and we can do it again. Maryland, they took the vote, they said, Real ID, we'll see you later and they adjourned and they got away with it. Montana, Utah, wrote a couple short little letters telling them, see you later Real ID and they got waivers. Why Maine? Well, we poked them in the eye last year and I am proud of that. Somebody said to me, you can't act on emotions. Well, I am not acting on emotions. It is like when I was coaching, someone said to me, coach, I am going to take that ball and jam in down your throat. Well, that is the wrong thing to say and that is the way I feel about it. I think that we have our rights, they are guaranteed; we live in a free country. Let's keep it that way. Thank you.

Representative ANNIS of Dover-Foxcroft assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe in strong law enforcement and strong public safety laws. I think we need to do everything we can to protect the public safety of the citizens of our state, and that is why I support the Ought Not to Pass Report.

I think the majority did a great job, both sides of the aisle. I think they worked really hard and I think, if you had to go with this kind of proposal, they did a lot in moderating it in ways that I think were wise and thoughtful, but I just respectfully disagree with the entire premise. Because when you ask, why are we being urged to spend a huge amount of money—everybody agrees it is a huge amount of money—why are we being urged to spend a huge amount of money? Why are we being urged to do things that raise the hackles of civil libertarians? Why are we being urged to do that? Why are we being urged to do things which raise—I won't say they violate—but they raise serious constitutional questions. Why? Why on all three accounts? Because we are told it is going to increase our public safety. The problem is that is dead wrong. So we are doing these tremendous things that give us this great discomfort for a premise that is actually false.

I would quote the Los Angeles Police Chief Bill Bratten; I would quote Richard Clark, the former counterterrorism czar, where they said that legal presence, a concept embedded in the Majority Report, harms public safety by driving more people into situations where they are unlicensed and uninsured drivers. So it creates that situation, which harms our public safety, meanwhile, Mohammed Atta probably would have been fine had this entire thing passed and been in place on September 10 or earlier, before 2001. So it harms our public safety, it doesn't do much to help it, but costs us a lot of money, undermines our civil rights and, possibly, at least arguably, raises some serious

constitutional concerns.

Just within hours ago, we passed legislation, I believe, from the Transportation Committee, that creates a residency status here in the State of Maine, which is appropriate. It supports law enforcement, it supports public safety. Great idea, we already passed that, that is good. That is very different from legal presence which will undermine public safety. And embedding this law, as the Majority Report would do, even with, again, an approach I somewhat understand where they go through the Secretary of State, it is still routine technical, and I urge the Men and Women of the House to consider that. It is not major substantive that we are talking about, it is routine technical. I don't want to have something that raises these kinds of questions going through that process, and I would think that people on both sides of the aisle would share that concern. So for those of us who care about public safety, while they did a great job on the Majority Report and I think they are to be commended, I think, for those that care about public safety, the right vote is Ought Not to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Savage.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is to anyone who cares to answer. We turned down Real ID some time ago, about a year ago. Can someone tell me what the difference is between this and Real ID, the actual difference? Does it have to do with a national database versus a Maine database, or what is the real difference between the two? Thank you.

The SPEAKER PRO TEM: The Representative from Falmouth, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I happen to be the author of the Real ID legislation, LD 1138, and to answer the Representative's questions, Real ID, originally and in the state that it is in, had to do mainly with the national database. It was to have one document that was throughout the entire country, one database in Washington, D.C. What they have done is they have actually modified that to keep 50 separate databases, but in order to maintain the integrity of Real ID, to maintain the integrity of the documents within the states, they are requiring that states follow certain guidelines in order to keep the integrity of a document so that it cannot be forged, it cannot be given out, and that is the difference between the two. We have been very, very clear about keeping the two separate all along. They are two separate issues, and they happen to be merged on this issue right here.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the Representative from Sabattus for his work on Real ID. It is sneaking back again, unfortunately. The real coach and I share something that is coming from an era when the mere thought of having something that smacks of Real ID, a national identity card, was just an anathema. It seemed impossible, totally impossible. It was the stuff of big brother. It was the stuff of what happened behind the Iron Curtain. It was the stuff of what happened in Nazi Germany. Real Americans could never have supported that.

Can you imagine real American John Wayne hitching his

horse outside the Liberal Cup, sauntering in to check and see if people had their Real IDs? Can you imagine real American Jimmy Stewart, as Mr. Smith, coming to Augusta, facing bags full of telegrams, all of which said don't vote for LD 2309? Can you imagine real American Jimmy Cagney up in the rotunda, screaming, Ma, Ma, I've got my Real ID? Can you imagine George C. Scott standing in front of a huge poster of the flag of Maine, flashing his Real ID? I can't. We must nip this in the butt. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to debate Real ID, but since that is not the subject under discussion, I will resist that temptation, unlike others, and speak to the bill that is before us.

Let me implore you, as one who came o this country, not a native born son of America, to grasp before it is ever too late the enormous value of our borders, indeed the sacred meeting of America's and, in particular, Maine's international boundaries. Ladies and Gentlemen of the House, this very day, we are deliberating in this place of freedom and nobility, and while we do, thousands of people of all races, nationalities, ethnic origin, and philosophical bent are clamoring, clawing, running and fearing for their lives as they attempt, both legitimately and illegitimately, to get out of their native countries. And, Mr. Speaker, at the same time, millions and millions of people are striving to get into the United States of America. This ought to send a very strong message.

Please indulge me, for just a moment, to take you back some 24 years, if I might share with you my involvement in emigration and immigration. For me, it included continuous trips to the United States Consulate in Canada, my birthplace, and that, for me, was 125 miles one way, every time. It meant processing of a visa, first off, and that is not a credit card; interviews, criminal background checks, fees, photo, fingerprinting, photo retakes, waiting, waiting, and more waiting; phone calls, paperwork, legal documentation and, finally, after several months, acceptance of resident alien status. Complete review of all documents and all personal effects at the Canada-US border. It meant, after arrival in this country, checking in regularly with the US Immigration and Naturalization Department. More and more and more paperwork, more and more and more waiting, tracking our whereabouts for the previous five years, more interviews, more money. Did I mention waiting? More money; nearly six years of naturalization; a final conference, appearance at citizenship court, renouncing loyalty to the land of your birth, the oath of allegiance, gifts from members of the DAR—Daughters of the American Revolution—a United States' flag, a judicial welcome and a reception to your new country. I stand very proudly and gratefully to say that 16 and a half years ago, I finally made my way through this entire process, as did my wife, followed some years later by each of our two sons.

Allow me, with deepest respect, honored colleagues, to challenge you, as American born US citizens, to be aware of your history, appreciative of your birthright, and vigilant in defense of your rights to secure your borders as well as the communities around you. Please do not fall into the dramatic trap of referring to certain people as illegal immigrants. An immigrant is an immigrant, is an immigrant, and any and everyone else who has come to our nation in any way other than the one I have just chronicled for you, is in the country unlawfully. And that, my friends, when we call them illegal immigrants, is a front and an insult to those of us who have done it the right way, the legal way and the secure way. Of course, Ladies and Gentlemen of this

hallowed Chamber, we must require that applicants for a drivers license or for any other privilege or service offered by the state show legal documentary evidence of lawful presence in this beloved nation of yours and, now, of mine. Of course we should do no less than what is prescribed in the bill before us. Of course we should take a courageous stand on this crucial issue. Of course we should be most protective of our heritage, our security, our stability, and our future. And, in order to accomplish this, I would urge you to join me in defeat of the prevailing motion, the Minority Report of Ought Not to Pass, on LD 2309, and move on to accept the Majority Ought to Pass Report. Thank you, Ladies and Gentlemen of the House. Thank you, Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not an issue that I thought I would have to stand on the floor and take the time to make some remarks on. I thought, like many Americans, when after 9/11 happened, and I thought that when we had the Homeland Security Task Force and I have seen my United States Government spend trillions—that is with a “t”—of dollars on homeland security, I thought this was going to be taken care of for us. Not only has it not been taken care of at a state level, it is adequately not covered under the federal level. I face it at an international airport in Bangor every day that has problems and, all of the sudden; we are being asked to hastily report something out. We are being—let me use this word and I will probably get slapped down for it later—we are being held hostage by a government that doesn’t want to give us time to craft good law. They do this to us all the time. Haste does not, in their mind, make waste. Well, you know, I guess maybe I have lived long enough to find out that it has made waste and it will continue to make waste. So I think the bill, I am going to ask you to defeat this Minority Ought Not to Pass, because I have talked to my Chief of Public Safety and to do nothing puts us into jeopardy. I am not in love with this piece of legislation, I think it needs a lot of work, but we will get the opportunity to work on it if the Minority Report Ought Not to Pass prevails, it is dead, and then we are stuck with what we’ve got doing a good job. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion in opposition to this bill, generally. I tried to be supportive of this bill. I really sat down, I read it, I met with people on both sides of the issue, and I almost got there, I almost talked myself into it. But every time I have heard myself about to say, yes. I can get behind that, I literally felt sick, I literally felt like I was doing nothing to actually help, but only doing something to buy time, only doing something that, in the end, would not make us any safer and would not make us any stronger as a state or as a nation.

I had a friend from out of state call me about this and said everyone is watching Maine, Real ID, and said, “Emily, don’t you remember September 11th? Don’t you know there are people trying to sneak into this country all of the time? Don’t you know there are people trying to get Maine licenses all of the time?” I took great offense at that because, of course, I remember September 11th; of course I remember how I felt when I knew my father was at the LaGuardia Airport, when I knew my father took that flight to San Francisco several times a month and I didn’t know if that was one of those days; and of course I remembered how I felt when I knew that my father stayed, most often, at the World Trade Center Marriott when he was in New York, which

was very often. I will never forget how I felt because I watched the news reels for the days and weeks and months and years later of torn apart families, of missing friends, missing colleagues. I will never forget how that felt. In fact, I can say to you today that one of the reasons I was so eager to jump into public service, at such a young age, was because I watched that happen, I experienced those emotions and I knew that I needed to do something to make it better, so I ran for office, tried to get educated, watched the news, I tried to give back.

So, again, I say, does this bill help? No, I don’t think that it does. It does not prevent what happened on those days, because what we need in this country is comprehensive immigration reform. We need to come together, with both parties, to pass comprehensive immigration reform at the Congressional level because then we will be making process, then we will be really moving the issue forward that is the real issue. I don’t believe this bill solves any problems, except maybe one that is bureaucratic, and maybe one that has more to do with nipping around the edges and not actually addressing the problem which is comprehensive immigration reform. I don’t like the idea of turning the Secretary of State or anyone who works for him or the future him or her into any kind of immigration official. I don’t believe that is what they do. I do believe the Federal Government has the obligation and the opportunity to work together to pass comprehensive immigration reform and, until they do, I cannot support this, because I believe at the end of the day, when all else fails, the hope is in the states. I believe in states rights and I believe that states have an obligation to stand up, not only when it is right for them but what is right for the country. But when those two things come together and are lined up and we see the burden that this will place on our state, where we already have tough fiscal times, many of which are caused by many things we are required to do by the Federal Government that they do not fund, many of which, whether it is in education or health care, many of those things cause enough financial burden already on our state. If this really is going to help, if I really could believe that this was going to help get us closer to that comprehensive national immigration policy, I would be right with you, but I can’t see it, I can’t get there, and I can’t talk myself into it; believe me, I tried.

I want to thank the Transportation Committee for all the work they did on this because it has been really good work. I think they did the best that they could possibly do in the circumstances in which they were operating, but I do not believe that passing this bill will actually help anything. I believe it will cost us more money; it will cost us a lot of time and a lot of resources that we could be putting towards actually making our state stronger, so that when we are ready to pass comprehensive immigration reform, when we are ready to have a comprehensive way to deal with border security and to deal with international relations that our state will be standing ready to be a part of that. And I plan to stay elected, as long as I can, to be a part of that solution, but today’s solution is not for me and that is why I am supporting the Minority Ought Not to Pass Report and I encourage you all to do the same. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will just speak about the part I know. Working in the airline business, we were, early on, subject to extra screening that is proposed if we don’t go along with this, the extra screening because, of course, we are a threat to airline safety as the flight crew, so we required extra screening. But we were also subject to extra screening when someone wanted to get a promotion within the Department

of Homeland Security. I can think of Las Vegas, Nashville. Suddenly, they were going to be more hyper vigilant than anyone else so we were subject to extra screening, everyone was, and the lines were hours long. That didn't last very long because someone realized that when they make lines hours long, a lot isn't working, not just the program overall. I have heard from people that they are willing to put up with a little extra inconvenience to have something like this, that was threatened on us, go through. They would rather deal with it and have us deal with it and not just give in because it was threatened, and that is what I pass on. In those times, I would go through security four, six, eight times a day. We go through it, things changed. I think we need to do something besides just give into this bill, I don't think it will work. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I stated, these are two separate issues which were brought together by the actions of this state. We decided to not maintain the integrity of our documents by allowing anybody to step in and get these documents with whatever means they have. There are at least three individuals who are being prosecuted for bringing folks from out of state, from another state, obtaining documentation through the Social Security Office, then going to the BMV and getting a driver's license. As I said, it is not the security of the document that has been at fault. We have been giving these driver's licenses out to just anybody that goes, who shows up. If you take a look at the states that were given the waivers, who basically have said they are not going to comply with Real ID, the difference is, is they have legal presence in their law—many of them, Montana. In fact, when we asked for our citizens not to be punished in this way, we used exactly their language, and the difference between our document, the driver's license, and theirs was they had legal presence. I was told that right by someone, the individual who actually wrote the Real ID wording that came out, that was brought out by DHS.

This has been a very difficult issue for me because I am very, very much opposed to Real ID or I would not have put the documentation in, I would not have put the legislation in, I would not have gone around the state speaking out against this because of our freedoms. The problem is we have been giving our freedoms away, the document, what we should hold dear to us, we have just been giving out to anybody who would step across our borders and ask for it, and that is wrong. I oppose the Minority Ought Not to Pass. I believe that we should have legal presence. I went down to testify before the Transportation Committee on this legislation and what I opposed in the legislation. The SAVE program, facial recognition, anything to do with biometrics—that brings us closer to Real ID. Legal presence does not bring us closer to Real ID, but everything else in there, it does. The face of the document that we had met the requirement on 10 out of 18 of the items that DHS requires for Real ID. That was enough. In fact, our document was probably more secure than a lot of the states that were given the waiver. Again, it went back to legal presence.

So when we speak about John Wayne and America, I am sure that John Wayne and America would not appreciate that our documents be given out to just anybody who walks in here, I am positive of that, because that is not American, that is not what we are about. We want people to come here legally, we want people to come here and ask for the documents, we are happy to give. Maybe it takes a little bit longer, but that is something that we need to work on. But we are not arguing about Real ID. What we are arguing about is a secure driver's license that we can go

to another state and, reciprocity agreements, they will be able to take our documentation and know that it is not a forged document. They will know that we are legally residents of the State of Maine, that are not just going to another state to get another license from them, because that is what is happening. We had vanloads of people coming up here from New Jersey that were getting our driver's license and taking it back to another state and, because of reciprocity agreement, they were getting another document, another driver's license. That is how 9/11 started, they had 19 different documents. Legal presence is the thing that is going to stop something like that, and I ask you to vote red on the Minority Ought Not to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Minority Report. I am on the Majority Report and, actually, I am up here to take on the coach. As I said, I am on the Majority Report and I will be voting in favor of passage. My overall concern, though, is for the citizens of Maine and how this will affect them if this does not pass. I certainly do appreciate all of the attitudes and the feelings of the all the people, and I don't blame you for voting anyway that you want, do what you want to do. But at the end of the day, we are still left with the problem and have we provided any answers to all of this? No we haven't, we really haven't.

What can we expect if this Real ID bill is not passed? We can expect, possibly, a special session. We can expect, possibly—this won't be possibly—we will expect the revocation of the Homeland's extension to us, you can expect that. One thing that you can expect, though, is long lines in the airports. You might assume this is an assumption, but when you are adding time to getting on the planes and this method that they have of interviewing everyone that gets on the plane, even small kids, you are going to be backed up for hours. So now you are going to look at the paper one day and see the Legislature is responsible for this. It is not worth it, as far as I am concerned, so I am not going to belabor the point just to tell you I am on the Majority Report and will not vote for this here. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative **LORING**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have heard a few comments here that I just have to respond to.

First of all, can you imagine Chief Red Cloud or my great, great grandfather, Chief Big Thunder, saying here is my Real ID? On the other hand, I also wonder had we had Real ID back in 1492, we would not be in the position we are in today. Those are the positions I am weighing, going back and forth here. There are pluses and minuses on both sides. But I am not an immigrant, although I am treated like one sometimes in my own country and a lot of my native people are treated that way. We have a Jay Treaty that is supposed to allow us to go back and forth over the borders without impediments because we are native people and we are the original inhabitants of this land. I find that, now with the increased security, we are suffering as well because we have students who come to school here in Maine and that travel back and forth, a lot of our people travel back and forth, and they don't happen to have a passport and they wouldn't have this Real ID thing. This security clamp down, I guess you might call it, is indirectly affecting us. I do think that we really shouldn't be giving driver's licenses to everybody. With my law enforcement background, I can't help it; I am a bit conservative in that respect. However, I also think that yesterday we voted on the rights of indigenous people, both here in Maine and around

the world. Well, Maine citizens have rights, too, and we have privacy rights, so I just land on the side that, if I could vote, I would vote Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would vote Ought Not to Pass on this LD. It is an "An Act to Enhance the Security of State Credentials." We should watch out. Someone before me said that this is not Real ID. That is correct in part: it is part of Real ID. Some of the provisions came directly from Real ID. The reason why it has been suggested that we should accept it is that the State of Maine may have made mistakes in issuing driver's licenses. I would agree that Maine licenses should go to Maine residents, who meet the qualifications to be drivers here. I also think that the Federal Government should enforce immigration laws.

As we sit back, in Maine, and watch the Federal Government deal with immigration, the first thing we know is, in many respects, Maine is not in the front lines of the immigration controversy and, over and beyond that, it doesn't look as though the Federal Government has been doing its job seriously. One of things that it would do, if it wanted to address immigration problems, is make sure that those who employ illegal immigrants, because they can pay them less, because they can abuse their rights, because they can deny them privileges and rights that would go to Americans, those people would be prosecuted, those people would be part of the picture. Instead, the Federal Government has turned to Maine to conscript Maine in this battle. There is clearly a problem with that. The parts of this law that also are in the Real ID program include using the Federal Systematic Alien Verification for Entitlements program, a notoriously unreliable database. There also is the facial recognition technology referenced in this bill. It is supposed to be studied by Maine and brings us down the road towards biometrics.

The Congressional Research Service examined this question in the last year and said that because the issuance of driver's licenses remains a function of state government, the Act's requirements constitute an affective commandeering, by Congress, of state process, or a conscription of the state and local officials who issue the licenses. That, too, infringes on our liberties here. That study cited the US Supreme Court from an earlier decision and it made very clear that states are not mere political subdivisions of the United States. The US Supreme Court concluded that commandeering the legislative process of states is contrary to our Constitution. I would say that this bill heads in that direction.

Just because there are some good reasons behind some aspects of this bill does not mean we should be encouraged to trade away liberties, our own or the citizens of Maine. I have already known from watching debates like this over the years that every time something is going to chip away at our freedoms, every time it is going to take a piece of our liberties, it always comes in a package that is tied to some public good. We do want security enhanced; we do want our Maine driver's licenses to have integrity, but we don't have to give up our freedom and liberty for that. We don't have to give up rights of ours to get that. I would vote Ought Not to Pass. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. After hearing a solid citizen, like Representative Crosthwaite's story, having a legal immigrant go through a limited process, proving they are

here legally seems like a small price to pay to be in this great state.

This bill before us, this Minority Report, I urge you to defeat and support the Majority Report. This is not the Real ID. No entry into a national database is required. It establishes legal presence. We are now a global community rather than an isolated state. We need to change the format and administration of our driver's licenses to allow citizens to enter federal buildings and to fly in our airplanes. I think that this is a step we need to take. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Mr. Speaker, may I pose a couple of questions through the Chair?

The SPEAKER PRO TEM: The Representative may pose her questions.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One is we recently passed a residency requirement for licenses, and does this hit some of the issues that we have about our documentation for a driver's license? I am of the understanding, the driver's license is you have to prove you can drive and follow the rules. If you are going to get a driver's license, you either have to have tested to say you can drive or you show another driver's license that you have tested someplace else to do that. Now, it is becoming an ID of citizenship.

We live on a friendly border with an ally. We have been doing a lot of work about security of border crossing. We now have to—and this is for people coming back and forth to work in my town—show at least two IDs or have a passport in order to be able to cross the border. We have families that live on both sides of the border. We also have had a period of time where, in Saint Stephen, the hospital in our area was the only hospital doing deliveries, and we had a lot of American couples going to Saint Stephen, New Brunswick to give birth and then coming home. Now they were born in Canada to two American parents and brought home. Is this bill, if it passes, going to affect their ability to prove their citizenship?

Another question: Families do live on both sides, and I have a constituent who had called me because they were having a great deal of trouble getting a visa or even a permanent visa or a temporary visa for their grandchild who was living with her mother on the Canadian side, the mother died, the only guardian that she had close by was her grandparents in America. She had no place to go, but it took them close to five years to get a visa for her to legally be there. She went to school and graduated before she got the documentation. Is this going to affect her ability to stay in this country and also the ability to get a license to drive and get health care if she needed it? I think that it does. I would love an answer to get some idea of how much it does, and would ask that somebody answer this. Thank you.

The SPEAKER PRO TEM: The Representative from Calais, Representative Perry has posed a question through the Chair to anyone who may care to respond. Seeing none.

The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I spoke on this in caucus; I won't go back over what I said in caucus, but I did want to respond to a couple of things said by, first of all, the gentleman from Rockland, Representative Mazurek, and the gentleman from Lewiston, Representative Wagner.

Representative Mazurek mentioned the Civil War and the taking away of civil rights at that time, the withdrawal of some of our rights by President Lincoln. He also mentioned the Palmer

Raids in the 1920's and the Red Scares of the 1950's. Representative Mazurek rose and said that real men—real men—would not have allowed that. Sadly, real men did. It was a feeding frenzy in those time periods, the times called for actions, according to so many, actions taken by our government. Upon reflection, however, as years went by, many of those people who got involved with the feeding frenzy decided that perhaps they had gone too far. I, for one, don't want to be participating in this feeding frenzy.

One other thing, we now, and if those goes through, will have a patchwork quilt of legislation across the country, often conflicting, that makes no sense. It will provide no security. If this is such an important deal and to some degree maybe it is, but if this is such an important deal, perhaps the administration and our Congress in Washington should have done something about it in the last six and a half years, instead of sitting on their hands. Thank you, Mr. Speaker and Men and Women of the House.

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I only want to take a small piece of this very long debate.

I know that many of us have, in our communities, the experience where we are at the grocery store and one of our constituents says, Congressman, I have a question for you, and we know we are not Congress people, we are members of the Maine Legislature, we serve here in Augusta, but they don't know the difference a lot of times and they will bring up federal issues, with us, as State Representatives. I hope that all of us in this Chamber know that we aren't members of Congress. Now there is a real difference there because, what we are talking about today, we are talking about legal presence and that is an immigration issue. There are some things in the United States Constitution that are strictly federal issues, and there are others that are left to the states; in fact, everything that is not given to the federal government is given either to the states or to the people under the Constitution. There are some issues that are quintessentially federal issues that there is no doubt in anyone's mind, they don't need to even pick up the document, they know. National security is a federal issue, interstate commerce is a federal issue, and immigration and naturalization is a federal issue. So when we talk about legal presence, we have to understand that this is something that the Constitution gives the Federal Government the exclusive right to legislate on. We have to remember, and the reason why I support the Minority Report Ought Not to Pass, is that the Maine Legislature is being asked to pass its judgment on immigration law, about what is legal presence, and we are asking our Secretary of State to become an immigration agent, and we are asking that document that we all hold in our wallets, called a driver's license, to become an immigration document, and I think that that is absolutely wrong under the United States Constitution.

We also have to remember the backdrop for what we are all doing here. The backdrop is that the Federal Government wants a national ID system and they want that ID system on the cheat. They want the states to pay for it, and they want the states of implement it. I would submit to all of you that what we are being asked to do is, we are being asked to implement a national ID system by coercion from the Federal Government, and I think that is wrong because not only is it not within our purview here in the Maine Legislature, but it is a massive expense to this state that we don't have the money to afford. I know other speakers have spoken to this as well, but let's not forget the budget we just passed, let's not forget the cuts that we were forced to make. We

have talked about that so often here on this floor and it seems like we so quickly forget them. Finally, let's not forget about the federal obligations that aren't being paid to the State of Maine right now, special education, not being funded. We just, this year, started to deal with the Federal Government not wanting to pay its fair share in Medicaid, and now we are being told that the Federal Government does not want to participate in its law about an ID system. So not only is not within our purview, not only do we not have the money, but we can't forget all the things the Federal Government isn't paying us for at this time. Ladies and Gentlemen, I urge you to support the Minority Ought Not to Pass Report. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will defer to anyone else, like the Chair on the Committee on this point, but the Representative from Calais, Representative Perry, raised a question about whether, I believe, LD 2304 would address some of these issues because Representative Lansley, quite correctly, mentioned incidents where people were abusing our license system. He is right, they were, it is wrong, it is bad, and that is why we passed LD 2304 just hours ago. It really is much more strict than the law we had before. I think it will greatly deter the problem of abuse of our license system, so I think it makes LD 2309, the moving toward Real ID bill, much less necessary.

Secondly, there was another question posed, perhaps a rhetorical one, by Representative Hogan of Old Orchard Beach, where he talked about what we would do in this situation. I would simply offer that when you look at, for example, the State of Hawaii where they do not require legal status, they may have a residency but they don't have a legal status requirement. With that, they went to the Federal Government and simply said that we will analyze these issues, but we are not going to have a legal status requirement, and they were able to get a waiver. So there are alternatives available that do not require that we have federal agents requesting passports of us. We know that because other states have successfully done so. And I particularly feel strongly about this with regard to legal status because, it creates, as Representative Fischer noted, an imposition on the state of a federal level concept that the Federal Government has yet to define, and that would create, I think, problems for our public safety. It would create problems for public safety for it to pass. I thank the Men and Women of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative WALKER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Listening to some of the comments earlier today, I am not sure if people have actually read the bill as amended. I rise in opposition to the pending motion. I think this bill could very easily be relabeled An Act to Issue a Maine Driver's License Using Some Common Sense, because if you look at what the bill does. Mr. Speaker, I would ask you to imagine a world where an individual arrives in Maine and that individual receives a license or a card which expires the same time that that individual's visa expires. Mr. Speaker, I would ask you to envision a world where, before a Maine driver's license is handed out, it is determined that person is here legally. Mr. Speaker, I ask you to imagine a world where the Secretary of State has the opportunity to determine what documents will be used to establish legal presence. Mr. Speaker, if you can imagine this world, I will ask you to vote against the pending motion and for the Majority Report. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to try to ask you to imagine a world where a driver's license means you know how to operate a motor vehicle. I am going to ask you to imagine a world, I don't know. Have you read your driver's license lately, because there is a real interesting little line underneath the title of our driver's license, if you in fact hold a Maine driver's license, which reads "Where America's Day Begins." I am kind of proud of that. I think that is a neat way of thinking about where we are all from. I think we have a problem in this country. This is not the right solution. It is not the beginning of a right solution. I support the Ought Not to Pass motion.

This bill, if we enact it, will raise the cost of this driver's license, the one that we hold and the ones that our constituents hold, by 50 percent. It will now, then when we do this, allow me to get on airplane. Hopefully, it won't let me fly that airplane, but it will allow me to go into a federal building. I am very troubled by that. I am very troubled by taking this credential and having it be used for those purposes. There is a federal ID, it is called a passport, and if that is what we need then let's go get one. If I don't want to get on a plane, I don't want the cost of my driver's license to go up by 50 percent. I don't think it is fair to do that for everybody, people who may never get on a plane; people who may be able to avoid going into a federal building, bless their hearts. This is a tax on everybody, whether or not you choose to use it, it is taking a credential and having it used for something entirely different. Because it is more convenient, because it may save us some time in line at an airport, I am stressed by the entirety of it. I would like to imagine a world where we say, we will fix the problem with an appropriate solution. This is not that. That is the world I want to go home to, and I would ask your votes to also support the Ought Not to Pass.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Part of me wants to think that, given the price of airfare and travel, only terrorists can afford to travel nowadays, but seriously.

Over 50 years ago, in my confirmation speech, it started out, "These are dangerous times in which we live, when everybody's rights must be protected." Now that was in reference to the Ninth Commandment about bearing folks witness against thy neighbor because, back in those days, the issue was we were concerned about people violently overthrowing the government. There were a number of committees or there was a committee set up to find out if people indeed were members of the Communist Party or ever knew of anybody, and many of those people lost their jobs, many of them committed suicide, others were not able to practice in their professions. Those were times when rights were being infringed upon, and whether we are reaching that moment, I am not sure, but it bothers me that we might.

I come from a fairly conservative part of the state where people are concerned about their rights, their property rights, their rights to bear arms, their rights of free speech and their rights of privacy. I think that, as we find out if you go to the store nowadays, you can't be certain that the information about your economy, your credit and indeed your bank account isn't subject to some hacking and some laws. I think that anytime we enhance the opportunity for data to be taken and, therefore, be given to people who really shouldn't use it, and indeed we have no control over those things. Fifty-five years ago, we didn't have the machines, the technology to hack; we just had committees to

bring people in front of. So I think we need to be very careful and be sure that, again, these are dangerous times in which we live, and indeed everybody's rights should be protected. I would vote for the Ought Not to Pass motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this debate first started, there was a fair amount of hyperbole and embellishment employed. You would think that George Orwell was sitting at the keyboard downloading people's personal identification up to a nation database. That is not what this bill is about. This bill is an interim solution to resolve a problem, and we do have a problem.

From 1999 to 2005, there were roughly about 320 to 340 licenses that were given out to folks who were not able to produce a Social Security number. If you are not able to produce a Social Security number at the Bureau of Motor Vehicles, you get a 99999 number to substitute for that. Then in 2006, we suddenly jumped to 1,112 licenses of this type; then in 2007, up to 1,329; this year, at least through February 25, there have already been 150 of them. Obviously, the word it out that this might be a spot where people might be able to acquire of driver's license without a lot of scrutiny because, as it exists now, all you have to do is declare where you live without any proof. We have people living in Deering Oaks, we have people living in the Department of Motor Vehicle office buildings, they are from interesting places. So I want us to concentrate on the fact that this is an interim solution to allow Maine citizens to be able to travel without a lot of added obstacles, and difficulty that they need not have to contend with, so I plea to ask you to defeat the Minority Report. Thank you.

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just need to generally disagree, first of all, with my good friend and colleague from Biddeford regarding the problem that he describes. I don't disagree with the facts that he presented, but rather with the idea that this is a solution to that problem. I think in LD 2304, we have already taken an important step forward in that regard, and we can expect to see a change in the numbers.

I also need to disagree with my good friend from Sabattus that this is about legal status. There are at least five other states that I know of—Hawaii, Utah, New Mexico, Maryland, and Washington—in which legal status is currently not required, and which are not subject to the demands that are currently being placed on Maine. Those states, some of them without asking, have received a waiver. So this is about Real ID, let's be clear. It is about taking the first steps towards Real ID. I think, in fact, that is was my good friend from Naples who really hit the nail on the head, here today, in speaking of this as a step that would buy us some time. But I question even the Fiscal Note on this bill, the \$1.5 million to \$2 million, being a legitimate use of our taxpayers' dollars to buy us that time, when no other state has been subject to these demands, and where the demands appear to be, by any standard, fairly arbitrary and fairly capricious.

I question, also, that the real cost is simply those \$1.5 million to \$2 million. I think we are really talking here, as well, about these arguments have been made and I am not going to repeat them, but the concerns about security, the concerns about constitutionality, the concerns about civil rights. This is what is truly at stake, and I am personally not prepared to spend that capital in order to meet this federal demand, which is about Real ID, which this Legislature overwhelmingly rejected and our Chief

Executive, as well, just one short year ago. I am not prepared, and let me ask this body are you prepared, to sacrifice security when we know that the measure that we are being asked to implement would do nothing to prevent the disaster, the travesty that occurred on September 11, 2001. I am not prepared to give up what a West Point professor has called the largest law enforcement database in the country, a database of all who drive in this state and, collectively, all of the license databases in every state in the country, I am not prepared to give up that important law enforcement tool. I am not prepared to give up security. Nor am I prepared, and I ask my colleagues are you prepared, to give up our constitution and our federal system, because the Congressional Research Service—the federal agency which is in charge of assessing the acts of Congress and their fiscal and regulatory issues, not unlike our own OPEGA—has said that there are at least four different arguments, they are legitimate ones which have been presented already that this Real ID, collectively, is unconstitutional, and I quote: First, because Real ID cannot be premised on Congress's power to regulate interstate commerce, it is a violation of states' rights as protected by the Tenth Amendment. Second, the requirement that Real IDs be used to board federally regulated aircraft impermissibly encroaches on citizens' right to travel. Third, specific requirements such as the digital photograph potentially violate the Free Exercise Clause of the First Amendment. Finally, Real ID infringes upon a citizen's right under the First Amendment to freely assemble, associate, and petition the government.

Again, this is the Congressional Research Service, prepared for members and committees of Congress, writing those words. Are we prepared to give up our constitution and our federal system? Are we prepared to sacrifice civil rights?

And, here, I need to quote, briefly, our Maine Secretary of State: During the 2004 Presidential Campaign, newly released Nixon White House tapes revealed President Nixon asking, after one of the young leaders of the Veterans for Peace movement, who is that John Kerry kid, anyway? Find out about him. More ominously, read the released meetings minutes of senior FBI officials reviewing wiretaps of Martin Luther King, Jr., where those FBI officials, openly contemplated how they could undermine the credibility of Reverend King as an effective leader of the African American community. Those are our federal officials and all of that has occurred before Real ID. I am not prepared to sacrifice civil rights.

And finally, as to the question of cost, it is far more than \$1.5 million to \$2 million of our taxpayers' dollars that are at stake here, because I want to remind this body that I have already circulated to you a yellow paper entitled "Real ID, Real Expensive," which states the Department of Homeland Security's own estimate of Real IDs cost at \$14.6 billion. That is their own estimate. The proposed Congressional allocation, at present, is \$300 million, and what is remaining, what is truly at stake when we are talking about cost, is \$14.3 billion the states are now being asked to pick up, in addition to Social Security offsets, in addition to all of those costs which we are being asked to shoulder, in which the good Representative from Presque Isle so eloquently spoke to already. I am not prepared to give up security, the Constitution, civil rights and to spend \$14.3 billion on our state's tab to do the job of the Federal Government, and I hope you aren't either. I hope you will accept the Minority Ought Not to Pass Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Columbia, Representative Tibbetts.

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had no intentions of rising. I rise on two points today: One is that the

name of the Duke has been brought up. Now I don't think he would have voted for Real ID, and I don't think he would have voted for grammar tease baby care, have to belong to a union.

Second, I detest the thought of Real ID. I detest that. I am an American; I have served my life defending the Constitution of the United States. Mr. Speaker, I don't think I should have to have a Real ID, but if we pass, this Minority Report, they are going to force me to have a Real ID because, if I want to fly to Alaska, I am going to have to get a passport and don't you tell me that that is not a Real ID. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the problems that I have with this is we always have knee-jerk reactions in times like the McCarthyism era, when we started saying there were Communists at every street corner, and all of the actors and actresses were Communist and we started to attack them, and then we had a lady from the State of Maine, who fought against them, and saved our rights: Margaret Chase Smith, the first lady nominated to be President of the United States.

Also, we have talked about Montana. Both Montana and South Carolina have told the United States Government to take a hike, and I am saying it nicely. Most of these acts that we have heard, most of the things where we lose our rights, come in times of crisis that are really overreactions. The Alien and Sedition Act, in the early of John Adams, was done to try to destabilize a Democratic-Republican Party, and that is the way a lot of things are being done, I don't think they are really done with any real reason. We also attacked the Japanese during World War II, but putting Japanese-American citizens in jail to punish somebody. We always look to punish somebody. You should remember that any document can be copied by a seventh grader with a computer.

The final thing I would like to say is most of us here, I would be willing to register guns, how many people are ready to register guns? When we say we've got this list, we don't want to register guns, that's what a lot of people will say, but we are willing to register everything we have on a list. I will never vote to deny our right as American citizens of anonymity; therefore, I will not be voting for this thing. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today because I have heard my friends, who I respect greatly, and I have received messages from back home, from people who I also respect greatly, and I disagree with them and I need to speak. We have had bills here that have been dear to my heart in which I have held my tongue because others have spoken well on it. This is not one I that I expected to, but please listen to my comments.

I am familiar with the high school situation. Imagine two teachers: One of them gives permission slips to go to the bathroom, to their own students if the student has a legitimate need to go. Another teacher leaves the stack of hall slips out for any student to take for any reason, at any time, and the student sometimes abuse the privilege. I guess one of the questions I would ask is should the principal make a directive asking teachers to responsibly issue permission slips to have run of the building? I would submit that he should.

Now the President of the United States is not the principal. In this country we have a federal republic and so, therefore, we have separate jurisdictions. Also, the driver's license here that

we are talking about is not merely a permission slip to go down the hall; it is not, either, just a permission slip to drive. It is an actual identification card. It is our primary measure of identification. I think we are approaching this from the wrong angle. At least, for myself, I am not motivated here by a fear of immigrants. I am very familiar with the history lesson that has been given by several legislators here, and I recognize that the Federal Government, often, has overreacted at the expense of civil liberties in times that they have felt threatened. I am also familiar with nativist and nationalist sentiments that have often gone overboard. No, I am not motivated by a fear of immigrants; I am not motivated by the ultimatum from the Federal Government. I have little sympathy with the policies, especially relating to Maine, of this administration, but I think that should not mold our response to the issue before us, and neither am I motivated by threats of prohibited air travel. I am motivated by the belief that driver's licenses are not just a permission slip to drive, but a true identification card, an ID that can be used as a vehicle to gain other documentation.

This bill is not the Real ID. There are eight criteria of Real ID that have been deemed excessive and that are not included in this bill. I don't want to trade away our civil liberties. Real ID is insidious in its potential consequences. But to vote in this state, it is we that give assent to voting based on the three criteria: age, residency and citizenship. The enemy here is not the immigrant, or not even terrorism; it is fraud, something from which our citizens deserve protection. Whether it is the ballot or the driver's license ID, I say yes to residency, yes to legality, and no to national registration. We can do that without abdicating our privacy rights or our love of the Constitution. I will be voting for an improved version of the Majority Report, and I thank you for your attention.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Government doesn't always get it right the first time. After the Revolutionary War, we, as part of Massachusetts, joined the Articles of Confederation and those failed, and they failed because the Federal Government wasn't invested with enough power, so we wrote a constitution. We the people, that is the issue—we the people. Section Eight of the Constitution says the Congress has the power to establish a uniform rule of naturalization—that is what we are talking about: a uniform rule of naturalization. If Congress wants us, through the Secretary of State, to pass driver's licenses that way, okay, but define a uniform rule of naturalization. Again, the founders didn't expect that they would get it right. They set up a way to amend the Constitution. The Fourteenth Amendment says no state shall make or enforce any law which shall abridge the immunities and privileges of the citizens of the United States. That is where we are. We have talked about legal presence, Congress hasn't acted. Where in the Constitution does it say the Executive, if he's unhappy that Congress hasn't acted, shall devolve power from the Federal Government to the states? It doesn't say that. We the people—that is who are talking about, that is what this is about. Who becomes the people, how do we define ourselves as the people. Congress needs to act. Congress needs to say this is how you become a citizen of the United States, then the states or other organs of the Federal Government, at Congress' direction, can enact it, but we cannot take that power just because the Executive Branch of the Federal Government is unhappy with Congress' enacting. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Rand.

Representative **RAND**: Mr. Speaker, may I pose two questions through the Chair?

The SPEAKER PRO TEM: The Representative may pose her questions.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since the Federal Government feels that it is most necessary for the states to implement the immigration laws, I would really appreciate an explanation as to why they have not come forward and given us—by us, I mean all the states—one uniform definition of legal presence. That is one question.

The second question is when our constituents, our neighbors, go to renew their driver's licenses and they do not happen to possess a passport, and the town hall where their vital records were kept burned down so they have no birth certificate, I would like a list of the things that our constituents, who have lived next to us for 25 years, a list of the documentation that will be deemed acceptable, if this bill passes, that they will then have to get together and bring to, I guess the Department of Motor Vehicles, to get their license renewed. I think that we have gone off the track a little bit, maybe, in our thinking, when we seem to think that this is only going to apply to people who have immigrated from other countries, this—and I do think it is a good chunk of Real ID—if this bill passes, all of us are going to have to jump through all of these hoops. Now, in Maine, I know we have a significant number of people, particular in the northern and western part of the state, who would have an extremely difficult time obtaining their birth certificate. They have probably been trying for years to get it and, for one reason or another, have been unable to do so.

If those two questions could be answered, I would really appreciate it. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Portland, Representative Rand has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Those are very good questions. I will be honest, the first one and I think another person may have asked this about the uniform definition of legal presence, I don't personally want the Federal Government to come up with a one-size-fits-all definition, simply because I do think that is when you start getting into this one-size-fits-all, Maine's needs versus others. I have always opposed the legal presence requirements and that is because they do try to fit it into a box, and it gets to the second question as far as what documents are acceptable. We did not define what documents are acceptable. I felt that this was an opportunity. The issue of legal presence is not going to go away. Actually, Maine is one of the only New England states not to have legal presence, and we have always had bills come in that try to take it from model legislation from other states, have tried to really impose it and hasn't looked at all the unique situations. Representative Perry talked about in her situation: Maine has had a very open border; the hospital is on the other side of the border in another country. We need to have our Secretary of State, who understands our needs, define what documents are going to be accepted for this legal presence piece.

So I saw this as an opportunity, I did not see this as Real ID. I would not support Real ID. There are pieces of this that Real ID does ask to do, but does not get into Real ID itself. If you are looking for a fight on Real ID, you are going to have it. If you took a piece of paper and drew a line, that is the timeline, 2017 is when you will be asked to fully comply with Real ID; you are

about an inch into that paper. There are going to be other timelines when there are going to be components that are Real ID that you are going to have to fight with the Federal Government on but, at this point, what you are really looking at is coterminous expiration dates. I will be honest; personally, I don't have a problem if I have a visa for a year, getting a license for a year. That is a commonsense one. Feel free to disagree with me, that if fine, but I think that is a fair one, and the rate would be prorated.

The next piece is and hearing the debate here, that is why we have this debate, is maybe some of these things need to be pushed off, need to be studied and not implemented. It is the photo that is upfront in the process. Many of us have heartache over that, and I think that would be something that maybe should be taken out of the bill. The SAVE system, which someone brought up, the Systematic Alien Verification of Entitlements Program, which whoever came up with that title is truly a bureaucrat. If you can make a more ominous title, I can't imagine. That actually is currently being used—it should not—in the State of Maine by the Department of Health and Human Services. We pushed that off simply because, one Representative already mentioned it, the error rate as well as the cost. We felt like before we engaged into that through this piece, we wanted to know more information. We also pushed off the piece about the biometrics, how do we do that, we wanted to study that.

But the other piece is do we want people having three license under three different names. I mean, unfortunately, a lot of issues have been raised today: Real ID, I am with you, I am opposed to it. Immigration law; immigration law, I will admit also is broken and some of it is being thrust on the states, and it is an unfunded mandate but, once again, I think that is an issue that we can't get into. But I do think that there are many people and other states that have actually done this and have found people, sex offenders that have multiple licenses, so they can avoid detection. The funding source, people have mentioned, and it egregious, I agree: 50 percent increase on the driver's license. The committee said, if we are going to do this, if we are going to fund it immediately, we should be honest for the clearest cost on it and say this is what the Federal Government is making all of us pay for this unfunded federal mandate. I understand there is an amendment coming forward to take that off, because we may not want to go immediately into all the technologies that are being expected of us. Then, the elephant in the room, the lawful presence piece, and I talked a little bit about it previously, which is I personally think I would want to have the Maine Secretary of State define that, what the documents are and find those safety valves. I have gotten up here and I said it, as far as the World War II veteran in Virginia, honorably discharged, I think in fact the courthouse, the vital records were burned down 40 years before he even had to prove he was lawfully, not only a citizen of Virginia but a United State citizen, and there was no way for that person to prove it through the law that was created. So that is why we have given the Secretary of State the rulemaking piece, so he can find those safety valves.

My mother, the other day we were talking about this issue, and she talked about her brother who was a survivor of the Bataan Death March. He couldn't prove that he was in the military after the records were destroyed, in the 1940's and 1950's, at the St. Louis VA Hospital where they were kept. He had to go through hoops. Also, my good friend from Portland, Representative Harlow, talked about what we did to the Japanese-Americans during World War II. My father-in-law is Japanese-American, who served in the United States Army and his parents were in one of those internment camps. All I am

saying is it is not Real ID. If the Constitution is truly being broken, I wish someone would have sued or sued now, I haven't seen that yet, and we have known this has been looming. I understand more than to send a message. I might send a message, I will be honest, and say Ought Not to Pass, but I personally think that, at the end of the day, we have raised issues, very fair, valid issues, but I think that what the committee has come up with is a move in the right direction. I am not going to change everyone's mind; I had some things I had to get off of my chest. I hope I answered a couple of questions and may have raised a couple others. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I promise not to ask a question, but I do want to make a couple of comments in response to things I have heard this afternoon, and I have the highest respect for every member of this House, as you know, and we can respectfully agree to disagree, which we frequently do on various issues. But this issue is one of homeland security, and I happen to have a passport, so this doesn't inconvenience me if our Federal Government says that I need a passport to get on a plane to fly to Seattle. However, millions of people, thousands of people here in the State of Maine, will be greatly inconvenienced if we don't agree to support the Majority Ought to Pass proposal.

I have heard the Secretary of State's name mentioned today. I have heard people say that we should stick a finger in the eye of the Federal Government. I don't like to stick my finger in the eye of the Federal Government, I would disagree with the government if I feel that they are wrong, but our government is there to represent us as we are here to represent the people of Maine. I don't want to see us sticking our finger or a stick or whatever into the eye of the Secretary of State, because they proposed this, or our Chief Executive. The Chief Executive didn't just fall off the turnip wagon; he is very knowledgeable, he has staff around him that advise him. This was probably not a simple decision for him to make, but he had to make it knowing it was in the best interest of you and I. So having said that, Mr. Speaker, Men and Women of the House, I would ask you to overwhelmingly vote against this Minority Report and support the Majority Report of the Transportation Committee. Thank you very much, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't get up to speak very often, but I feel I need to weigh in on this one. First of all, I apologize, I did step out for a few minutes and I didn't hear everybody's debate and, when I look around, I guess I wasn't alone.

On a personal level, I am a pretty easy going guy and try to get along with everybody, but if somebody forces me to do something against my will, takes away some of my rights and, adds insult to injury, wants me to pay for something that they should be paying for, I tend to change my attitude quite rapidly, and that is how I feel about this bill. I feel that is what the Federal Government is doing to us, and they are taking away some of our individual rights, some of our state right, forcing something on us and having us pay for what they should be paying for. We just passed a budget that didn't raise any taxes, didn't raise many fees and, now with this, we are going to increase our driver's license by 50 percent, adding more burden to our residents.

Also, we need to stand up to these rights and I just don't feel that we should be letting the Federal Government push us

around. I have heard it said, for many, that this isn't the Real ID bill and I will agree with that. As Representative Marley said, we are probably just an inch along the way, but that is the first inch and once we give in—remember we voted last year to not go along with this—once we given in, it is just that much easier to be pushed around. So I also am supporting the Ought Not to Pass. Thank you.

Representative RINES of Wiscasset 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.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have been sitting here listening to this whole debate—some of you just came back, so welcome—and I am really concerned, and I will be supporting the pending motion because I want to know why our state was singled out.

There has been a lot of conversation about this whole idea of who is here legally and what is the legal status and some states have adopted a code, but Maryland, Washington State, Utah, New Mexico and Hawaii all have no such provision in their driver's licenses. Since our country has no border checks between states and people can get on planes and travel anywhere they like, freely, why is our state being singled out to pay for this unfunded federal mandate to supposedly make us more secure when, in fact, it is just an illusion of security because people can travel here and everywhere in the United States, from Hawaii, New Mexico, Utah, Washington and Maryland, and they don't have these provisions.

I am very disappointed in our Federal Government. We have a United States Senator who is the former Chair of Homeland Security, she has a good friend who is the current Chair of the Homeland Security Committee, and I want to know why our United States Senator hasn't done something to secure a waiver for the people of the State of Maine, when New Mexico's citizens and non-citizens, Hawaii's citizens and non-citizens, and people in Utah and Washington and Maryland don't have to pay for this provision. I can't support the bill, as drafted, because it is singling us out, a poor, rural state in the corner of the country, to pay for something that the Federal Government should be doing itself. I know people in here would be surprised to learn I don't have a problem with a national ID card. Other countries have them; it's not the end of the world. But to tell the poor, little State of Maine that we are going to be singled out to pay for this federal mandate is unfair. Please support me and go on to defeat this measure. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we are making this way too complicated. We need to ask ourselves the question, do we want illegals of any stripe driving with our driver's license? I would submit that we don't. Do we want to make illegals eligible for state education, health care, and state aid to needy families? I would say we don't. We just need to make sure that the people that are driving in the State of Maine are legal residents. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 425

YEA - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Driscoll, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Dill, Duprey, Emery, Moore, Patrick, Pineau.
Yes, 72; No, 73; Absent, 6; Excused, 0.

72 having voted in the affirmative and 73 voted in the negative, with 6 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ACCEPT Majority Ought to Pass as Amended Report.**

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before we vote on this, I would like to reiterate a question to which I really did not get an answer, and that is: If this bill passes, in this body, in the other body and is signed by the Chief Executive into law, when will it become effective? I am assuming it will become effective three months after we adjourn. If between now, if in three and a half months I have constituents who do not have a passport and do not have a birth certificate, how do they get their license?

Since I am here, I am going to add another little piece of this. What about people who do not drive. How does this all work out? How do they get permission to enter the post office and permission to fly without going through extra security checks?

Nobody is going to be prevented from flying; they just will probably have to go through some extra checks. How does that work if, in real life, we really pass this and, in real life, it becomes law and, in real life, we have thousands of constituents, maybe hundreds of which fall into the category of no passport and no birth certificate? So, in real time, what are they going to do before the Secretary of State comes up with legally accepted documentation?

The **SPEAKER**: The Representative from Portland, Representative Rand has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think my good seatmate from Portland may have stopped talking to me since she is posing them through the Chair, but I think they are excellent questions, and the debate, as I said, went in a lot of different directions. The legal presence definition would not go into effect immediately. The Secretary of State would be asked to report back, no later than November 15, 2008, what the documentation would be. Currently, it is minor routine language. The reason for that is a month later is the December 15 deadline that we have been given as the sort of temporary extension to the longer extension; it is conditional to get to the longer extensions. So immediately, the legal presence thing does not go into effect. The coterminous, I would say, probably would go into effect, and that is simply 90 days after adjournment of session, which I am sure will be any day now. That is the piece as far as your visa and your license expiring at the same time. The SAVE system would not go into effect until October 2009, so that is over a year and a half away, I believe. The duplication of licenses is being studied, the issues of addressing that, so your constituency would not be impacted immediately.

Where there would be impact immediately was the piece that we talked about, as far as, and I know it is easy to say they wouldn't be able to fly or they might be inconvenienced to fly, I will tell you and maybe it is because my name was on this bill, I felt, as the Chair of the committee, I had a responsibility to have this debate so I was willing to put my neck out there and say let's see what's going to happen with this. I have gotten a lot of emails from people, and there are people who have said they have a sick parent out of state, they have to actually fly very regularly, weekly sometimes, to go see him or her, and they actually have already been pulled over once or twice by TSA and they have been told you know, we are just giving you a heads up, that on May 11, if the state does not do x, y and z, that this is going to impact you and there will be secondary searches, so they were concerned. I have had some of those emails; there are also businesspeople that have concerns, as far as who travel even more frequently and how that is going to impact them, and then just families. It is easy to say, for me, individually, it is going to impact me, what 15, 20 minutes; I get to the airport early anyways. I think it is that staggered piece that concerns people as far as you have 25 people and you have a five minute delay, is that going to push some people where they don't get their flight, etcetera. I think it is a real concern, if it is you, the individual that is directly impacted from this, and the airports did say, who were concerned about the line drawn out, but the immediate impact of this would probably be the coterminous piece, once we adjourn, 90 days after session. The other pieces the Secretary of State is coming back with, no later than November 15 of this year, for the review of the Legislature.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

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

The **SPEAKER**: The Representative may pose his question.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When the date certainly does come, and I understand it is a year and a half away, will the population of the State of Maine be required to line up in mass at designated locations to wait in long lines for the national identification numbers? Thank you, Mr. Speaker.

The **SPEAKER**: The Representative from Berwick, Representative Burns has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the deposition continues, I will try to answer the highly inflammatory nature of the question. I may need legal counsel but that is fine because one of the points, and my Representative friend who is speaking to me again, did ask the question as far as, how is impact. I have had people say to me, is this simply someone I can point to and I know you are a foreigner and you are going to have to go through these? No. Every single Mainer, every single American—don't misunderstand this—when your license needs to be renewed and it's a staggered cycle, when it is renewed, you will be expected, everyone of us, to prove—and like I said, I don't love this, like any of you—and will be required to take those documents once the Secretary of State has delineated where those documents are to prove legal presence. Don't think any of you will get away without having to prove this. I don't care how long you have lived here that you need to be able to prove legal presence. You knowingly go into to this that that is a piece of this, but there won't be any lines to get you an actual security card and number.

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. 426

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Blanchard, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Dill, Duprey, Emery, Gerzofsky, MacDonald, Moore, Patrick, Pineau, Silsby.

Yes, 73; No, 69; Absent, 9; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1020)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-1020)** and later today assigned.

UNFINISHED BUSINESS

The following matters, 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.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "B" (H-650) - Minority (5) Ought Not to Pass - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 912) (L.D. 1294)

TABLED - January 17, 2008 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The **SPEAKER:** The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Yesterday, we took a big step forward in our effort to provide some relief to insurance ratepayers in the State of Maine. With this bill, we will undertake some unfinished business of that effort.

This bill will provide enhanced access to information for consumers as they are out comparing policies, which is a notoriously difficult thing to do given the amount of fine print and numerous subtle distinctions between the different benefits levels, the deductibles, the co-pays and so on. It is a very challenging undertaking to determine whether a policy is a good value or not, and this bill will take a step forward towards providing greater transparency and greater information allowing the marketplace to work better for consumers who are out shopping for insurance.

The second major item in this bill is, in general, to enhance and strengthen the oversight that is conducted by the Bureau of Insurance of applications for increases in premiums. When insurance carriers go to the Bureau of Insurance to file complicated documents showing their claims history, the demographics of their customer base, their expected costs in the years ahead, it is a complicated undertaking, a great deal at stake is at stake for our constituents, and it is wise for us to make sure that those filings are complete and thorough and accurate and that the premium increases are justified under the terms of the law. This bill does not change the substance of what is required; it just enhances the oversight and the review of those rate filing applications. I think it is a good bill. As I said, it is a piece of unfinished business, greater transparency and the greater accountability. It is something that we should all be supportive of. We will talk later on about a piece of the bill that can be removed that has been a source of some objection to some people, but otherwise, on balance, I think it is a very positive step forward to protect consumers in the State of Maine. I hope you will support this bill. Thank you very much.

The **SPEAKER:** The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope you will follow the lead of the Chair of our committee and support the pending motion. This is my legislation and I brought it forward last year

and it is an ongoing effort that a number of legislators, including myself, have put forward over the years to try to provide for greater representation of consumers at the Bureau of Insurance when they consider rate proceedings for health insurance.

Just a couple of quick facts and some facts that were somewhat shocking to me, although I think we all know it because we have been debating health insurance here and the cost of health care, but some statistics that the Kaiser Family Foundation has is that health insurance premiums for workers and employers have skyrocketed by 87 percent since the year 2000, and that is nationwide figure. I know we have been hearing a lot about how Maine's health insurance is so expensive, but it is a problem everywhere and, in Maine, it is of course a problem: In 2001, the proportion of workers receiving benefits from their employers has also fallen, 65 percent in 2001 to 59 percent in 2006, and that is an affordability gap. We have done better in Maine because we have put in place a number of programs, but the costs have continued to go up for individuals, in particular, and small groups who have health insurance, and this legislation is focused on them. This is focused on people who have insurance to make sure that we have done everything we can to make sure that that insurance is affordable.

Now we have already taken steps to increase competition in the market, and I know we are going to be debating additional proposals later on today. This piece of legislation is a separate area which says when an insurance company comes to the Bureau, we want to make sure there is representation for consumers, there is transparency of information, that the companies that come forward really have to prove that they need those rate increases. Just some examples: Since 1993, rate increases for the Anthem HealthChoice Standard and Basic Products, sold in the individual market, have been as high as 23.5 percent, that was in January 2001, and in the past years, they were 14.5 percent and 16.3 percent, in 2005 and 2006, and another 16.7 percent in November 2006. These are cumulative increases so each 16 percent is on top of the 14 percent that was before it, and the 14 percent on top of whatever was before that, so it is easy to see how these costs have doubled and tripled and even quadrupled for many people.

The Chair of our committee, Representative Brautigam, of Falmouth, has gone through specifically what this does but, in general, there is going to be better education of consumers by posting information the web and providing informational materials that consumers can actually understand comparing policies, and we used that as an example in our committee, the very excellent materials put out by the Public Advocate, the rate guide that many of us use to decide which of the many cell phone policies we would go for and the internet policies and whether they should be bundled together or not bundled together. Health insurance is as complicated and certainly more complicated than these other kinds of policies, and we don't have the same level of information provide and the same level of advocacy through the Public Advocate that we have in these other areas.

In addition, the bill provides for 30 days additional notice of proposed rate changes. Many of these rate changes go into effect, and there are always increases, by the way. These rate increases go into effect without a hearing or necessarily any challenge, they just go into effect, so it provides for up to 90 days notice so that people can go out and see if there is an alternative policy or they can go to the Bureau of Insurance and say we think there needs to be a hearing held on this, this affects us too much, we can't afford it, please make the insurance company prove that they need it. It also says that the Attorney General will be able to ask the Bureau of Insurance to hold a hearing and that the Bureau will have to do so, if the Attorney General thinks it is