

MAINE STATE LEGISLATURE

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

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House Legislative Sentiments
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Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I pose another question, because I have in front of me an Amendment (H-1031) and I am not sure if that has been attached to this bill. That amendment had a fiscal note. That fiscal note says it provides for a transfer of up to \$683,000 from the "unappropriated surplus" of the General Fund to the Department of Inland Fisheries and Wildlife in Fiscal Year 2008-09, etcetera, etcetera. So I guess I am confused about the fiscal consequences of the bill, as amendment, assuming this amendment did attach to the bill.

The **SPEAKER**: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that with Representative Mills being on the Appropriations Committee, I think that she can probably take care of that.

Representative **FLOOD** of Winthrop **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Monmouth, Representative Smith.

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Looking at the Fiscal Note for this bill, it says the amendment provides for a transfer of up to \$683,000 from the unappropriated surplus of the General Fund to IF and W. I am looking for clarity. I didn't believe that there was a surplus that we were dealing with, currently.

The **SPEAKER**: The Representative from Monmouth, Representative Smith has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a surplus in the IF and W carrying account and it is \$770,000. We will be taking \$683,000 out of it to fill the hole that we have in the budget for the warden service. As it is now, they are under curtailments of only 60 miles a day. Pretty soon, with the shortage of money in the Department, we will be paying the wardens to stay home. This is money that is paid for by the sportsmen. It is money that should actually go to run the Department and it goes into the carrying account at this time. This bill would create a cascade so that money runs through back into the Department to pay everyday expenses.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not at all doubting the intent, just trying to understand. It sounds like the carrying account for IF and W is held within the General Revenue, so this actually is IF and W money that would be transferred to the Department and that it is not taking it from the general account, simply that the carrying account is held within the General Fund. So my understanding from listening to the Representative from Allagash is that this is IF and W money, it is just housed in the General Fund at this time. If it is dedicated revenue, then I am comfortable voting for it and I would be interested in hearing otherwise.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the Representative from Monmouth, Representative Smith, explained it a lot better than I ever will.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 442

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Carey, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Gerzofsky, Gifford, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Mills, Muse, Nass, Norton, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Blanchette, Bliss, Cain, Chase, Crosthwaite, Curtis, Fischer, Flood, Giles, Gould, Hamper, Joy, Knight, Lansley, Lewin, Millett, Rector, Robinson, Samson, Valentino, Vaughan, Weaver.

ABSENT - Berube, Canavan, Duprey, Emery, Fitts, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Tibbetts.

Yes, 115; No, 23; Absent, 13; Excused, 0.

115 having voted in the affirmative and 23 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Enhance the Security of State Credentials
(H.P. 1669) (L.D. 2309)
(H. "B" H-1026 to C. "A" H-1020)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative **DILL** of Cape Elizabeth, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize that I was not here yesterday for the lengthy debate; I did have the pleasure of hearing it online and on the radio, and I will make this very brief.

My conclusion, after hearing all of the remarks and doing the research, is that if you look at two states, Hawaii and Maine, we both have passed legislation opposing Real ID; we both do not require legal status; Hawaii was given a waiver and Maine wasn't. The only conclusion that I can reach is that Mainers are being treated differently, we are being discriminated against, and this legislation does not make us more safe. And just to give a very simply example, if you are in Hawaii and you want to travel to Maine, you can without any additional security or documentation. But if you are in Maine and you want to travel to Hawaii, there is this extra requirement being placed on our citizens. I don't think it is good law. I will just finish by saying if my good friend, the Representative from Rockland, Representative Mazurek, isn't free, none of us are.

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 would like to thank the good Representative from Cape Elizabeth. She might be generous in saying it was a pleasure listening to the debate yesterday, so I appreciate it very much. I, obviously, am going to speak in opposition to the Indefinite Postponement. I do wish I had the real estate as well as the weather of Hawaii; I think it is hard to compare the two. I went into this, and I still, as I have said, went reluctantly into this, but I do believe, personally, that it is an opportunity.

I have always fought the legal presence piece and that it really what we are, too, is legal presence, coterminous expiration date, and then studying about the most cost effective way to do the SAVE program, making sure there aren't duplicate licenses. Just to give you an example of why it is bad to have duplicate licenses: There is a situation in this state where a known sex offender came from another state, got a license from the State of Maine, changed the middle initial to his name and went back to the state and avoided detection. You hear those stories and being someone who has been on that committee and been responsible for the credentials, I do feel responsible, I will say.

The reason I said I think it is an opportunity is I have opposed the legal presence piece on and on and on, and I see what other states have done for legal presence and it is horrendous, it is terrible, and it is not even responsibility. I think that this and I have said this to the advocates that the reason I think it is an opportunity, bring them to the table; they should be stakeholders; the immigration legal advocacy groups, they should be at the table; ACU should be at the table; the senior citizen advocacy groups who spoke against it, because the concerns in other states that the senior citizens have been affected. We could do this the right way. I sincerely hope you won't move the Indefinite Postponement, because I also think that it is great to appear to play chicken with the Federal Government, but I do think we could impact other people and I don't think it is responsible, so I hope you will support me on opposing the Indefinite Postponement.

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

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The difference between us and Hawaii and other states that do not have legal presence is they do not have the ability of someone just to walk in from any other state and get a driver's license. They do ask for some type of residency requirement, and they ask the questions

as we do not here. As for Hawaii, geographically, it is impossible for someone from another state to just drive over the border and get it, where here in Maine, it is something that happens on a regular basis. So that is one of the big differences.

But as I said, the document itself, the security of the document is not at question. What is at question is the integrity of the document, because we do hand them out to anybody and that is the issue and that is the biggest issue that I heard from the Department of Homeland Security. As I said, Real ID, I am totally opposed to Real ID and everything about it because of freedom. This is not Real ID; this is a driver's license. This is to make sure that we maintain the integrity of our document, that it is for Maine people, that it is for people who can legally acquire it. That is the difference and that is what I believe that we need to do, is to maintain the integrity of the document and it is not the security that is at question. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion, and I appreciate the comments of my friend from Sabattus and it really helps to define the two messages that we are hearing here. One states that the Federal Government is looking for a uniform system for all 50 states. But in the same breath, as we just heard a moment ago, Hawaii is on a different standard because of their geographic location and because of their border concerns, compared to Maine, where we are abutting to an international border.

Further, as I talk to my constituents about this, and let's make no mistake about it, this is about Real ID and that was the premise for this bill coming forward. When I talk to my constituents, the biggest concern that they have had has been with us complying with this because of the purpose of not wanting to be halted trying to go through the airport, or being inhibited when going through the clearances of being able to travel. It has become a sad day when we are willing to give us civil liberties and give up our individual freedoms for the sake of convenience and for the sake of being able to go through clearances quicker to move on with our lives.

Finally, the point that was raised yesterday, but certainly is probably the most important to me, is the fact that this is going to succeed a lot of our state's rights, and the fact that over time, unfortunately, in my short lifetime, I have seen our Federal Government go more and more in a direction where state's rights have become irrelevant. And if you look back at our history, one of the great founding principles of this nation was the fact that state's rights and state sovereignty would be preserved, yet the union would be one great nation. Unfortunately, we have gone the way of scared of playing chicken, as was mentioned, with the Federal Government. If we try to have more of a collaborative relationship, as we try to do give and take with our municipalities as the state does, and took that same type of relationship and conveyed it in a federal-state relationship, I think a lot better policy would come out and certainly would be better than what we are considering here. I hope that you support the motion of Indefinite Postponement. Thank you, Mr. Speaker.

Representative CROSTHWAITE of Ellsworth assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

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

The **SPEAKER PRO TEM**: The Representative may pose her question.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good seatmate, the Representative from Portland, Representative Marley, has mentioned on several occasions the sex offender who changed his middle initial and got another license. My question is if he escaped detection, how was he detected, how does Representative Marley know about this fellow?

The second point I would like to make is we took care of, it is my understanding anyway, that we took care of the license problem with LD 2304. You now do have to and we overwhelmingly supported that piece of legislation in both bodies, I believe, and you now do have to prove residency in order to be issued a license. I don't know why the Federal Government, if that was their complaint against the way we do things in Maine, I don't know why that wouldn't satisfy them, and we can support the pending motion of Indefinite Postponement for this LD, which is 2309, because we did pass 2304 which does take care of the license, the residency part. At that, I will allow the Representative from Portland, if he so chooses, to respond to my question.

The **SPEAKER PRO TEM**: The Representative from Portland, Representative Rand has posed a question through the Chair to the Representative from Portland, Representative Marley. The Chair recognizes that Representative.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel like I am going through the very public couple's counseling. On the sex offender question, I would assume that the way this person was caught was probably through another conviction and then they started doing backtracking. In that case, there is reciprocity and people talked about it before as far as, if you get a license in the State of Maine, you can take it to another state and exchange it for one of their licenses. So once he came up on the radar screen there for a conviction or for any sort of violation, as they started running the records, they found inconsistency and found the record from the other license.

Representative Rand, the good Representative from Portland, is correct as far as we addressed a significant piece of this through 2304, the residency piece that we did this afternoon. You have to be a Maine state resident. However, the other piece is the integrity and I think that the Representative from Sabattus talked about this, the integrity of the license. Homeland Security is talking about are you legally in the United States and that being the next threshold to get a license. This is where we threaded in and we started this whole discussion on immigration law and this and that, but until that piece is addressed, it won't meet the criteria that they are looking for, for them to accept the Maine state license in order to go into federal buildings and for other official uses. That is the differentiation, if you will, between the residency thing, which was a significant step and just another piece in that foundation that we are trying to build to prove. And I understand some people are saying it is a Maine state license, Federal Government should have no piece of it, but it is unfortunately how the licenses have evolved over time as far as it is no longer a credential to prove that you can drive and you have insurance, it is also a credential that is used for identification. So I hope I answered some of the questions, I am sure there will be others.

The **SPEAKER PRO TEM**: The Chair recognizes the

Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think people have talked about this residency issue, and I was going to make the point that we, as a House, and the other body have passed LD 2304, which puts very stringent requirements now on obtaining a Maine license, so it is no longer the case that anybody can just walk in and give a FedEx box as their address and get one or two or three licenses. I would also note that 20 other states don't even require a residency requirement in order to obtain a license, so there is just no legitimate reason why Maine should be singled out to have to jump through these federal hoops at this time. We have a lot of other problems we need to solve, a lot of other legislation that needs to be worked on, and our money can be better spent on other things. I would hope that you would support this motion. Thank you.

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. First, we see a contrast in two bills: The residency requirement bill increases public safety. If somebody from New York tries to come up here, after the passage of this legislation, this takes care of that situation; it makes it much more difficult for them to do that. So I am glad that we increased public safety.

Two, legal presence undermines public safety; that is what we would do if this passed. All it does is drive people underground; it is bad for public safety.

Third, even if we were to go ahead with this measure, it is shocking and surprising to me that we would do so without at least major consent of major substantive rule review. I see that a lot of times, we are talking about some minor environmental law change and we have major and substantive rules. We are going to change this without a major and substantive rule change doesn't make any sense to me, and I think it would be easily amended to address that issue. I thank the Men and Women of the House.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Indefinite Postponement. For the past four months, all of us have been working very, very hard and very painfully to try to resolve the shortage of money. It has been hard on all of us. We have had our differences, but we have all agreed that we have to work together to minimize the loss of funds and minimize the damage to the people of Maine. I find it very, very sad that we are now being frightened into an unfunded mandate with the illusion of safety. I strongly encourage you to support the current motion, which is Indefinite Postponement of this bill.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't disagree with any of the matters stated by any of the previous speakers, frankly. I share the disgust of the reason we are here and the need to be doing something at all, but that is also why I worked very hard yesterday to amend this bill substantially, to resolve the fiscal issue so that the State of Maine is not paying a dime in this fiscal biennium, to pay obeisance to the Federal Government under the Real ID theory. I worked hard to par this down to the bare minimum that might pass muster without accommodating any real mandates. Putting off and studying what may or may not be required down the road, putting off and studying how we may or may not do what the Federal Government says we might

ought to do next year, reporting back at certain times, not implementing any new computer technology, not implementing any new photography procedures, not implementing the facial recognition technology and that kind of thing, just studying it. So I beg you to oppose this current motion to Indefinite Postpone. Enact this bill as amended, as very much pared down, minimized and watered down, and get it out of here. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of the Indefinite Postponement. I certainly appreciate the hard work of my other friends here from Sabattus and Farmington, but growing up, what I did, we always used to sing songs about America, America the Beautiful and all, and of course our National Anthem, it is the land of the free and the home of the brave. Members of my family have served in the military; my uncle was at Pearl Harbor.

In the last year, we passed something in this House declaring that we still saw Maine as the land of the free and the home of the brave and I just really feel very sad that we have come to a point where we have to try so hard to defend that concept. I just think it would be great if we could recall our courage and some of the words from our great songs about America and not be afraid to hold what we said last year, that we are a state of courage and freedom and bravery, and go along with this Indefinite Postponement of this most incredible suggestion of legislation.

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

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

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

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We just passed a bill that does have a residency requirement. The problem seems to be over legal presence. Now, my question through the Chair is, is there a definition of legal presence that would satisfy all 50 states?

The SPEAKER PRO TEM: The Representative from Rockland, Representative Mazurek 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. Currently, there is not a federal definition for legal presence, which the good Representative knows. That is why I feel this is an opportunity. We have talked about this back and forth and a lot of hyperbole, I do believe it is an opportunity and I am going to go back to the Representative from Calais, Representative Perry. She gave a great example of something that I think may be uniquely Maine, where there was an open border between a friendly country, people went back and forth for work, for hospital visits, even for the birth of their child. That is now, because of the changes in our lives and in our world, and we have talked a lot about 9/11, but it just the changes, technological changes. In that case, it was because of the issues around border security.

I want and I support this because I want Maine's Secretary of State, I want Maine people, I want Maine stakeholders, the groups that I talked about, including the ACLU, they should be part of this so that we create a document and a set of documents to define how Mainers want to define themselves as far as being legally present. The residency piece was a wonderful bill and I support all of you for supporting it. This, I believe, will take us to

the next level. This is going to be an ongoing fight you really will be getting into, when you want to start talking about Real ID in future Legislatures. This truly is not an issue of Real ID at this point, I believe, and I am sure there will be others that disagree, but I am opposing the Indefinite Postponement.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Indefinite Postponement motion, and I do that with great appreciation for the efforts of the Representative from Farmington, Representative Mills, who has made this certainly an improvement over what it was, and the great efforts of the Representative from Portland, Representative Marley, who, in his committee, made the very first steps to improve what came to that committee. Nonetheless, it remains a bad idea to do it; we are doing it basically under the threat of blackmail from the Federal Government; it is inconsistent with the Constitution. Let's not do it. We have one last chance here, possibly not the last chance, but I think it may be that we have shown a certain amount of indecisiveness about this. But this is the opportunity to say this is a bad idea, this is not the time to do it, vote with the pending motion.

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 will be very brief. I think, some how, a lot of us think this is all going to go away if this Indefinite Postponement holds. It is not going to go away. Again, what we can expect, we can expect, if this doesn't pass that because the Chief Executive has made a good faith effort with the Federal Government, we can expect a special session this summer, and if you plan to travel, you probably can forget it. You can expect, also, you can almost more than expect it, you can count on it that the Federal Government will revoke the extensions, obviously. Not to mention the airports, themselves. It is going to paralyze airports; there are long, long waits. It is inevitable. For what, just to make us feel good that we stand up and we are Americans and you are not? That is it.

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 just want to follow on what the good Representative from Cape Elizabeth said. Perhaps she used a bad example of using Hawaii, but the State of Maryland does not have legal presence and they were given a waiver until 2010. According to the Department of Legislative Services, in the State of Maryland, they are on track that, up until the year 2017, people who have licenses in the State of Maryland, lots of them, will not have to prove legal presence until then. Whichever way we go, don't kid yourselves that somehow we are all safer, because the legal presence around the country is sort of a hodgepodge, there is not real meaning to it. And all those states that got waivers, that don't have any legal presence, aren't doing anything differently. Our state has been singled out, one of the only 49 states given waivers, only the State of Maine. Why are we alone, being singled out, when other states, the State of Maryland, you can drive from Maryland to any other state with their license? It is unfair, it is unconscionable, and I still want to know why only the State of Maine and where is our Federal Government and why aren't they helping us down in Washington?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just very, very briefly. I was looking over the American Association of Motor Vehicles website, which talks a lot about these issues and how states are dealing with implementation of Real ID and legal presence, and according to what I am seeing, the State of Hawaii itself and we talked about it earlier "does not specifically require proof of residency." On the chart I am looking at right here, it says that legal presence is also not required. Maybe I am looking at an outdated chart, I don't know, so I don't want to push it on that, but it says it right on it: "Hawaii does not specifically require proof of residency." They got a waiver, we didn't. We are being singled out. We can stand up for it, we can say that this is ridiculous and I urge us to do so by voting Indefinite Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You all know that I live on the border. I cross into Canada on a regular basis. As a matter of fact, last Sunday I crossed into Canada and coming back to the American border, I asked a customs officer, I said, "Do Canadians have to show proof, like I have to, birth certificate or driver's license?" And she said, "Yes." I said, "How is the Real ID going to change any of this?" Her answer was that is for the State of Maine to take care of. Now she is a federal employee, so the word is already out that it is going to be our responsibility, the State of Maine. I ask you to vote for Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

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

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

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If there is anybody who is able to answer the number of terrorist related security breaches that have occurred since 9/11 in the State of Maine, or that have been related to the State of Maine that may be happening in any other place, if anybody can answer that question.

The SPEAKER PRO TEM: The Representative from Westbrook, Representative Driscoll 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. I will answer the Representative's question, and I want to clarify an answer I made earlier because I think I gave an incomplete answer. I think the Representative from Westbrook is saying that there is no terrorist action directly related to the State of Maine, I agree with that. You will find though, if you ask Public Safety, there is about 2,000 licenses out there that have what is considered a 99999 Social Security number. That is if someone doesn't put in a Social Security number. When they have tracked a number of those licenses down and the residency piece gets to the heart of most of this, there are some places where you do have PO boxes that have 100 people at the same place, or you have a home that has three apartments in it that has 100 people there as well, so that is one of the reasons the residency piece went through.

The other question I wanted to answer is people have mentioned Hawaii, and actually, I believe it is Hawaii, Utah, Maryland, New Mexico, and there is one other state that don't have legal presence. What they have done, it is my

understanding and actually this is an option to the State of Maine, is you can do a two tiered license system. Those people who aren't able to provide documentation are given a license, but it says on it "not for official use," which means it is a play license; you are not able to use it for the boarding of airplanes or federal buildings, as we are talking about in this case. In New Mexico, they actually call it a driving permit. It is simply a license to prove that you have been registered to drive, you have passed a driving test, you are accomplished enough to drive and that you have insurance. That is how they have gotten around the legal presence piece. That is certainly something the State of Maine could address if you are so interested. I have answered the questions, but I still oppose the Indefinite Postponement.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to point out one thing, our federal buildings, and I assume post offices are federal buildings. If we need an ID every time we go in and out of the post office, I can see that it is going to cause quite a bit of confusion and quite a few delays. I know the post office in Rockland, they have had people who have post office boxes for 20, 30, 40 years. These people now have to prove who they are to get their mail from their mailboxes after living in Rockland for 40 years using the same mailbox? Is that making us a more secure nation? I find that a little bit on the far side of the way things really should be. But think about it: Most people get out of their car, they run in, they grab their mail and they run out; they run in to buy a few stamps and they are out. Well, all of that is going to come to an end, because now you are going to have use some kind of an ID, your driver's license. Well, we will probably wind up, you know how we use these little tags to get in and out of certain rooms here, maybe we will all wind up wearing tags around our necks instead of neckties, that would be a great idea. But there are goods and bads to both sides, but just think about that.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a brief column here, it was distributed yesterday, and some people might find it in some way offensive. I read through it and thought it was, in some ways, appropriate to me on this issue we are dealing with right now, and I would just like to read it and then I will sit down and will not speak anymore. I will just attribute it to the writer, which is Pastor Martin Niemoller, and it starts "*First they came...*"

When the Nazis came for the communists,
I remained silent;
I was not a communist.

When they locked up the social democrats,
I remained silent;
I was not a social democrat.

When they came for the trade unionists,
I did not speak out;
I was not a trade unionist.

When they came for the Jews,
I remained silent;
I wasn't a Jew.

When they came for me,
there was no one left to speak out.

I think what we are doing here, although there is certainly diversity of opinion, we are able to stand here and express our opinion one way or the other, and I think it is good we are able to do that and make sure that we maintain the liberties and the protections that we have in this country, as well as in this state. Thank you very much, Ladies and Gentlemen of this House and Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 443

YEA - Adams, Barstow, Berry, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Clark, Cleary, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Pendleton, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster.

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

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts, Mr. Speaker.

Yes, 60; No, 76; Absent, 15; Excused, 0.

60 having voted in the affirmative and 76 voted in the negative, with 15 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

On motion of Representative CARTER of Bethel, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1020)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-1027)** to **Committee Amendment "A" (H-1020)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple amendment. It simply says "For purposes of this subsection, the possession by an applicant for 20 or more consecutive years of a valid license issued under this chapter constitutes valid documentary evidence of legal presence in the United States." Thank you.

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 respectfully am going to speak in opposition to this amendment. I think it is well intended, and I think this is the piece we were talking about empowering the Secretary of State to look at these issues through rulemaking. That may be an excellent idea; however, I think it is premature to get to that piece of it.

I also feel that you need to look at the Fiscal Note. We stripped off the fees in the good Representative from Farmington's amendment, and now we are putting on I think it is about an \$800,000 fiscal note, because you are going to have to reconfigure the software, people are going to have to come in. It is not quite as simple, so that is why I respectfully am opposing this amendment and hope you will support my opposition. Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am a little confused. How does it cost more money to exempt people out than it does to check on, to anyone who may answer, how could that cost more money than doing this extra check work? If anyone could answer, I would appreciate it.

The SPEAKER: The Representative from Auburn, Representative Simpson 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. I think I heard the question; I apologize, we all are suffering from colds and sore throats. So the question was how was it more expensive to check for the age versus legal presence.

First of all, we are given time to develop the documents that would constitute what would be legal presence, so first off, it would not go into effect immediately. I think the good Representative Mills talked about that, pushing off the cost in the next biennium so we could actually budget responsibly for these.

The next piece is the Secretary of State would put in to, I believe through the rulemaking process, would look at it and say what do we already have in place, what would already constitute this, what is the capability of our system to go through and find these documents. So I believe that being able to do this in a proactive rather than we started piecemealing this here and saying you have had a license for 20 years, that constitutes legal presence, it is going to be more time consuming and it is silly. It is one of those things that each of us sees a fiscal note and say, why are they adding positions, why are they doing that in another department? In the Department of Bureau of Motor Vehicles, they have had these huge bumps where you have had large pockets where we have an increased number of people coming in annually, and we have actually had to hire people on a temporary basis to meet the volumes. Many of you have complained to me over the years about when we have had our

long waits, and that is because of these volumes. We have been trying to flatten it out. I believe, this will increase the usage and impact that. Mr. Speaker, when the vote is taken, could I also request a roll call?

Representative MARLEY of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1027) to Committee Amendment "A" (H-1020)**.

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 Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not holding in my hand a fiscal note that does say that there would be a savings if we were to accept this amendment. If I were to hold it in my hand, you would see that, according to the Fiscal Note and I don't trust fiscal notes, but this Fiscal Note says that there would be a savings. If somebody could speak to that, I would appreciate it, because as the Representative from Auburn pointed out, Representative Simpson raised the point of why would it cost us money. The Fiscal Note that I am not holding in my hand says that it would save us money.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-1027) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 444

YEA - Adams, Ayotte, Beaudoin, Berry, Boland, Brautigam, Bryant, Burns, Canavan, Carter, Cleary, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Gifford, Grose, Harlow, Hayes, Hinck, Jackson, Jones, Joy, Lundeen, MacDonald, Makas, Mazurek, Pendleton, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Rand, Rines, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Theriault, Trinward, Tuttle, Watson.

NAY - Annis, Austin, Babbidge, Barstow, Beaudette, Beaulieu, Blanchard, Blanchette, Bliss, Briggs, Browne W, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Hamper, Hanley S, Haskell, Hill, Hogan, Johnson, Kaenrath, Knight, Koffman, Lansley, Lewin, Marley, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pilon, Pinkham, Plummer, Prescott, Priest, Rector, Richardson W, Rosen, Sarty, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Treat, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Marean, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts.

Yes, 53; No, 83; Absent, 15; Excused, 0.

53 having voted in the affirmative and 83 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-1027) to Committee Amendment "A" (H-1020) was NOT ADOPTED**.

Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto was ADOPTED.

Representative BARSTOW of Gorham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 445

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

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

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto**.

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

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

The Following Communication: (S.C. 803)
MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY

April 17, 2008

Honorable Millicent M. MacFarland
 Clerk of the House
 2 State House Station
 Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Insurance and Financial Services on Bill "An Act To Establish a Health Care Bill of Rights" (H.P. 912) (L.D. 1294).

Sincerely,
 S/Joy J. O'Brien
 Secretary of the Senate

READ and ORDERED PLACED ON FILE
