

MAINE STATE LEGISLATURE

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State of Maine

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Second Regular Session

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course there was no betting such as this, certainly no formalized betting. In my opinion, for what it is, and I realize the body does not agree, but I think it is in conflict with what the ethos of the Maine Agricultural Fairs are and I was somewhat offended by the beguiling list of revenues that we would have if we put in these. Just so we are reminded of what this is all about and the Department of Agriculture did not support it in the past, just to bring that to your attention. Thank you Mr. Speaker. A roll call, please, Mr. Speaker.

Representative McKEE of Wayne **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 225

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Davis, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Berube, Bliss, Bull, Clough, Crosthwaite, Curley, Daigle, Dudley, Duprey B, Eder, Glynn, Joy, Laverriere-Boucher, Lemoine, McKee, McNeil, Mills S, Peavey-Haskell, Pingree, Rector, Stone, Suslovic, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Bryant-Deschenes, Duprey G, Faircloth, Goodwin, Ketterer, Koffman, Marraché, McKenney, Norton, Perry J, Piotti, Richardson J, Simpson, Usher.

Yes, 111; No, 25; Absent, 15; Excused, 0.

111 having voted in the affirmative and 25 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-256)** in concurrence.

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

CONSENT CALENDAR First Day

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

(H.P. 1190) (L.D. 1614) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)**

On motion of Representative BUNKER of Kossuth Township, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I have never stood before this honorable chamber and asked you to vote red on a supplemental budget before. I have a lot to say. I am not going to say it at this moment. I think there is a couple of amendments that I have coming forward. I would ask you to vote red and send a very strong message to the second floor and our corners in both bodies that we, in the committees of jurisdiction and in the rank and file also should have input in budgets. Quite frankly I have been blocked out of this budgetary process at every step of the way, including amendments to just general language that was approved by the committee of jurisdiction when it comes to the budget, the study for corrections, for instance. There were seven or eight amendments that I was sitting in Appropriations listening to that we had already discussed in our committee of jurisdiction, like putting an inmate on the board with the Chief Justice to review corrections. We all felt that was inappropriate, but here is an amendment that is being discussed without the committee of jurisdiction knowing about it down in Appropriations. I happened to be there. Nobody offered to ask the committee chair of that committee whether that was a good idea or not. That was only one of five or six that I heard while I was there.

The Chair reminded Representative BUNKER of Kossuth Township to stay as close as possible to the pending question.

Representative **BUNKER**: Mr. Speaker, in reply, I am focusing the debate on the supplemental budget process and that is very germane to this discussion and germane to my comments. I ask the leave of this body to continue.

I have a lot more to say and I have a lot to explain how the Liquor Enforcement piece was never put back into the budget as requested by 95 percent of the people out there in the recent poll of Channel 7. Our first line of defense for substance abuse is now missing. We all talked about how much we pay in Medicare and health and insurance and all these other things and those are all the driving forces, at least for our side of the aisle to support a budget like this. Many of those things are in there. I applaud the committee of jurisdiction for that. You don't start off by eliminating the first line of defense for substance abuse so that we can continue to see the driving cost of treatment and the driving cost of medical care, free care that is given to these people that fall under the prey of these horrendous drugs. Washington County, as you well know, is the Oxycontin capital of the world right now. Each and every one of those young people said that alcohol was their first usage of drugs.

I am very committed to this project. I ask you to vote red on this. I have a couple amendments later that I will ask you to entertain. I fully expect that leadership has done its job and we will be able to pass this by a majority vote. I ask you to vote red and make sure it does not pass by a two-thirds so that we can continue to discuss and to do a little bit of horse trading, if you want to, before we endorse a two-thirds budget out of this body. Thank you.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. You have just stolen my first word. This is a unanimous committee report. This is the fourth unanimous committee report from the Appropriations Committee. We began with a supplemental budget to correct and bring into the balance that was passed previously for this, the second year of a

biennium. We then went and passed a Part I budget for the next biennium. Thirdly, we worked on another and passed another supplemental budget to, again, bring into balance our present year. Now I present to you a fourth budget unanimously approved Part II of the biennial process. This budget adjusts revenue and expenses and rebalances the next two years. It does not raise taxes or fees. It does not cut GPA or state employees. It does put restraints and gives direction in state spending, providing a stabilization fund, but gives flexibility for this and other legislators and other executives to govern the state as it should be governed.

Finally, it sets underway the legislative Office of Program Evaluation and Government Accountability. It begins in action as OPEGA. The persistent and tireless work of Representative Trahan, Representative Dunlap, now put in his place I understand. They have worked tirelessly on this issue of responsibility and oversight and it has and it will begin under the dictates of this budget.

This budget restores certain areas that we did in the Part I. It prevents certain things that were going to happen in the Part II. It does cut program funding, but we were able to avoid cuts in community mental health and retardation services, substance abuse, clothing allowances for the foster care program and other cuts to very vulnerable people. We were able to restore areas of children's mental health that were done in the Part I budget, transportation cuts that were done in the Part I budget. The two cents that were going to be cut from the mileage allowance for volunteers who worked with elderly and disabled throughout our state, that will not be cut.

It has also restored copays, the elimination of copays should I say. This budget does pursue taxpayers who do not pay taxes who should. It beefs up the authority and the work of our Taxation administrators. It tackles the prison issue of our rising costs and rising numbers that are overcrowding our prisons. We are beginning to tackle that. In education we were able to restore retired teacher's health to the 40 percent that we didn't think we were going to be able to do. This came with the help of teachers themselves in their negotiations around their health insurance. We are able to give merit increases in the second year to our workers and to our community college system. We were able to slightly reduce the increases in the tuition that just went up in the University of Maine System.

I say we, the Appropriations Committee, are merely a hub in the wheel of negotiations that have been going on for the last several days, weeks. First of all, this committee has been tireless in its work. It is a great committee. I have been around and have led many committees. This is just one of the most terrific committees from the most experienced person, Representative Millett, to the youngest, Representative Pingree. I am very pleased to remark about our Republican lead, Representative Rosen and my seatmate, Representative Mailhot and all the members of the committee. I thank the leaders of both parties for appointing these people to this committee. Beyond that, the patience and dedication of the leaders of both parties in this House and boy do I mean patience. There were endless rounds of negotiations, especially last Thursday, Friday and into Saturday morning were admirable.

Last of all, I admire our Governor who has become a master as a leader and a negotiator. I ask you, and we will be talking about issues that were raised a few moments earlier. We will be talking about those if amendments are added or attempt to be added this afternoon. I urge you to support this budget, support our leadership and support our committee. Thank you Mr. Speaker.

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

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. It is indeed an accomplishment that you have before you a Part II budget. I hope that you take the opportunity as we go through the day to look at the document and review it in anticipation of any expected amendments that may appear later and for your final vote this afternoon.

As you know, when we were working through the Part I budget and we received revenue reprojections from the Revenue Forecasting Committee that we would be facing a \$48 million shortfall during the '04-'05 fiscal years, there were some that felt that the appropriate way to handle that would be to delay dealing with the \$48 million problem until sometime in the '04-'05 year. Many of us thought that was not the way to deal with this and we were able to come to grips with the reality that we needed to present to you before we ended the session, the First Session of the 121st, as constitutionally required a balanced budget for the '04-'05 biennium. I want to applaud the administration for putting together its proposal and presenting it to us and the opportunity that this committee has had to work on it in a spirit of cooperation under the excellent leadership of our good chair from Portland, Representative Brannigan and come to a unanimous vote. There are many components in this that have already been outlined and pointed out to you. I won't repeat those. I will point out, however, that this budget does represent a 3.4 percent increase over the previous biennium. I think that is a commendable accomplishment to be able to hold increases in line at a 3.4 percent level, but it also highlights, if you look at the items that are included in the Part I and the Part II combined, and that all matters cannot be fully addressed to the satisfaction of everyone in this legislature in either body, compromises were made and I think you have an excellent document in front of you that keeps the state's budget in balance, preserves our credit rating, allows us to move forward on several issues, budget stabilization, the OPEGA funding. I want to point out to folks that the funding for the Maine Milk Commission and the dairy compromise is included in this budget and increased measures around accounts and control mechanisms internally.

It does deserve your support. I hope you will give it serious consideration. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I hope in no way that any member of this body took any of my comments to heart that I wanted this measure defeated. We all know with a little more parliamentary procedure if there is not a two-thirds vote of both sides of the aisle to pass for enactment, which is a vote later down the road, this budget will be very short by millions and millions of dollars because you need an emergency enactment in order to do that. What I am asking is enough red lights to be shown up here to show the leadership in all four corners that there is an issue out there that needs to be addressed. I would respectfully request that you vote green on that two-thirds vote later on down the road once we rectify this as the good chair indicated if a certain amendment or two got approved. Please don't defeat this motion. Please make sure this motion passes.

The Chair ordered a division on the motion to **ACCEPT** the Committee Report.

A vote of the House was taken. 80 voted in favor of the same and 27 against, and accordingly the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-560)** was **READ** by the Clerk.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-560)** and later today assigned.

SENATE PAPERS
Non-Concurrent Matter

An Act To Eliminate the Social Security Offset for Unemployment Benefits

(H.P. 657) (L.D. 880)
(C. "A" H-146)

PASSED TO BE ENACTED in the House on May 19, 2003.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Van Buren, the House voted to **RECEDE AND CONCUR**.

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

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR
First Day

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

(H.P. 152) (L.D. 193) Bill "An Act to Increase Funding for the Maine Dental Education Loan Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-560)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1190) (L.D. 1614)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **ADOPTION** of **Committee Amendment "A" (H-560)**.

Subsequently, **Committee Amendment "A" (H-560)** was **ADOPTED**.

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

On motion of Representative BUNKER of Kossuth Township, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-560)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-562)** to **Committee Amendment "A" (H-560)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I again regret to be standing here holding you folks up on such a good piece of work as the budget before you. Unfortunately in all good budgets and I have never ever had to do this before and quite frankly, I wish I would never have to do this again. There is a long story to tell about this amendment and how this proposal has come to you. I beg your indulgence to allow me to explain how this amendment came before you and how it was put together.

There is supplementary information that still hasn't been distributed. Again, in deference to you folks, I am not going to wait for that either. I think once you get it you can peruse it at your own leisure and we have two amendments here. You will see the makeup that we are discussing and see what the committee of jurisdiction had tried to do in conjunction with the Legal and Veterans Affairs Committee.

This current amendment before you is the last piece of joint work between the Legal and Vets Committee and the Joint Standing Committee on Criminal Justice, which had 20 members out of 26 agreeing to the footprint that you will eventually see, which is the reinstatement of the Bureau of Liquor Enforcement. The footprint there is of my genesis even though as we moved along in the process here and I will describe this lengthy process in detail because you need to hear this story, because I hope it never happens again.

The ending of the process then became part of the executive proposal that was being made at a later date to the Legal and Vets Committee and claimed consolidation and an efficient product. All of those phrases were ones that I had coined earlier on and then was absorbed as a reason to present some alternative proposals. If anybody has read the paper anytime in the last three or four months we all know the people are screaming for the reinstatement of liquor enforcement. Channel 7 did a news poll a couple of nights ago and they put the question out to the members and out to the public and said, do you think it is the people's will of this body to reinstate liquor enforcement. The results of that the next night showed 95 percent of the people that responded to their on-line poll said that liquor enforcement was an essential service that should be reinstated. I agree with them. I think that all of my committee members agree that liquor enforcement is essential. I think all of the Legal and Vets Committee agree that liquor enforcement is an essential component and a necessary enforcement tool to be the first line of our defense against substance abuse.

It is really a shame when you get into this because when you look at all of the total budget and the great things that the great chair of Appropriations talked about with health care, prescription cards and all the other great things we did in getting restored into the budget. The real sad part of all this is most of this, whether it is the 2,000 people we have in our correctional systems or the overcrowding we have in our jails is we all have the same basic underlying problem and that is the addiction of substance abuse