

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
68th Legislative Day
Monday, July 3, 2017

Senators:
THIBODEAU of Waldo
KATZ of Kennebec
BREEN of Cumberland

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Honorable Russell J. Black, Wilton.
National Anthem by Honorable Seth A. Berry, Bowdoinham.
Pledge of Allegiance.
The Journal of Saturday, July 1, 2017 was read and approved.

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

The House voted to **RECEDE**.

Report "C" **Ought to Pass as Amended** was **ACCEPTED**.
Committee Amendment "C" (H-475) was **READ** by the Clerk.

Committee of Conference Amendment "B" (H-557) to **Committee Amendment "C" (H-475)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "B" (H-557) thereto was **ADOPTED**.

Representative HERBIG of Belfast REQUESTED a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "B" (H-557)** thereto.

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 Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Madam Speaker, may I ask a question to the Chair?

The SPEAKER: The Representative may proceed.

Representative **PARRY**: Madam Speaker, is it true that you had a conversation this morning with the Chief Executive, and he said he would sign this budget if you did away with the lodging tax increase?

The SPEAKER: The Representative from Arundel has posed a question to the Chair, and the Chair would answer in the affirmative. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, I'm not sure why we are still here. We've given and we've taken by huge margins on both sides of the aisle. The red lines that divided us, including the three percent surcharge and the education funding, which I never thought we'd overcome, have been erased and compromised by both sides. This is no longer about which budget is more expensive, which has more money for critical services for Mainers with disabilities. We've tackled those arguments too. Why are we still fighting about... what are we still fighting about? I haven't heard one demand that keeps us apart, yet here we are. What is the one thing that will allow 101 members of this chamber to pass a budget that will reach the Governor's desk? I'd like to know, because this shutdown has gone too far along. I'm not speaking as a Democrat this afternoon, and I'm not speaking as a former cabinet member and former commissioner of IF&W under the previous administration, who knows this budget process has been far from normal. I'm speaking as a Mainer, a father, and a public servant. Mainers want and deserve for us to do our jobs. They want us to put aside party and personal egos to represent all 186 districts and the 1.3 million people in this state. They do not expect us to stand idly by as our economy withers from uncertainty. They do not expect us to do nothing while good-paying jobs, created by small businesses, leave the state because we cannot get our act together. And yet, here we are this afternoon. It has been three days since we failed in our duty to one another; failed to honor our responsibility to the

ENACTORS
Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1112) (L.D. 1616)
(C. "A" H-556)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Under suspension of the rules, members were allowed to remove their jackets.

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

REPORTS OF COMMITTEE
Committee of Conference

Report of the Third Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

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

That the House **RECEDE**; **ACCEPT** Report "C" Ought to Pass as amended; **READ** Committee Amendment "C" (H-475); **READ** and **ADOPT** Committee of Conference Amendment "B" (H-557) to Committee Amendment "C" (H-475); **ADOPT** Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "B" (H-557) thereto; and **PASS** the **BILL TO BE ENGROSSED** as amended by Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "B" (H-557) thereto.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

GIDEON of Freeport
FREY of Bangor

state and to our families, who are still waiting for us to come home. This is yet another chance to pass a responsible budget. It will always be an imperfect document. How could it not be when all of us had an opportunity to shape it? I will not beg the members of this chamber to show we are more than useless politicians, to show that we are Mainers first, but I will ask for it. It is not too often that we get a fourth chance to get it right. Please, Madam Speaker and Ladies and Gentlemen of this body, let us make the right choice this time, and pass this budget. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker. I rise in opposition to the pending motion. We do not need just 101 votes. We need 101 plus one. As the good Representative from Arundel just asked, and you answered in the affirmative, that we can get a signature from the Chief Executive if the lodging tax is removed. I would highly suggest that we vote this down, have a quick Committee of Conference, later vote out another budget which, by the way, I think is way too expensive, but I will hold my nose and vote for it so we can get our state workers back to work sooner rather than later. I think that's what we should do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Good afternoon, Madam Speaker, Ladies and Gentlemen of the House. I rise today to thank every State Representative of this House. The House of Representatives with its smaller districts is designed to be close to the people. I am sure that, like me, all of you have been hearing from constituents with a wide range of views on the budget, this budget. We are here, elected by the people, to serve them. They are trusting us to be here for as long as it takes on their behalf to use our best judgment. I have heard from some that they want us to hurry up and get the job done, and I've heard from others that are incredulous at the amount of spending in this new budget; spending, in fact, so high that it exceeds expected revenue. As I pointed out on Friday, the Maine Legislature is in violation of Maine law. Maine statute Title 5, Part 4, Chapter 149 states that, "The Legislature shall review a biennial or supplemental budget submitted to it in accordance with this chapter and enact a budget no later than 30 days prior to the date of adjournment..." That means we should have had a budget enacted on May 21st. We should have been trying to come together months ago. It seems to me, Madam Speaker, that the body that makes the laws should abide by the law. Perhaps laws for which there is no penalty for violation are just suggestions. I have served on the Appropriations and Financial Affairs Committee for three years now, and I'm serving in my fourth term. While the Approps Committee is viewed as the money committee, in actuality, we are all appropriators. We each cast a vote of equal weight and we decide who gets the taxpayers' hard earned money and how much. To the policy committees, I would like to say thank you. The reports that you give back helped those of us on the Appropriations Committee much more than you may imagine. While I know how uncomfortable it can be to be the only dissenting vote of opposition, your solo votes can be important red flags. The budget before us is basically the same failed document that was placed before this body a few days ago. When speaking with my constituents, many made it clear to me that they are disgusted with politics and politicians. Why? For starters, special interest groups get their way while we continually underfund existing programs that serve our most vulnerable. I am voting against this budget because I know we

can do better. There are essential things, important things that should go into the budget first. We should have made it a commitment to adequately fund our direct care workers who care for our neediest. What outlandish thing are they asking for? A return to wages that they were making 10 years ago, 2007 rates? And this problem will be greatly exacerbated in the future by the tremendous compression pressure placed on the system by the continuously rising minimum wage. Businesses that serve our needy are closing. We are not addressing this issue. Instead, we are being asked to pay a hefty price to eliminate one ballot question. We are spending more revenue than we are taking in. We are taking money from accounts that are dedicated for specific purposes. We are not funding commitments at all in the second year of the biennium, in the hopes, not a guarantee, that we will be flushed with extra revenue to fix the shortfalls with a kick-the-can-down-the-road supplemental budget. We are all tired, we all want to go home, Madam Speaker. But we can do the right thing right now for Maine people, especially those who are serving disabled and elderly Mainers. We can choose to finish the job. We can say no to new taxes or we can do like we have so many times in the past, cast our votes, go home, and quickly forget who we left behind: the disabled, the elderly, the autistic have all become accustomed to waiting and waiting and waiting while others are served. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As I walked in the chamber today, I enjoyed the opportunity to see citizens of this great state come to this great body and chant, "Do your job." And they are right in doing that and I applaud them for being here today, to be part of our democratic process. The issue at hand, however is, is people define their job in different ways, and people that have different positions do not make them bad people simply because they have different positions. The Constitution, in many ways, Madam Speaker, protects the rights of the minority, including the minority Caucus in this chamber. Back in the 125th Legislature, I served on the Appropriations Committee. We, at that time, were in the majority of both houses of this institution, and we worked diligently and were able to pass a budget out of this body with the cooperation of the minority at that time, who would have obviously been the Democratic Party. Since then, I've served as leader for two additional sessions and have voted for two additional budgets. The work that comes before us today, in my mind, as I try to figure out how best to describe it, is nothing short of the nuclear option; and what I mean by that is, is that Madam Chair, is that we have a committee process, a committee process of which it's called the Appropriations Committee, which by and large was disbanded some three weeks ago, after essentially four Committee Reports being voted out of that Committee, including one which said Ought Not to Pass, and the creation of a Conference of Committee, which further diminished the rights of the Minority, the rights of the people on this side of the aisle, to have their voices heard in this budget process; a process which I do believe, in fact, in the Constitution, protects those rights, the rights of the Minority. People on this side of the aisle feel they are doing their jobs. They feel frustrated, to some extent, they have not had the opportunity to do their job because the process has not been the correct process; and that frustrates people because they don't like to get mixed up in process. What's the process? I don't understand all that. But it's the rights of the Minority that

have that opportunity. Madam Speaker, I would suggest to you that many on this side of the aisle are concerned that in that last budget we increased spending by \$300 million, and when you add in the special revenue accounts and this particular budget, it spends approximately another \$450 million. That's a \$750 million increase in spending in two or three years. It's about an 11 percent increase in spending of state government, a growing of state government, in two cycles of this Legislature. I don't think many people out there, particularly in the rural parts of this state, have gotten pay raises equal to 11 percent; equal to the size of the growth of the state budget in the last two cycles as proposed by this budget; and we can have reasonable disagreements about that. It doesn't make us bad people because we feel that we do not want to support this budget because we have legitimate concerns about the sustainability, and I'll say that again, about the sustainability of the spending requirements built into this particular budget, specifically in regards to the \$162 million for education. One of the things that has been accomplished over the last six years is the reduction of the structural gap in this state, from \$1.2 billion down to roughly \$150 million. That has been a way that we have structurally addressed our expected expenses and our expected revenues; and so, it is a legitimate concern, and I believe that we are doing our job, and we have some on this side of the aisle that disagree with each other, and that's okay. I'm encouraging everybody in this body, on both sides of the aisle, to vote the way that they want to vote, to do the job that they want to do, as best as they have been elected to do. But to suggest that the people that don't agree aren't doing their job is not accurate. I have suggested for quite some time, both in this body and in the Committee of Conference, that we have been trying to get to a budget, to yes, so that we could get the Chief Executive to sign it. And I brought to the negotiations yesterday a document signed by the Chief Executive, dated and signed by the Chief Executive, saying that he would sign this budget if --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Point of order, Madam Speaker. I believe it's out of order to speculate on potential future actions of the Chief Executive, and what we're really debating and what's relevant is how we're going to vote, and not what he's going to sign.

On **POINT OF ORDER**, Representative DUCHESNE of Hudson objected to the comments of Representative FREDETTE of Newport because he was questioning the motives of the Chief Executive.

The SPEAKER: The Chair would remind all members that we cannot speculate as to the actions of the other body or the Chief Executive during debate. The Representative may proceed.

The Chair reminded all members that it was inappropriate to question the motives of the Chief Executive.

Representative **FREDETTE**: Thank you, Madam Speaker. And so, as we take this vote today, I encourage people, whether or not they have a concern with the lodging tax, whether or not they have a concern for the amount of money that's being spent in this budget, whether or not they support the additional spending for schools, which all of us, let me reiterate, that Republicans have supported education spending for K-12; for the last six years, K-12 education funding has increased by \$138 million. Interestingly enough, if you take that \$138 million and add on the \$162 million, I believe you reach exactly \$300 million in spending increases that will go to

K-12 education over the last eight years; and that's a lot of money. And has anybody asked the question, and I understand some people have been given some information, but has anybody asked the question, where does that money flow? Who are the winners and the losers of... who gets the \$162 million? Are the poorest school districts? The poor school district that I grew up in in Washington County, Maine, my little small class of 21 people that I graduated from, at the time that I graduated from high school was rated as the fifth poorest town in the State of Maine? Are they getting the money, or is Falmouth getting the money, or is Cape Elizabeth getting the money? And those are great communities. We are fortunate to have them in Maine, but they are wealthier communities. And I do believe that it's important, as part of this body, that if we're spending 162 additional million dollars that we have the understanding of where that money is going, because I believe we should be looking at that money going to poorer districts, easily measured by, for example, the amount of free and reduced lunches; and that's a very easy measure to look at in terms of where is the money going to go. And, I'm asking the press, I'm asking the media, do your job. Ask that question. When we get all said and done and we pass a budget, you go do your job: you find out where is that \$162 million going? Compare that to the amount of free and reduced lunches in those districts; and if the towns that are poorer, in Washington County where I grew up, it might be Calais, it might be Lubec, it might be Danforth, which are all great communities, places where I grew up and loved, if they're getting their fair share, then great; but I don't know the answer to that at this point in time. And so, Ladies and Gentlemen of the House, I'm asking you to do your job. Do your best in making your decision in regards to this budget, both sides of the aisle free to do whatever you choose to do. I will not be supporting the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Madam Speaker. I rise to answer the question posed by the good Representative from Newport. That the budget --

The SPEAKER: The Representative will defer. Would the Representative raise his voice just a little bit, it is hard to hear.

Representative **HUBBELL**: I will indeed, Madam Speaker. Thank you very much. I rise to answer the question posed by the good Representative from Newport. The budget that is before us increases the allocation directly towards economic disadvantaged students on the basis of free and reduced lunch by 33 percent. It directs \$27.5 million per year additionally towards school districts with poorer students. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I will tell you why, Madam Speaker, Ladies and Gentlemen. I'm a gentleman that was brought up in a logging family. I know what it's like to work hard. I fought all my life for underdogs. Yes, I went to school with the good Representative Fredette, but, Madam Speaker, when someone stands toe-to-toe to me and oppresses my will... my automobile got vandalized this weekend up in Lincoln. It is very sad that we're here today. I'm not blaming anyone; it's the circumstance that we're in. But I can tell you right now, I'm standing up for my community. Almost 100 percent of the district that I represent tell me to stand up, not only for them, but for the downtrodden and the truly needy. And I'm not going to disrespect anyone's vote. I have a lot of

good friends across the aisle. I have a lot of good brothers in this chamber, but, I tell you right now, one thing that I have learned, Madam Speaker, Ladies and Gentlemen throughout this: just because I oppose something, when a colleague can't look you in the face, that, to me, is disheartening. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As I knocked on doors this summer... last summer, we're in a new summer, the overwhelming concern that my constituents had was raising taxes. A lot of them live on fixed incomes. And that was by far the overwhelming concern, and I promised them I would stand against any tax increase. If this lodging tax were to be removed, although I'm not happy with the lack of some of the education reforms that were not allowed into this budget, I would support this pending motion if that were removed. But until then, I will be opposing it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to thank the good Speaker for the information that she passed out to us before this motion was brought up. And, just looking it over, I'm a little bit confused and maybe somebody could help me with this, but as I read this document, if I'm reading it properly, the increase on the lodging tax is approximately \$19.4 million. But I'm also seeing an ending fund balance of \$29.6 million. So, if we were to take the tax out, we would still have an over \$10 million ending balance left with that, so I guess I'm a little confused. I would understand the increase if it was needed to, you know, balance the budget, but we're still going to have \$10 million left in our ending balance. And, as the good Speaker answered earlier, if the Chief Executive is willing to sign the budget, I don't understand, I guess, why we wouldn't be willing to take that out, since it's not needed to balance this budget; and maybe anybody could answer that, I guess, my confusion. Thank you.

The SPEAKER: Are you posing a question through the Chair Representative?

Representative **PARRY**: Sure, thank you.

The SPEAKER: The Representative from Arundel, Representative Parry has posed a question through the Chair, if there is anyone who cares to answer.

A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "B" (H-557) thereto.. All those in favor will vote yes, those opposed will vote no.

The Chair recognizes the Representative from Hollis, Representative Marean inquires as to why he rises.

Representative **MAREAN**: Thank you, Madam Speaker. I have not voted yet, I'm waiting for my seatmate. His jacket is here, so I'm kind of keeping the vote open for him. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker. I believe the good Representative from Hollis, Representative Marean, might be believing that Representative Bickford is here today, and I do not believe that Representative Bickford is here today, and I was just trying to clear up that issue.

ROLL CALL NO. 425

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battie, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gillway, Golden, Grant, Hamann, Handy, Harlow, Harvell, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, McElwee, O'Connor, Ordway, Parry, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Chapman, Grohman, Perkins.
Yes, 92; No, 54; Absent, 4; Excused, 1.

92 having voted in the affirmative and 54 voted in the negative, with 4 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "B" (H-557)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019

(H.P. 281) (L.D. 390)
(CC. "B" H-557 to C. "C" H-475)

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "C" (H-475)** was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee of Conference Amendment "B" (H-557)** to **Committee Amendment "C" (H-475)** was **ADOPTED**.

On further motion of the same Representative, **Committee of Conference Amendment "B" (H-557)** was **INDEFINITELY POSTPONED**.

On further motion of the same Representative, **Committee Amendment "C" (H-475)** was **INDEFINITELY POSTPONED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Committee of Conference Report was **ACCEPTED**.