

MAINE STATE LEGISLATURE

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State of Maine

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Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

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

**ENACTORS
Emergency Measure**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007

(H.P. 1186) (L.D. 1677)
(C. "A" H-673)

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

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

Representative **BRANNIGAN** : Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am proud to present for our committee this budget. It was put together in the way budgets of ole were put together. We worked hard as a group. We worked with both sides. I commend the people that are on the Appropriations Committee from my side of the aisle, but I also want to thank the Representative from Waterford, Representative Millett, the Representative from Oakland, Representative Nutting, the Representative from Rockport, Representative Bowen and from Scarborough, Representative Curley. This was an experience of working together pounding out a budget and it does the job that we want it to do. It keeps us whole, it allows for people who need payment to be paid before the end of this year. With all hope it takes care of the cloud that has been hanging over us with the Baxter Compensation Commission. This will hopefully end that sorry chapter and it will allow hospitals to receive a large part of the payments that are owed them. Mr. Speaker I commend all who have worked on this and I encourage its enactment. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the good Representative from Portland for his comments and I would like to add some very brief points in support of the bill that we are about to enact. As the Representative indicated this is evidence of, and I think living proof that, working together we can always fashion a better product. This is a process that has worked so much better in the last few weeks in putting together this emergency bill and I think that it bodes well for the future and I would like to also thank all of the members of the committee on both sides of the aisle and I would like to express my appreciation to my floor leaders and to you, Mr. Speaker, for the role that you played in keeping us focused. It does allow us to do something that I think we are sent here to do and that is to have our government pay its bill, be responsible to its constituents and be held accountable.

In three ways we have done some good things in that regard. We have given additional money to the hospitals. We have allowed the bills to be paid to healthcare providers of all kinds between now and June 30th and we have honored our commitment to the victims of the Baxter School for the Deaf that occurred a generation ago. We have proven that we can meet our commitments, we can pay our bills and we can honor our obligations. Secondly, I think that we have evidence that we can do this without making government larger. I am particularly pleased with the help of the Transportation Committee and their work on the highway budget that we end up with fewer head count at the end of the line than when we started and we have actually reduced the number of authorized positions by three and

a fraction. Thirdly, I think that we have succeeded in continuing to wage an aggressive effort in the war on drugs. We talked about that this morning and I won't repeat it, but my point in bringing the subject up is that we focused on the importance of continuing the war on the issue of importation, trafficking, sale, use and abuse of illegal substances. The issue of how some of those monies came about is only secondary to the fact that we made a commitment to continue the juvenile drug court and to continue to honor and pay for the work that is being done by 28 drug enforcement agents and we have done that in the spirit of continuing to wage the good fight.

We have also intentionally begun to look ahead and this is where I take a good deal of satisfaction and optimism in the future. We have looked ahead in the sense that we realized that we had an obligation to fill the void left by a change in the parentage of our medical assistance percentage i.e. Medicaid. We have more work to do on that, but we realize that with a two-thirds vote we could actually obtain more of those resources from the federal government, use them better in the next three months and accomplish more in the process. We have also made some strategic investments in the Public Safety Radio System, which will cost us money, but I think is the best path to embark upon to date. I think that it is worthy of our support. We have also made a commitment to cleaning up the Wolman site in Waterville with scarce resources, but we have certainly made a commitment to improving our environment as well.

In the long run we are looking ahead with some commitments to study the issue of vacant positions and how we better manage and account for positions that aren't being used and also to take a look at the budget structure for the future. So, all in all, I believe that this has been a good exercise and I thank everybody involved and I urge your support at final enactment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do think that there are good things that were worked out in this budget, however there is \$11 million being cut for prescription drugs for the elderly and that is something that I cannot support and I would ask for a roll call vote please.

Representative **TWOMEY** of Biddeford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. 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. 306

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau,

Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant-Deschenes, Cebra, Clough, Collins, Crosthwaite, Davis K, Grose, Hall, Joy, Lansley, Lewin, McFadden, McKane, Moore G, Thomas, Twomey, Vaughan.

ABSENT - Brown R, Hotham, Mazurek, Robinson.

Yes, 130; No, 17; Absent, 4; Excused, 0.

130 having voted in the affirmative and 17 voted in the negative, with 4 being absent, and accordingly 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 House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Protect Unborn Children from Acts of Violence"

(H.P. 201) (L.D. 262)

Which was **TABLED** by Representative PELLETIER-SIMPSON of Auburn pending **FURTHER CONSIDERATION**.

On motion of Representative PELLETIER-SIMPSON of Auburn, the House **RECEDE**.

On further motion of the same Representative, **Committee Amendment "A" (H-647)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (682)**, which was **READ** by the Clerk.

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

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This original bill could have been used to link Maine's most deadly social problem, domestic violence with one of societies most contentious issues, abortion. It may have had an unintended consequence of turning doctors and nurses into criminals and that is why I could not support it. Two months ago we passed the Motherhood Protection Act, an enormous first step in demonstrating this state's commitment to eradicating the evil of violence against pregnant women, but it was missing one very important element. Today I am proposing an amendment to LD 262, which will address the tragic circumstance that when a woman has made the decision to carry a pregnancy to term but has that choice taken away by an act of violence. With this amendment we will say in no uncertain terms that if you assault a pregnant woman and cause her to lose her pregnancy the state will prosecute you and meet out the harshest of punishments by making this a Class A crime. In the future women will have their choice to have a baby protected in law and we will honor the tragic loss of the Fliegelman family, when Heather and Jonah

were taken from them. Thank you for your time and attention and I urge you all to support the pending motion to protect pregnant women from acts of violence.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When I sponsored this bill I never thought that I would get to a day where there would be agreement with the other side as far as being so diametrically opposed on certain issues, but yet being able to find common ground. I would like to thank the Representative from Auburn, Representative Pelletier-Simpson for coming to me and working together with me. I know that it took a lot for her to do that and I really humbly appreciate that. I know that the Representative from Bangor, Representative Faircloth had something to do with it too and I really appreciate him as well and anybody that had been involved.

To me there is nothing lower than someone who assaults or kills a pregnant woman. Any woman who wishes to carry an unborn child to term should have that right and anyone who assaults or kills a pregnant woman, which results in termination of the pregnancy will be severely punished by this bill with a Class A crime. This bill, as amended, sends a powerful message that Maine will not tolerate acts of violence against pregnant women. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to echo the sentiments of the Representative from Hampden, Representative Duprey. My sincerest thanks to the Representative from Auburn, Representative Pelletier-Simpson, her willingness to come to us, to work together with us and to come to a resolution that we can all be happy with and proud of is commendable and I give her my most sincere thanks and urge everyone to please support this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, as a cosponsor of this bill, do agree with the compromise and certainly my compliments go to the Representative from Auburn, Representative Pelletier-Simpson and to everybody that was involved in this. There is plenty of common ground here and this is an example of one and I am very proud of the whole body today. For this I urge you to go green. Thank you.

Subsequently, House Amendment "A" (682) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (682)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 637)
JOINT RESOLUTION HONORING THE 200TH ANNIVERSARY OF OXFORD COUNTY

WHEREAS, the Great and General Court of the Commonwealth of Massachusetts did charter the new County of Oxford, in the then District of Maine, "to be hereby formed and erected into an entire and distinct county," on March 4, 1805; and

WHEREAS, Oxford County was named for Oxford, Massachusetts, and in turn for Oxfordshire, England, in honor of its original settlers, the veterans of the French and Indian War