

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
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WHEREAS, on June 11, 2005, the proud sons and daughters of Oxford County shall gather upon Paris Hill, their first and venerated county seat, to commemorate the 200th anniversary of Oxford County and its history, heritage and hopes for a rich future stretching toward a second 200 years; now, therefore, be it

RESOLVED: That We, the Members of the 122nd Legislature of the State of Maine now assembled in the First Special Session, take this opportunity to send greetings and congratulations to the good citizens of Oxford County upon the honored anniversary of the 200th year of their county charter and extend our best wishes for the celebration of the same throughout the year 2005 to one of the treasured counties of our beloved State of Maine in the great nation of the United States of America.

READ and ADOPTED.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

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)

On motion by Senator **GAGNON** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. Is it acceptable to make a couple of comments on this bill before it moves before us?

I rise to take the opportunity to just stop for a brief moment because we are now coming to the end of the 2004 - 2005 biennium. Even though this particular budget document is the Part 2 for the 2006 - 2007 biennium, it does include the last bail

out of the payment to provider account in the DHHS budget for the 2005 year. It is my hope that we can, when we receive and collect and gather all the data on 2004 and 2005, learn from the experience that this legislature, at the tail end of that biennium, and the 121st has just experienced.

Two years ago, in the spring of 2003, the newly elected Chief Executive brought forward his 2004 - 2005 budget proposal. I was a member of the Appropriations Committee at that time and that proposal received a unanimous committee report and two-thirds support from the legislature. It also put forward a plan for a substantial redesign in the MAP account and in Medicaid. Since that budget passed, almost immediately upon its implementation in the summer of 2003, it fell apart. The previous legislature and this legislature have gone through a series of supplementals. I characterize them as bail outs of the MAP account. I think we have reached the point now that the substantial savings that were initially envisioned and built into the original design of that biennial budget have all now been put back in. The lower rate of that big account, the payment to provider account in Medicaid, and the control of growth that was promised for these last two years and the ability to rein in that account, which at the time we had a lot of discussion as to how it was cannibalizing our entire state budget as it has been in other states. Unfortunately, now that we take a look at this last \$24.4 million plug that is going back into this budget to get us through the last three cycle payments to providers for this month of June, we have put back all the money that we expected to save over the last two years. What did we learn? I hope what we learned is gimmicks don't work. Honest budget assumptions are critical. It serves no one if we build an entitlement program budget based on assumptions that utilization will be unrealistically low. It serves none of us if savings are built into the budget for initiatives that never go forward and never generate those savings. It serves none of us if gimmicks are placed in the budget as placeholders that evaporate. That has been the experience over the last two years. Unfortunately, this Part 2 budget continues to use many of those tools going forward. I'm optimistic. There is a new atmosphere. There is a re-visiting of the Part 1 for 2006 - 2007. I hope that we see promise from the work that will be moving ahead this weekend. Just take a moment and reflect on the 2004 - 2005 biennium that we are hopefully plugging for the last time. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. As is the case with many budget documents, most of the lines in this particular document I would favor. However, there is one portion of this document that I will oppose, and therefore, be in opposition to the motion before us. My recollection is that in the Part 1 budget that was passed previously the hospitals were to be benefited by \$94 million. Of that \$94 million, \$34 million was subtracted for the settlement of the suit brought by certain hospitals. The Chief Executive proposed in the Part 2 \$29 million. The final figure for that particular line of the budget turned out to be \$20 million to the hospitals for reimbursement, thereby losing another \$9 million from the original proposal. I stand before you today, Madame President and members of this body, to alert you to the fact that there are hospitals in this state who are in dire straights. I believe, and I firmly believe, that the hospitals of this state supply services to the citizens of Maine that are invaluable services. We

are a large state geographically. We cannot afford to assume that a hospital system that includes three major hospitals spread out in a triangular alignment will serve the people of this state in a beneficial manner. We need rural hospitals in Maine. Rural hospitals supply a vital part of our healthcare system. We cannot afford, we must not afford, to continue to shortchange them in their Medicaid reimbursement. I am pleading with the members of this body and the Chief Executive of this state to fulfill the obligations we have to the people of Maine who care for the people of Maine. Thank you.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#259)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, MILLS, PLOWMAN, ROSEN, TURNER, WOODCOCK

ABSENT: Senator: ANDREWS

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 6 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/8/05) Assigned matter:

Bill "An Act To Permit Recording Proceedings of the Legislature"
H.P. 913 L.D. 1315

Tabled - June 8, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - motion by Senator **GAGNON** of Kennebec to **ADOPT** Senate Amendment "A" (S-353)

(In House, June 8, 2005, Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, June 8, 2005, Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE. READ ONCE.** Committee Amendment "A" (H-414) **READ.** On motion by Senator **GAGNON** of Kennebec Senate Amendment "A" (S-353) to Committee Amendment "A" (H-414) **READ.**)

Senator **GAGNON** of Kennebec requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "A" (S-353) to Committee Amendment "A" (H-414).

On further motion by same Senator, Senate Amendment "B" (S-355) to Committee Amendment "A" (H-414) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I just wanted to let folks know what we are trying to achieve with this amendment. We wanted to be sure that as the Legislative Counsel moves forward with the prospect what has been termed as Maine Span in each body that the bodies maintain control of their own body. In other words, the Senate rules would prevail and the House rules will prevail in the operation of television cameras within their chambers. We are trying to create an infrastructure and a fund raising entity that would allow us to pull this thing to fruition. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-355) to Committee Amendment "A" (H-414) **ADOPTED.**

Committee Amendment "A" (H-414) as Amended by Senate Amendment "B" (S-355) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-414) AS AMENDED BY SENATE AMENDMENT "B" (S-355)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.
