

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

Pages 1-776

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act Regarding the State Police Command Staff"
(S.P. 481) (L.D. 1449)

Bill "An Act Regarding Railroad Police Training"
(S.P. 482) (L.D. 1450)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues"
(S.P. 485) (L.D. 1453)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

Bill "An Act To Manage the Sea Urchin Fishery"
(S.P. 483) (L.D. 1451)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards"
(S.P. 484) (L.D. 1452)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

**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, 2004 and June 30, 2005

(H.P. 973) (L.D. 1319)
(H. "K" H-46 to C. "A" H-27)

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We have had slightly less than two months to begin to review what is a \$5.3 billion proposal. I wonder how many of us have actually gone through the document and looked at it in terms of some of the interesting items that are in there. I don't see anywhere the total amount of new fees or expanded fees, but as I go through page after page after page, they are numerous and they are quite heavy. As I go through this document, I see a

savings of \$5.9 million for restructuring of Human Services and Behavior and Developmental Services, but I don't see the plan. I look to see where the leadership is. To achieve that savings, are the past commissioners there? They are gone. Unless I have missed something, I haven't seen the nominations yet of the two new commissioners, the leadership that would be charged with carrying this out. I see a \$5.9 million savings and question the assumptions. The leadership isn't there to carry it out. How well thought out has this been thought out to the point where the court master finds out about it by reading about it in the newspaper.

I see page after page on Medicaid revenues. Shall seek reimbursement. How many of those reimbursements are not approved, that are projected revenue reimbursements that are booked, but what happens if that approval doesn't come on the federal side.

I was very much surprised to see on the fish and game side, language that allows the commissioner to raise and adjust fees for licenses and permits without a vote of that committee, without a vote of the Legislature that in this document the Legislature is giving up its responsibility and its authority to raise fees and taxes. You will need to talk to your sportsmen and women at home that you made a decision that you gave that power to the bureaucracy. You were willing to give up that responsibility.

I look at the highway fund and after 15 years serving in this chamber, I thought there was a constitutional firewall between the monies that are collected at the pump that are supposed to go for roads and bridges. I thought that was a constitutional firewall. I found out that on the supplemental budgets that have moved through here already, \$16 million collected at the pump went to the general fund. This budget proposes money paid at the pump and it is not a small tax. Ask your constituents about the size of that tax. Look at how it compares to other states.

In this budget that is before you, it proposes taking \$34 million, yet to be collected at the pumps and moving it to the general fund. With your positive vote, you are going to have to explain to your constituents that July 1st when the owner of that station walks to the pump and starts cranking up the numbers of the price per gallon, that there is an increase coming that is retroactively calculated based on inflation.

The **SPEAKER**: Would the Representative please defer? The Chair would remind the Representative to keep his remarks as close as possible to the issue. The Representative may continue.

Representative **MURPHY**: Mr. Speaker, I am in error that this doesn't include a \$34 million transfer from the Highway Department to the General Fund?

The **SPEAKER**: The Representative was addressing, perhaps I misunderstood, a provision otherwise known as indexing. That is not before this body at this time.

Representative **MURPHY**: Mr. Speaker, I would argue that the \$34 million that is included in this budget is calculated from monies based upon that increase July 1st and an increase in the gas tax.

The **SPEAKER**: This body will have its opportunity to vote on whether that provision goes into effect. Would the Representative please confine his comments to the unified Part I Budget before this body?

Representative **MURPHY**: Thank you Mr. Speaker. As we look at a department that will not have the money to carry out the roads and bridges, I would place a bet, and I am not really a betting person, that we will probably very quickly see bonding proposals to be able to do those roads and bridges.

As I look through, I hear from throughout this state and I heard a Representative talk about seniors the other evening, as you go through this thick, thick document, you begin to see that

the nursing homes lose their inflation adjustment. I don't know about your region of the state, but those nursing homes are closing at our end of the state. By your vote for this budget, you make their survival more at risk. I would call this budget the blinders budget. We are closing our vision, as we did with previous budgets that had structural gaps. If we did this as a business, and we have been proven as wrong as we were in the previous Legislature, we wouldn't be in business anymore, because we would be bankrupt. On one hand while we talk about national corporations, rightfully for their false assumptions, this budget is based on false or flimsy assumptions on savings and revenues and it has as one of its key ingredients cost shifts.

We have gone and invented brand new assumptions and we have booked them. We have gone along politically and said that a fee is not a tax. Ask that to the thousands of Mainers in all areas who are now going to be taxed more through fees. We lay a balance or a problem on our communities that is our problem. The problem was generated by our spending. We are laying a disproportionate amount of pain on our local property taxpayer. We restructure the unfunded liability for the Retirement System, not as horrendous as originally proposed, but we still do it. There is a balloon payment there. What we are doing is borrowing from that fund. We are borrowing without the approval of the voters and without the approval of the men and women who are dependent upon that Retirement System. You know based upon what we see in this budget that we are going to see a record amount of bonding requests. You don't need a crystal ball to know that with the passage of this budget we need to bring plastic in to keep this going.

This budget has layoffs involved. If you exclude the state liquor stores, the liquor enforcement and the public safety side, and I still cannot figure out why did the public safety side get targeted and the rest of state government was left alone, but by the time you pull them out, there are no layoffs here in Augusta. That process is starting locally. I got home last night and Noble High School, the Berwicks, the teachers there have already gotten pink slips. Those pink slips have gone so deep that a teacher with 10 years seniority is going to lose their job.

A good friend in South Portland, a sixth grade teacher, has been pink slipped. Back home your local school units are 30 days away from determining their budget. They haven't gotten to that point, but there is a provision in the law where they can't wait for August or September, but they have to send those notices out. I don't think there is a district in this state that isn't going to see layoffs in the schools. No district is exempt. It may not have happened yet in your district, but by the time they finish their budget, it is going to happen.

I think probably the last cheers that you are going to hear about this budget are the cheers from about a half hour ago. What is going to begin to happen is back home they have a homestead exemption. Talking to our assessor on the impact now and then looking in August when the revaluation goes into effect, those Maine citizens who stay here and pay their taxes, they don't flee to Florida or elsewhere, they stay here. In my community and I think in York County, Cumberland and elsewhere, you are going to see a small minority still get the homestead. They stay here and call this home and you are going to treat them on the property tax exactly the same way as someone who is out of this state for six months and a day. Before anything else happens, you have raised their taxes because you have taken away or reduced the homestead exemption. You have decided to put a cocoon around state government at the loss of that homestead exemption. That is included in here and you will be voting for it. In August you are going to get your property tax bill. Your constituents are going to

get the property tax bill and they are going to see on the school side what this budget does to them. They are going to see on the municipal side the new mandates that you have laid on those municipalities for liquor enforcement and law enforcement in the woods. You have laid new mandates upon them and your constituents are going to see that in the property tax bill.

A month later the parents in your district, when their children head off to school, are going to see the teachers who are no longer there and the programs that are no longer offered and the increase in class sizes. I think what is most irresponsible about this budget and why I call it the blinders budget is because we are shutting our eyes to the potential of a \$1.1 billion shortfall. Again, as we have done over the last two years, the message is, don't worry, because happy times will come back again. I think for the people at home that there will be no cheering at the gas pump, in the schools and in town hall and how the pain you are going to cause in all of our districts on the property tax increases that are coming. I think by your action and the cheers that I heard earlier, you have actually cheered on probably the beginnings of an accelerated property tax revolt in this state. I would not be too proud of this budget. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. There is an old phrase that I hear many times. You see the good and praise it. Today I stand to say I see the distance that we travel and I want to thank and praise those who helped us along that way. I especially want to recognize the fact that we, together, in a bipartisan fashion reached a unanimous recommendation from the Appropriations Committee. I want to thank the Appropriations Committee. I want to thank the leadership of the Appropriations Committee, especially Representative Brannigan and Representative Rosen. I want to thank the Republicans who sit on that committee who did tireless work late at night, early in the morning, never giving up and always looking to reach a consensus and bring back something, which all of us could endorse. To my Democrat colleagues, I want to thank them as well.

In this budget there is a lot of tough love. There is a lot not to like about it. We heard clearly from Maine people that they did not want us to raise taxes in order to balance this budget. We met our obligation and Maine people should be very proud of you in this hall today because we took extraordinary measures yesterday to come together in consensus and we are going to do it today as soon as I finish my speech, I hope.

Without the leadership, without the coming together in a bipartisan fashion, this would never have happened for us. I want to applaud everyone here today for the hard work that they put in their committees and the hard work that the Appropriations Committee did in tying it all together.

I especially want to thank the Chief Executive for his leadership. I want to thank his staff for being diligent and always being there to answer the questions we had. Most of all, I want to thank the Senate for standing up and doing what is right for Maine people and balancing his budget without raising taxes.

I look back on the accomplishments. As I said, my parents have taught me to see the good and praise it. I want to just check off a few of the accomplishments that we should be very proud of. There is a lot of pain in this budget. There is a lot not to be proud of, but there are some things that we can walk away and say under very tight financial circumstances we were able to achieve, 2 percent increase in state aid to local schools. Who would have thought that that would have been possible when we first started, but we accomplished it because we accomplished it together. We also funded economic development initiatives,

which is what we need to get this economy moving here in Maine to put our people back to work. We funded drugs for the elderly. That is going to be very meaningful to people who are very vulnerable, the citizens in the twilight of their life who do not have the means to take care of themselves and who need these drugs for their assistance. We maintain eligibility for Medicaid. I am proud of that and you should be too.

We now are looking past this particular budget process to the issues of health care and economic development and tax reform. I want to thank, on behalf of my colleagues on this side of the aisle, the leadership demonstrated by the good Representative from Raymond, Representative Bruno, and his colleagues on the Appropriations Committee for stepping forward at a time when Maine people expected us to work together. We achieved that result. They are going to be very proud of us today. That makes me feel good because there is pain in this budget. I agree with the good Representative from Kennebunk. There is an awful lot in here not to like. Given the financial constraints and given the circumstances, I want to applaud everyone in this room for all the hard work you did on your committee and the Appropriations Committee for pulling it all together. The Chief Executive deserves a lot of credit for the leadership. Neither side got all they wanted. Neither side can claim victory in this. This is a bipartisan effort to balance this budget.

We now need to look forward, not look behind, not look with what is wrong with this particular budget, but look to what we say we can do in this budget. We can fund GPA to local schools, look at economic initiatives, making sure that Medicaid and the kinds of programs that treat the ones who are most in need are maintained. Those are the programs that we all can be very proud of. I am proud of them. I hope you will be too when this vote is cast.

We have much work to do, but we have laid the groundwork here for some great bipartisan spirit to get the job done, which Maine people have asked us to do. As we approach the issues of health care, as we approach the issues of economic development, as we approach the issues of tax reform, we are going to need your help. Neither one side or the other side of the aisle can do it alone. I am challenging everyone in this room to endorse this unanimous budget, because it is the best under very difficult circumstances. Is it a great budget? No. Does it meet all of our needs? No, but it does the most that we can possibly do under the limited circumstances. I ask all of you to support me. Support the Republican floor leader and his efforts in a bipartisan fashion, to pull this together, to make Maine people proud of the fact that they brought us here, elected us here to do their job. I ask you, when I am done speaking, and that will be shortly, that we, in fact, enact this matter for the benefit of Maine people. Again, I know there are things that people don't like about this budget. I can pick 10 things out about this budget, but who would have thought that when we first started that we would have balanced this budget without raising taxes? I don't hear anybody speaking up. I think that was something on everyone's minds. It was a fear from the Republicans that we might do that. It was a concern on the democratic side of the ledger that that might be necessary. Working together we found a way to do it. Again, I want to applaud the leadership, the Speaker, the Republican floor leaders, our outstanding chair of Appropriations and his lead, Representative Rosen and the hard work that every one of you have done. We never get enough opportunities to thank you. I am standing here today thanking every one of you, all the committee members for all their hard and tireless work. Let's put this budget together now. Let's vote on this budget so Maine people will be proud of us, but more importantly, so we will do the right thing. Thank you very much.

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

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to urge each of my colleagues here today, if you can do so within the limits of your own conscience, to support this budget. It has been said by many of us that it is far from a perfect document, yet it is the foundation upon which many of us ran for office last fall. It reflects the goals outlined by our new Chief Executive in his inaugural remarks just 11 weeks ago. When he outlined his fiscal priorities of presenting and getting approval of a balanced budget without raising broad based taxes in order that he and we could begin to get to work to grow the Maine economy. Our Chief Executive also made a comment at that inaugural speech that resonated particularly with me and I would like to share it with you this afternoon. He said that when it comes to state spending, it can no longer be business as usual. The boom and bust cycles of state spending and growth have been a roller coaster ride and it is time to get off. I have been directly involved as an observer or a participant in the Legislative/Executive budget making process for nearly four decades. I can speak from experience that we have often found ourselves unwittingly on that roller coaster and have been unable to get off at convenient points along the way. We are at a serious point in our history in this year and we must take serious action.

I applaud the Governor, his new commissioner of Administrative and Financial Services and his staff for bringing to us a budget that delivered on his promise. I want to thank each and every one of you through your work on the policy committees, because I truly believe you have helped make it a better document. It is a document, which everyone has said is no where near perfect, but it is, I think, the best that we can do and the best the administration could present under the difficult circumstances and very tight time constraints that we have been operating under.

I want to thank the chairs of the Appropriations Committee and all of my fellow members for the way in which we have not only received, reviewed and acted upon this budget within a 31 day period, which, to me, is probably about the fastest that could have possibly been dealt with, with the level of seriousness that we have given it.

I want to thank each of you for contributing to making it a better document. Whether you understand it and accept it or believe it or not, I speak particularly to my fellow freshman, you have helped to make it a better document. To me, it is in need on constant review, refinement and improvement over time. Many of the frustrations that were spoken to last evening in the offering of amendments and the debate that ensued and the debate that has occurred this afternoon reflect our common recognition that we must continue to work on it to make those improvements in the months that lie ahead. I look at it, however, as the first step in an essential and potentially long and difficult journey. We all know that we have at least the \$23 million problem lying ahead of us for the current year and a \$48 million revenue gap for the upcoming biennium. For many of us who are freshman, the likelihood is that if we return again in the 122nd, we will also face a structural gap of significant proportions. I feel strongly that we have to start. Today is the time to start.

I want to also acknowledge and express my appreciation for the positive working relationship that exists today between the corners of this chamber and between the second and third floor. I can illustrate, but I won't take your time. I can say that it has not always been so. I have the scars to prove it.

I would close by simply asking that particularly for the new comers and all of you who have an open mind of this subject, that

you give serious thought to sharing your vote on final enactment. I encourage you to stay engaged and keep involved and many of the amendments that you might have failed on last evening, may also be worthy of considering in the months ahead and certainly the door is open for presenting them in the months and years ahead. I think this is a first step, a necessary first step and I urge your support at final enactment.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I want to thank the good Representative from Waterford, Representative Millett, for making me feel a whole lot younger knowing that he has worked in state government for four decades. I will not discount the remarks of the Representative from Kennebunk, Representative Murphy, on the problems with this budget. I know they are there. We all know they are there. We all know we have to do something about it. Our pledge from this corner and from our caucus is to work together. That is what this budget does. It is not a perfect document by any means. I was here in 1993, the last billion dollar hole. That budget was bad also. We did things in that budget, looking back, Representative Millett was there also, it was his budget, that didn't make us feel good either. We passed a two-thirds budget at that time. There are only 54 Republicans in the House, yet we passed a two-thirds budget. You know what, we came out of it and we fixed it as we went along. This document is going to need that same type of care. As we move forward we need to continue to work together, the only way you solve a billion dollar problem is to work together. It is the only way to do it. Once you split off, there is too much animosity, too much partisanship. I take the Representative from Kennebunk's comments very seriously. We will try to address them. We have to address them. As the Representative from Waterford pointed out, we have \$23 million in this year, \$48 million going forward. For the new members, you have to realize there is a lot more pain to come. This budget is painful, but there is more pain to come. We will have very difficult decisions to make, but this is starting us on the path, leading us down the road to hopefully a budget that addresses the structural gap in '06 and '07 and addresses the problems of taxes. We will have to do tax reform at some point. We will have to do health care. These are things we heard about on the campaign trail. We need to work together on them. There is not one party that has a better idea than the other. Only working together will we solve those problems also. I urge all of you on both sides of the aisle, the third party candidate, and the green party, to vote for this budget. I know it is not perfect, but we will address those problems moving forward. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. It was my specific intention to not speak on this matter today. I cannot articulate it any better than my colleagues, the Representative from Brunswick, Representative Richardson, the Representative from Raymond, Representative Bruno, and the Representative from Waterford, Representative Millett. I will not attempt to.

However, I will use this opportunity to request that when the vote be taken, it be taken by the yeas and nays.

Representative DUNLAP of Old Town 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. 20

YEA - Adams, Ash, Barstow, Bennett, Berube, Bierman, Blanchette, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bowen, Bryant-Deschenes, Campbell, Collins, Courtney, Cressey, Crosthwaite, Davis, Eder, Hatch, Heidrich, Honey, Joy, Kaelin, Lewin, Maietta, McNeil, Murphy, Muse, Nutting, Snowe-Mello, Sukeforth, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Duprey B, Goodwin, Landry, Paradis, Peavey-Haskell.

Yes, 115; No, 31; Absent, 5; Excused, 0.

115 having voted in the affirmative and 31 voted in the negative, with 5 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 following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 489)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 31, 2003, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

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