

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Third Legislature**  
**State of Maine**  
**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

Yes, 90; No, 49; Absent, 11; Vacant, 1; Excused, 0.

90 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

#### MATTERS PENDING RULING

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-167)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Repeal Term Limits for Legislators"

(S.P. 27) (L.D. 42)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

TABLED - June 4, 2007 by Speaker CUMMINGS of Portland.

PENDING - **RULING OF THE CHAIR**.

The SPEAKER: The Representative from Newport, Representative Tardy, had requested a ruling of germaneness. The Chair will rule on the germaneness of S-167 to LD 42. Having carefully considered the matter, pending ruling as to the germaneness of Committee Amendment "A", S-167 on questions of germaneness, the Chair is bound by House Rule 506, which simply requires that an amendment must be germane to the proposition under consideration, and by Section 402 of the parliamentary manual of the House, *Mason's Manual of Legislative Procedure*, Year 2000, edited thereafter.

Section 402 of *Mason's* reads in its entirety as follows: Amendments Must Be Germane

1. Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended.
2. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.
3. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject.
4. An entirely new proposal may be substituted by amendment as long as it is germane to the main purpose of the original proposal.
5. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question.

Therefore the title of LD 42 is "An Act To Repeal Term Limits for Legislators", Committee Amendment "A", Senate Paper 167, would amend the title of LD 42 to "An Act To Extend the Limits on Legislative Terms from 4 to 6 Terms", which highlights that the subject and purpose of Committee Amendment "A", to extend term limits is different from the main purpose of the repeal in LD 42, they are not synonymous; therefore, Committee Amendment "A" as Amended by Senate Paper 167 is in conflict with the spirit of the original measure. With respect to Committee Amendment "A," the Chair finds that the Amendment is not germane, as posed by the Representative from Newport, Representative Tardy.

The Chair **RULED Committee Amendment "A" (S-167)** was not properly before the body pursuant to House Rule 506.

Subsequently, on motion of Representative CUMMINGS of Portland the Bill and all accompanying papers were **INDEFINITELY POSTPONED**.

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

#### ORDERS

On motion of Representative PATRICK of Rumford, the following Joint Order: (H.P. 1357)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, a bill regarding term limits.

**READ and PASSED.**

Sent for concurrence.

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

#### ENACTORS

##### Emergency Mandate

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, 2007, June 30, 2008 and June 30, 2009

(H.P. 383) (L.D. 499)

(H. "T" H-445 to C. "A" H-412)

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

Representative FISCHER of Presque Isle **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: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We ask ourselves tonight, how did we get to this point, where we stand on the verge of enacting legislation that will cause sustainable and structural reform to our state's budget?

Well, we started off in January, when the Chief Executive presented a balanced budget to this Legislature. That budget included continuance of the essential services of government for the next two years, it included meeting our state's obligation to pay 55 percent of the cost of K-12 education, and it made modest investment in key areas like research and development and higher education. However, the Chief Executive's budget also included several provisions that were troubling to many in this hall tonight. The first was the proposal to merge Maine's sprawling system of 290 education units, into only 26. The second piece that caused many great concerns was a proposal to increase the cigarette tax by \$136 million.

A legislative review of this bill, LD 499, took nearly six months, and I want to take this opportunity to thank many people. The first are the members of our Committee, who are the most diligent human beings I have ever worked with, and I do not want to name names except for the good Republican member from Waterford, Representative Millett, who is invaluable to the process. He worked day and night to help bring this budget to a close and I want to specifically thank him. I also want to thank leadership on both corners and the Speaker, as well as the staff that worked so hard on this budget, especially Ted Potter, and Bill Brown, and Deb Friedman. Finally, I want to thank the staff of the Legislature, both in OFPR and in the Revisor's Office. I just want to specifically thank Jim Dionne, who is our Committee's analyst, who will be retiring on July 1 so he will not

be here in the future, so we all should thank him when we see him.

So, how did we achieve consensus on this budget? Well, instead of raising the cigarette tax by \$136 million, we balanced this budget without raising taxes. We increased enforcement within the Maine Revenue Services, against tax evaders, who free ride on all of the rest of us who play by the rules. We increased enforcement within the MaineCare program, against insurance companies who try to evade paying the bills that we all know that they owe. We will be implementing tonight an efficiency initiative for just over \$10 million that our Committee will be working on starting August, that will look at redundancies, duplications, and waste within state government. Finally, and most importantly, we reduced the rate of growth in discretionary spending in this budget dramatically, to bring it into balance.

Secondly, how did we solve the school issue that we have been talking about? Well, we went from a top down approach, a mandatory approach proposed by the Chief Executive, to a bottom up reform proposal, where we let the local communities pick their partners for administrative consolidation and we give support and resources from the state level. Instead of mandatory consolidation, we include opt out provisions with financial penalties for those who choose to opt out. We took a timeline that was quite constricted and we extended it, so now if units are ready to go forward in January they can; and if they are not, they have until June 2008 to complete their work because we all have to admit, this is incredible change and we want it done correctly, and the only way to do that is to give units an appropriate amount of time. Finally, instead of 26 units as the Chief Executive proposed, we are looking at a proposal here tonight that includes 80 units or a number of units that meets the administrative efficiencies required by the legislative language included.

The final thing we did was we prioritized investments, and prioritized them in such a way that they meet and match up with available resources, and there are three that I think that we especially need to point out: The first are within higher education. In this budget there is nearly a \$40 million increase over the biennium that will help lower tuition costs at Maine's universities, and open the doors of the community colleges to nearly 500 students over the next two years that could not have gone on to college without our assistance. Secondly, as the good Representative from Winthrop said in our Committee meetings, we included a domestic violence initiative for \$2 million, and domestic violence touches all of our communities, and it ravages some of the families here in this state. We need to do all we can to prevent it and this budget will help us to do that. Finally, this budget includes \$2 million in 2008 to help with the over crowding problems at Maine' prisons, so that we can make sure that prisoners do not have to sleep on the floors, and that there is a rational process in place to move us forward.

So, Mr. Speaker, I would say tonight that this is the best budget for Maine. We all worked together to find consensus and we respected the left and the right of our caucuses, we respected the north and south of our state, but together we found the middle ground and we should all be very proud of that. I think most importantly, this is the best process for the Legislature. We revived this year, the bipartisan budgeting process that had unfortunately faltered over the last few years. When we leave in June, we can be very sure that we are leaving this institution in a better condition than when we inherited it back in January, so I can tell all of you that I am so incredibly proud to be the Chairman of the Appropriations Committee this year, when we all together brought bipartisan budgets back to Augusta. 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 can honestly say that I can echo and repeat every single word that the good House Chair has just spoken, and I would like to avoid any duplication of the points that he has made, but build upon them in a hopefully very brief set of comments.

When we as a Committee of Appropriations and Financial Affairs received our appointment back in December, there were six brand new House members, three from each side of the aisle including one freshman legislator, the Representative from Belfast, and a new Chair. We could not have known what we were going to be facing when the Chief Executive delivered his budget a couple of weeks later. But as a Committee, I think that we have come a long way and the Chairman is largely responsible for setting that tone. I would like to say that from my experience, this has probably been one of the most, if not the smoothest and most civil budgetary processes that I have observed over about three decades and a half of watching this process flow, and I am deeply indebted to all of the Committee members, both sides of the aisle, and particularly the Chair. I commend him for his real serious and exceptional leadership. Now, let me build upon what he has said, also, in terms of what we have tried to do.

Again, I will say that the two themes that were most important to my side of the aisle were getting a balanced budget that was sustainable, that bent the curve of growth and did not raise taxes, that was an achievement that I think is worthy of all of your attention and to take some credit for it in the long run. The second was to deal with that very contentious school district consolidation issue. I am actually one of the more optimistic people relative to what we did last night and in the weeks that preceded it. In coming to where we are with respect to the school consolidation piece, I actually would even commend the Chief Executive for challenging us to do what we did, because we were on a path that was unsustainable, not just in a fiscal sense, but I do not think that we could have sustained it back home. The delivery system that we had built over the last 50 years was really, and is today, unable to meet our expectations both financially and academically, without a lot of pain in the future if we were not to make some changes.

Statistics that you have all heard that I will through out just briefly: In the last three decades our enrollment has dropped 16 percent, nearly 40,000 fewer students now than we had 30 years ago. At the same time our administrative costs have grown by 54 percent. Actually, in the last four years since we responded to the LD 1 legislation, we have pumped \$810 million of additional spending in the two biennia that represent the four years of growth. That should produce some property tax relief, but I think that we are all struggling to see evidence of that, and we need a new system, a new design, that will help us to achieve that in a much more tangible and visible way—I seriously think that we have created it.

The word sustainability will be a challenge for the 124th Legislature as you look down the road. Even as we bent the curve, reduced the rate of growth substantially in most all cost centers, we are still looking at a punch point in the 2010-2011 Biennium, which will not allow anywhere near the growth that we have produced in the budget before us tonight. We have seen a growth of \$468 million, biennium to biennium, in the budget that will be enacted tonight. Yet, that is probably the least growth and most structural restraint on growth that we have seen in recent years. But if you look at the most recent projections in the 2010-2011 Biennium, we may be looking at growth potential without

violating LD 1 growth limits of less than \$100 million. So, we have some real serious challenges on our plate looking down the road, and I think that we have positioned ourselves well for them.

We have made investments, some of them new, and the Chair mentioned higher education is one that has probably been at the back of the list for far too long, and we have made structural changes in the two growth centers that were the most steep and rapid in recent years; namely Medicaid, where we have actually flattened the appropriation over the two years upcoming; and GPA, where we are restraining it, minimally in numbers, but I think structurally in substantial ways.

I think the future looks pretty good and I would like to thank everybody, including leadership, who have helped us along the way to get to where we are. Those of you who looked at the 824 pages of legislation that is stacked up on your desk and you expect each and every one of us to have an answer for every page, and every item within it, and that is physically impossible. But when you think about it, there are probably thousands of motions made to move in, to move out, to move as amended, and I cannot think of more than a dozen times in all of those motions where there was a division, which is really quite incredible. I thank you all for your understanding of what we have tried to do, hopefully your appreciation for what we have done, and I encourage your support at final Enactment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise tonight to say thank you. First, I would like to say thank you to the members of the Appropriations Committee, particularly the Chairs, but especially the four of us who worked hard with all of you on the education language: the Representative from Waterford, the Senator from Cumberland, and the Senator from Androscoggin. All members of the Appropriations Committee supported us through all of our hard work that we did with all of you, and you challenged us every step of the way to make hard decisions and get it right.

I would like to thank the Education and Cultural Affairs Committee, Rachel Tremblay from OFPR, Deb Friedman from the Senate President's Office, and Ted Potter from the Speaker's Office. I would like to thank the leadership from the other body. I would like to thank the Chief Executive. I would like to thank the Commissioner of Education and her staff, particularly Jim Rier. I would like to thank the Rural Caucus, who has taught me a lot. I would like to thank all of the members of the Legislature who came forward to work together in good faith.

This was not a new idea, Mr. Speaker. The Education Committee last session talked regularly about moving to a "hub and spokes" model. We have had referenda on 55 percent, Palesky, TABOR, reports from the Brookings Institution, the Maine Children's Alliance, the State Board of Education, and many legislators who proposed at least a half a dozen bills with the same theme, which is that we can do better for Maine schools.

Tonight I can say that we have really done heavy lifting: We have made tough choices and we have made even tougher compromises. But the structural changes that we are making will serve our best interests for long-term efficiencies and sustainability, which will support and improve on our high-quality education for Maine kids for decades to come. We have all given, and I believe that because of our good faith and our hard work, the people of Maine, and especially the children of Maine, will be the beneficiaries of our willingness to work hard and to get it right. It has been my honor to play any role in this budget, Mr.

Speaker, but most of all I am very proud of all of us. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank you first, Mr. Speaker, for your very calm and deliberate demeanor over the course of these last five months, and also, all of the party leaders in the building, I think you showed great respect for disagreement and that is really what we had to get through to get to a consensus.

I did, like others, I wanted to thank the staff at the OFPR, and the committee clerks and analysts, who we often do not see them doing the hard work that is being done, but these reports require their work. The Executive has a great staff of commissioners who were very, very helpful in this process, and the Executive staff were also very strong participants. Each of the party's partisan staffs were very strong, and again, very careful to keep as much consensus as possible throughout this whole process. We were able to build you a budget, I think, my colleagues, which is based on good strong data.

I want to take a little bit of time to recognize the thousands of citizens who voiced an opinion in Room 228, and the several thousands that voiced their opinions on their email or by telephone. To me, nowhere is democracy more evident than in this House; after all, this is actually their budget and we need to make sure that we listen to everyone. As their Representatives, we did collectively work earlier this year on strong consensus documents. This body and the other body built a very strong supplemental budget, a responsible bond proposal, and now this one.

I did want to say that I do not want folks here to be misled by the 13-0 Report. Behind that is a great deal of discussions, and I do not want anyone listening, to think that this was a love fest because we came out with a 13-0 Report. Our Committee proposes some targeted spending reductions, very painful ones, and in the agencies, as Representative Millett mentioned, in the state budget that are the high cost agencies: Education and Health and Human Services. Ladies and Gentlemen of the House, this is not pleasant work. We have avoided broad tax increases and have come in under our spending limitations, and during the summer we are going to continue to address government efficiency and administrative costs, to reduce \$10.5 million. The people expect this from us and we have to deliver, and it again, will be very gut wrenching.

On a positive note, within this proposal though, we have addressed many of the economic growth challenges that we listened very carefully to from Brookings Institute, from other directions over the last year, there were a lot of Committees working on this, and we have addressed those. As Representative Fischer said, we have developed some very strong signals and some very strong finances for our universities and community colleges.

I did not want to go into a long speech of thanking people, but I did want to thank the Representatives here tonight for your consideration and your participation. This budget is not developed by the Appropriations Committee; it is developed by everyone in this building. I want to say a special thanks to those people who scrambled so much in the recent days and hours to find the further necessary consensus to bring us to this point.

I also have a very strong affection for the Appropriations Committee teammates that I have gotten to know over the last several months. I value your individual strengths and your willingness to work together. It allowed us to get to a budget that

has a 3.76 percent total increase over two years when you deduct the GPA ramp up that we have to pull out of that, that mainly has 3.76 percent over a two-year period, roughly 1.9 percent per year. I have never been a believer that we can go aggressively and cut spending, because that is really a very, very difficult thing to do, but to control spending is an admirable objective and we have done that, and we have reduced spending in those areas that are growing out of control.

To Representative Fischer, I want to say well done. He is a very hardworking, young leader, who is an outstanding diplomat, and he treated our Committee with the greatest fairness throughout this whole process. Representative Millett, he told you a little white lie before: He said not everyone can have an answer for every single question in the 800 pages—wrong—he does. You just ask him, he has the answer for everything within 10 seconds of the question being asked, and it has been a true honor to serve with him, and to see that talent and all of that focus toward the good of Maine.

To my colleagues in this Chamber tonight: I hope you will pass a strong state budget, and I think that it is worthy of the people of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, again, would like to rise and thank all of the people that have worked so hard to bring together this budget, I know the negotiating was hard, and we as members of the House appreciate all of their work. But on behalf of the more than 320,000 Maine voters who approved the citizen-initiated Maine Clean Election Act, I would just like to, for the record, object to the \$1.3 million that was cut to the program.

When the Maine people endorsed campaign finance reform in 1996, they endorsed a voluntary, full, public funding system for candidates for all state races. That system has become the default system in Maine, and more than 80 percent of this current Legislature benefited from it.

In that initiative, Maine voters did not leave the funding for Maine Clean Elections to chance. They included a responsible funding mechanism that provided several separate revenue streams that would build the Fund over the four-year election cycle, ensuring that adequate funds would be available for both the Legislature and the gubernatorial candidates.

The law that Maine voters passed describes the Fund as a "special, dedicated, non-lapsing fund," which generates interest that accrues to the Fund. The largest source of revenue is the annual \$2 million allotment that is automatically transferred into the Fund on January 1 of each year. Other sources are the qualifying contributions that so many of us collect from supporters in our district. In addition to these statutory revenues, Maine taxpayers earmark another quarter of a million dollars each year by checking "yes" on their income tax form.

Maine voters passed this law and trusted future candidates to use the funds in a responsible manner. For the most part, this has been done. They also trusted future governors and legislators to meet the financial obligations laid out in the law, so that the program would truly, unduly burden the coffers of this state. Unfortunately the idea of "special, dedicated, non-lapsing fund" has been violated, and monies from the Fund have been borrowed to pay for other state programs. More than \$3 million has never been restored to the Fund; thus, the interest that would have been earned has not been accrued to the Fund. In order to balance budgets and still have money for the program, in 2004 and 2006, we have advanced funds from future annual transfers. These short-term fixes have kept the fund afloat, but they do not conform with the voters' mandates.

The cut that was proposed in this budget was even worse: It cuts more than half of the annual transfer for 2009. Combined with the previous raids on the fund, this cut is going to make it very difficult and challenging to fund the 2010 election cycle. I am sure that it is a great disappointment to all of us that we have not been able to keep faith with the Maine people, who have created and passed this groundbreaking, public funding system, not to mention the tens of thousands of Maine voters who willingly make qualifying contributions in each election cycle. Never before have so many individual Maine people from across the political and economic spectrum participated in funding for our elections.

Most of us use the Clean Election system, many of us would not run any other way, and some of us would not have run without it. Many of the goals of the Clean Election have been met, and I am very proud to say that our program is a model for other states and cities. I just hope that future budgets will restore funding and repair the responsible, incremental, sustainable funding mechanism that the Maine voters approved.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to rise today to thank everybody, because no doubt this has been a group effort.

I really want to thank my fellow members of the Rural Caucus for the early mornings and the time we put together. We remained professional, positive, and most of all persistent as we established our message and stayed with it. I would like to offer special recognition to Representative Cain, who truly wanted her position on this Committee, and attended five sessions in a row so she could become an official member of rural, Orono, Maine. I want to thank the Appropriations Committee for listening to us, and I want to thank you, Mr. Speaker, because you provided real leadership in this and I mean that sincerely. Thank you to everybody, and we got a way to go, but we really got a good start. Thank you, Mr. Speaker.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is our legislative intent that when in January 2008, as required under Section XXXX-46 of this bill, LD 499, the Commissioner of Education reports recommendations regarding the subject of this bill to the Education and Cultural Affairs Committee. Those recommendations shall include, but not be limited to the following issues concerning home rule:

1. Protection of municipal charter and ordinance, hearing and voting procedures, and authority in budget validation matters and referendums. It is our belief that at a minimum such conflicts may be resolved by 20-A Section 1487 of this bill, among others; and
2. In the other potential conflicts between local provisions, charters, and ordinances in any provisions of this bill.

Thank you, Mr. Speaker.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to support this budget and I certainly look forward to it being enacted; and I respectfully request that members from both sides of the aisle join me as we close a process that I would suggest was open, was respectful, and principle; and a process that brought honor to this institution, and most importantly a better budget to the people we represent. When we entered this

process, I told you, Mr. Speaker, and I told my friend from North Haven, that we needed to show the people of Maine that the Legislature, not Republicans or Democrats, but the Legislature as a whole could enact a responsible budget, one that promoted reasonable growth and sustainability; and a budget that addressed our priorities, such as our local school and our higher education, and the many, many programs that we are able to fund, and the many, many priorities that we are able to address in this document; and a budget that sought real efficiencies, so that going forward, this great State of Maine is on the right path; a path of sustainability, a path towards prosperity, and a path that allows us to protect Maine's most needed.

This budget, I am very proud of the fact that it has many sets of fingerprints on this document. It is a budget that we should all be proud of because it honors process, and it recognizes that working together, we can achieve a greater good. I am personally thankful for the hard work of the Appropriations Committee and my friends from Waterford, Raymond, Winthrop, and Belfast, for the long hours that we put in that back room, where everyone wonders what is going on in that back room and members from Appropriations from the other side of the aisle, particularly my friend from Presque Isle. I would like to thank my good friend from Ellsworth, Representative Crosthwaite, for his leadership, his friendship, and his counsel.

Mr. Speaker, I emphasize the many fingerprints, and I can think of some moments in the past several days that are really symbolic and they are memories that I will take away, that are symbolic of the process of working together. I can think of those hours that we spent in your office with people from different parts of the state, different political viewpoints. I think of the work of the Representative from Vassalboro, Representative Browne; the Representative from Winslow, Representative Fletcher; the Representative from Pittsfield, Representative Fitts, for the work they did advancing core principles advanced by the Rural Caucus, the work of the Representative from Wilton, and I am proud of the priorities that they advanced. But what I really remember and I will take away from this is the work of the Representative from Bremen, and the Representative from Farmingdale, and how Representatives recognize the great responsibility that we have to get to yes, and there were times when it did not look like we would get to yes, and an adjournment without date would have been probably spiteful for many of us, but we did get to yes.

For sure, Mr. Speaker, this is not a budget that makes every Republican rejoice, and for those of us on this side of the aisle, we do not view this as a perfect document. But there are many parts of this package, and the package as a whole, that we all need to be proud of. As the Representative from Presque Isle suggested, we had an original proposal for rather significant tax increase, and that is not here. This present proposal, this present document, spends less than the original proposal, and from a standpoint of what is best for going forward, I would suggest that if future Legislatures acted like us that over the next decade this state is going to be in a much better climate economically, educationally, and socially, because I believe, and I think we would all agree, that sustainability is our lifeline.

Mr. Speaker, since I came to this Legislature, members of my party have been saying, give us a chance. Give us a seat at the table and we will work with you, and we will work with you in good faith. That we can get to two-thirds. That if we are at the table that we will not obstruct, that we will try to construct sound policy in a sound budget that is based on advancing core principles, achieving common ground, and recognizing that compromise can create a document that is best for the people that we represent.

Mr. Speaker, I thank you for your leadership, and I understand the challenges that you face in your role as leader, and also the incredible challenges that you have faced in your personal life over the past several weeks—you have certainly stepped up to the plate.

I would like to thank my friend from Bangor, Representative Faircloth; and my friend from North Haven, Representative Pingree. I would like to thank all the members of the Republican Caucus for always reminding me of where we should be as we advance our priorities. I see a friend of mine from Lee, Representative McLeod, who just about every day will look at me, he will point his finger, and he will say things like, "I did not come here to grow government," and as we enter real tough negotiations, I think of those charges. I think of those words of people like Representative McLeod, and I try to construct in a negotiated process, in a negotiated document, I try to do my part to deliver something that we in the Republican Caucus can be proud of. We as an institution, I think, have done a service to the people of the State of Maine. This is a budget that we should be proud of, this is a budget that we will certainly have our differences as to the details, but as a package it is the right thing to do. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Newport called me up last night and said, "Are we going to do this love fest tomorrow night?", and we are in the midst of it and there is a lot of talk about thanking each other and feeling good about the work that we have done, and I think that tonight this talk is true, it is real, it is honest. It is important that we do this. We have spent, as a body, six months working on this budget document. Budgets, I believe, are the most important work we as policymakers do. The money we spend on behalf of the people of Maine is incredibly important. The words of everyone who has spoken tonight have been incredibly important and I want to echo some of those.

I think more than almost any other budget I have worked on in my five years in this Legislature, this has been an incredibly inclusive process. From the very beginning, our good Chairman of Appropriations, and his Co-Chair from the other body, talked about this being an open process: it is open to the public; that we hear from the public; that the press, our constituents hear what we are saying, and they hear our negotiations; that they do it in an open microphone. I think that means a lot to the people of Maine.

I think this process has been exactly what the people of Maine want from us. This two-thirds budget, this hopefully far more than two-thirds budget, it is a bipartisan budget, which I think has demanded the best from all of us. The good Representative from Waterford said it is one of the smoothest budgets that he has ever worked on. I know that the good Representative from Waterford has worked on many, many budgets. I know for every one of us in this room who have sat in countless meetings in the Rural Caucus, in our Committees, doing our Committee report backs, there are many, many moments where we questioned whether is the smoothest process that we have ever had because it has taken a lot of hard work. I think that the school issue, which so many in this body from both sides of the aisle have struggled with incredibly, mightily, has been resolved in a way I think many of us feel very good about.

I think the good Representative from Waterford is right: It has been smooth. There have not been press releases flying around. We have always worked in a way that both parties are coming together. On the most important, difficult issues, whether it is the

mental health of the people of Maine, who are the people who we do not hear from, we do not receive emails from, we have struggled mightily to try to do the right thing.

I think we should feel really good about the investments we are making in this state: We are opening the doors of the community college system; we are reducing the tuition increases at the University of Maine; we are providing funding to prevent domestic violence and sexual assault; we are protecting the ground fishing industry; and most importantly, we are protecting the safety net for the elderly, for the disabled, the kids, and the poor.

We have heard a lot of talk tonight about how we are managing spending, reducing the growth in state government. I think that the good Minority Leader said it very well. I think for my party, being responsible about tax dollars, figuring out how to manage our state budget, is how we as leaders are responsible and look after the future. All of the programs we have talked about tonight, whether it is our kids education, whether it is our healthcare system, we are the people who have been elected to safeguard those systems, and if we do not figure out a way to manage those budgets, we are not doing our duty to protect the future of our state.

There have been a lot of thanks tonight and I want to echo those. The Appropriations Committee has worked so hard, people on both sides of the aisle. The good Representative from Presque Isle, I would like to give him a hard time, but he really has gone above and beyond what I think is his duty. I think he has managed this process incredibly well, and I thank him and all the members of his Committee for working so hard on both sides of the aisle.

I could not leave without not mentioning the good Representative from Orono, who I think almost more than anybody else in this body has poured her heart into the school portion of this budget, and up until the very last hours of even the final Senate negotiations, she was there trying to make sure that we all did the right thing, and I want to thank her for her leadership.

Again, it has been said tonight, but both the good Representative from Newport and the good Representative from Ellsworth, have been outstanding leaders to work with. They have always been honest, they have been candid, we have talked very frankly about where we are and how to get both of our caucuses to yes, and I want to thank them. It has been an honor and a pleasure to work with them.

I want to thank the Speaker for his incredibly hard work, and as the good Representative from Newport said, during a difficult time. He has really stepped up. A budget is always a product of the Speaker's leadership, and I want to thank him.

I want to thank my whip, who has done an incredible job. He was negotiating until the final hours of last night on some difficult pieces. Obviously, the product of his work is the lights on the board, so we will give you a couple of minutes, Sean. But in the end, I want to thank this entire body for working so hard. We had an incredible Democratic Caucus last night where everybody was standing up, everybody was trying to get to yes, they were venting their frustrations, they were supporting each other, they were always respectful, and I think in the end that this budget is a product of that. We have done good work, we have done it together, and I think we should all go home tonight feeling really good about the work we have done for the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think you know how I feel about consolidation. I have enough notes to last me

for a considerable period of time, but I think I will just discard those, and let you know that I served in nearly every position in school systems, from spending 20 years in the classroom through being a school superintendent. I will be praying that this body has not turned its back on the children of our state. Thank you.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we would be remiss if we forgot the date February 5 of this year when the Education Committee met with hundreds of Maine citizens to start this process. I think we would be remiss if we did not thank our good Chair from Bangor, Representative Norton, and the rest of the Committee. I will also finish by saying what Mark Twain said, and I have said in this building before, that giving a speech is like drilling for oil. If you speak for more than 5 minutes, you are boring. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to add a paltry addendum to the excellent remarks that have been made on this record this evening by this body, by the members of my esteemed Appropriations Committee, my good friends on that Committee and by leadership this evening. Any mere words of mine would be merely anticlimactic to their wisdom and the remarks that they have made tonight.

I wish to rise in brief to add to the remarks of Representative Adams in one respect, because there was some conversation in the lobby yesterday and today about a certain issue. I just want to say that by enacting this piece of legislation, this very excellent piece of legislation, we intend no conflict whatsoever with Article VIII, Part 2 of the Maine Constitution, and should there be any issue raised with respect to that Article, or Article IV, Part 3, Section 16, that we expect that one would turn to the Severability Provisions of Title 1, Section 71 (8).

With that very emotional, passionate expression of gratitude, I also want to thank the individuals on my Committee. We had an open process as had been pointed out, a remarkably open process, a Unanimous Report, a process in which patience and diligent study was our guide, and civility was our touchstone. I am very thankful to have been a member of this Committee this session, to have worked with some many wonderful, wise people, and I hope you will join me in supporting our work product and our work: LD 499. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Just a brief comment: I think I was one of the, I think, the hardest sells on this budget, primarily because of the school issue; and I echo the sentiments of Representative Edgecomb in saying that at this point. I think that we have done the very best that we can do, and my task, and I think all of our tasks, is to now go forward with this budget and make it work for the people of Maine, for the schoolchildren of Maine, and for the communities of Maine, and that is my intention and my hope. It is an excellent document. The school part will take a lot of work over many years, it is a start, and I intend to work as hard as I can along with I hope the rest of the members of this House, to make it a positive step forward.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to take this



opportunity to thank everybody for the hard work that they have put in here this year, and Mr. Speaker, I would personally like to thank you for the initiation of the Chairs and Leads meeting. I have been here 13 years, and I think it is high time that was initiated; it should have been here many, many years ago.

I wish that I could see all of the rainbows that I have heard painted with all of the colors in tact and the pots of gold at the end of each one of those rainbows, but I have a little bit of a problem: I guess I am probably too much of a realist. I, too, share Representative Edgecomb's concerns and Representative MacDonald's concerns, and I wish that I could be as optimistic as all of the glowing terms and speeches I have heard thus far.

I am very pleased with this year's progress in the House. The freshmen legislators that have arrived on the scene have been quick reads, and they have learned the process very quickly, and they have contributed a great deal to the legislative process.

The problem that I see is, Representative Fischer mentioned about the hard work and so forth that has gotten us to this point, and it certainly has been hard work, but how do we get to this point in our process? That was his question. My questions is have we arrived at a place where we have built a house of cards as far as our educational system is concerned? We are planning major consolidations, and if it comes out as it has been in the past when you talk about consolidations and fewer schools, we must remember that means less, fewer extracurricular programs for our students, and there are an awful lot of students who go through the programs that would never, never stay in school if they did not have those educational programs to participate in.

Also, have we reached a point where we are signing a death will for many of Maine's towns? Because you lose your institutions in your towns, you lose the reason for having a town. I hope we have not reached a point where we have taxation here without representation.

But one of the things that really concerns me is a pattern that was set in this Legislature, in which one policy committee, you accept the role of another policy committee. I think that sets a terrible trend for this Legislature, and I hope that this is the last time that I will ever see it, that those of you who are here and are going to be here after I am gone, ever see.

So, I would like to take one last thank you for all of the legislators, for helping make the Legislative Scholarship program a huge success. Our propaganda lady did a tremendous job promoting all of these things for us, and I think that she was responsible for helping the big part of making this a success, and all of the staff that pitched in and gave unselfishly of their extra time. Like I said, I hope that those rainbows have all of the colors in tact and that the pots of gold are there at the end of the rainbow. Thank you.

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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### ROLL CALL NO. 121

YEA - Adams, Annis, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Marean, Marley, Mazurek, Miller, Millett, Mills, Miramant, Muse, Norton,

Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Samson, Saviello, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Chase, Cotta, Edgecomb, Gifford, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, McDonough, McFadden, McKane, McLeod, Nass, Pinkham, Rines, Rosen, Savage, Schatz, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Barstow, Cressey, Duprey, Gould, Hayes, Makas, Moore, Pineau, Richardson E.

Yes, 112; No, 29; Absent, 9; Vacant, 1; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

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On motion of Representative HILL of York, the House adjourned at 9:02 p.m., until 1:00 p.m., Thursday, June 7, 2007 in honor and lasting tribute to Robert Blasi, of Kittery.