

MAINE STATE LEGISLATURE

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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

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Pages 682-1357

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-865)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1566) (L.D. 2196)
(C. "A" H-865)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

(H.P. 1651) (L.D. 2289)

Sponsored by Representative FISCHER of Presque Isle. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Representative CUMMINGS of Portland moved to suspend the rules to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative TARDY of Newport **OBJECTED** to suspension of the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to suspend the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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 Newport, Representative Tardy.

Representative TARDY: Thank you, Mr. Speaker. I rise to pose a Point of Order.

The SPEAKER: The Representative may proceed.

Representative TARDY: Thank you, Mr. Speaker. Given the House and Senate action on LD 2173, which was the budget document that we worked on last week, my question is: Is this LD, LD 2289, is this properly before the body?

Representative TARDY of Newport asked the chair to **RULE** if the Bill was properly before the body.

The SPEAKER: In response to the Representative's question, it is a fair question. The question is: Is this bill duplicative of a bill that we had done on Thursday? There are two reasons why it does not fall, in the Chair's opinion, in that category. First of all, the other bill that the Representative from Newport referenced remains un-acted upon in the Senate;

therefore, it has not been acted upon in any final way by the Legislature. Secondly, this particular bill strips out a significant amendment that was in the Thursday rendition, or draft, of this substantive piece of our original bill. For those two reasons, the fact that the original bill has not been acted upon and because there is a major substantive change, the Chair would rule that it is in fact properly before the body, although it is a fair question.

Subsequently, the chair **RULED** that the Bill was properly before the body.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative SYKES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Because we have before us a bill without reference, a 400-page document, I ask the Speaker to pose the question: Can anyone in the House guarantee me and guarantee the rest of us, what the specific, accurate changes are from one 400-page document to another? This document just came on my desk, it is still warm. Can anyone tell me the page, the specific items that are different from one document to the other, so that we do not have to read this entire document? Thank you.

The SPEAKER: Representative, also a fair question. The pending motion though is not debatable. The pending motion right now for the House to deal with in a roll call is in order. Is the suspension of the rules for the purpose of giving this bill a second reading without reference to any committee? That must be dealt with first.

The SPEAKER: A roll call has been ordered. The pending question before the House is to suspend the rules in order to give the Bill its First Reading without reference to a committee. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 281

YEA - Babbidge, Barstow, Beaudette, Beaudoin, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Schatz, Silsby, Simpson, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Flood, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Adams, Berry, Blanchard, Bliss, Duprey, Fitts, Fletcher, Hinck, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Smith N, Walker.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, and accordingly Joint Rule 308 was suspended and the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned. (Roll Call Requested)

ENACTORS
Emergency Measure

An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

(H.P. 1566) (L.D. 2196)
(C. "A" H-865)

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

Representative TARDY of Newport **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 Passage to be Enacted. 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. 282

YEA - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Moore, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Chase, Gifford, Gould, Johnson, Joy, Lansley, Lewin, McLeod, Tibbetts, Weaver.

ABSENT - Duprey, Fisher, Hamper, Jackson, Jones, Muse, Nass, Pendleton, Perry, Pineau, Saviello, Thomas, Vaughan, Walker.

Yes, 126; No, 11; Absent, 14; Excused, 0.

126 having voted in the affirmative and 11 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper

Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

(H.P. 1651) (L.D. 2289)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED**. (Roll Call Requested)

Representative LANSLEY of Sabattus **PRESENTED House Amendment "A" (H-875)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems like there was only a short amount of time that we discussed this on the floor, so I am not going to go in to detail. I have distributed through the House, the OPEGA Historical Budget Analysis, and wish that you take a look at this because, as you can see from here, OPEGA not only looks at other departments to look for opportunities, but they also practice what they preach.

During the appropriations, through fiscal 2007, they have been appropriated \$2,455,000; the actual expenses were \$1,563,000, which is variance of \$898,000. When you look at this, diminishing the department by taking away positions, I believe that the effectiveness will not be so strong. In short, what we are doing here is basically putting OPEGA on life support, which the plug can be pulled at any time because then it will be deemed that it is not effective enough, because they do not have the resources or the money to do so. I ask that you take a look at this; I ask that you look at this to ensure that you are going to be voting following my light, to ensure that we keep OPEGA totally in tact to what we have it right now, and maintain this independent and nonpartisan identity. Thank you, Mr. Speaker.

Representative FISCHER of Presque Isle moved that **House Amendment "A" (H-875)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Lansley's amendment. I was just sort of looking over the numbers when I was home over the weekend and realized that the OPEGA budget is about 1/50th of 1 percent of the state budget. With that small amount of money, they have been able to point to over \$22 million in potential savings, just by sort of changing the way we do things in some departments.

I do not relish the thought of losing valuable staffers from the State House, because I know we really cannot afford some of them that maybe would be on the chopping block, but these particular staffers are the ones that we need to find savings, that we can use in the future for whatever purposes we find and are most necessary. What we have in this budget is a cut of 60 percent of the analysts from that department. So I think it would be a great support for the Legislature and for our citizens, who we are asking to tighten their belts, to restore OPEGA, who can show us how to tighten our own. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thought we pretty much solidified the deal on OPEGA and it comes back, and it concerns me greatly that we are doing this. As I indicated before—and I do not like to be repetitious but it concerns me—how many departments are in state government, even though this is a small one, that we created on behalf of the people of Maine, that we are cutting 40 percent of the staff out? I mean that is obscene to do that, and I would ask this body to stand up for what is right, once again, we did it before, and vote for