

MAINE STATE LEGISLATURE

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Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, 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, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, 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, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Saviello, Thomas, Walker.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Protect Access to Health Care" (H.P. 1652) (L.D. 2290)

Sponsored by Representative MILLS of Farmington. Cosponsored by Senator MARTIN of Aroostook and Representatives: BRIGGS of Mexico, CLARK of Millinocket, Speaker CUMMINGS of Portland, PERRY of Calais, PINGREE of North Haven, SAVIELLO of Wilton, SIMPSON of Auburn, SUTHERLAND of Chapman, TUTTLE of Sanford, Senators: GOOLEY of Franklin, NUTTING of Androscoggin. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, 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**.

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 Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 292

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, 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, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt,

Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hill, 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, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Wheeler, Woodbury.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 84; No, 57; Absent, 10; Excused, 0.

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Berry who wishes to address the House on the record.

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for the timing. Had I been present for Roll Call No. 281, I would have voted yea. Had my coffeemaker been working for Roll Call No. 280, I would have voted yea. Had I been in my right mind, I would have voted yea on Roll Call No. 276. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Caswell, Representative Ayotte who wishes to address the House on the record.

Representative **AYOTTE**: Mr. Speaker, had I been present, I would have voted nay on Roll Call No. 276 and Roll Call No. 280. Also, Mr. Speaker, had I been present, I would have voted with the yeas on Roll Call No. 277, 278, and 279. Thank you, Mr. Speaker.

ENACTORS Acts

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)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the passage of this budget, and I would just like to take a few moments to kind of set the record straight.

The beginning of this session and in anticipation of the revenue shortfalls, House Republicans began working on our approach. We tried to develop some core principles and guidelines that would guide us as we went forward and,

hopefully, were part of negotiating a two-thirds budget. I think to no one's surprise, we, in this caucus, the House Republicans agreed that this budget could not get our support if it had new taxes. We also agreed, among other things, that the budget needed to avoid, at all costs, gimmicks or onetime revenue sweeps. We also agreed that this budget needed to make systematic changes that recognize the concept that government cannot be everything to everybody.

Now Mr. Speaker, you and I have always been able to identify our differences honestly and openly and with mutual respect; both you and the good Representative from North Haven were able to do that in this case. We identified that certain differences of opinion existed; and you knew that our caucus supported the Chief Executive and his desire to reform our welfare system; and you knew that we wanted to support, at the very least, his proposal to reform the benefits for childless adults; and you knew for sure our pledge of no new taxes was at least consistent with what, at the time, the Chief Executive was at least saying in the media. You knew earlier on, as soon as we were aware of the proposal, that the Treasurer Lemoine proposal, distinct from some of his more notorious proposals, is something that was not going to pass muster for us on our side of the aisle.

Well, Mr. Speaker, we were able to honestly convey to each other our difference, and those differences still exist today. I hope that we all have a clear understanding that, at least in this body, we attempted in good faith, and it was open and honest debate, and it is sometimes the differences that define us. I am particularly thankful to your leadership and the leadership of the good Representative from North Haven. We have been able to avoid the tone that I heard from the other body, a tone of a particular member, a tone that I would suggest was a tone of arrogance and self-importance and contempt; and Mr. Speaker, that is kind of why I like to drink water from Poland Springs versus Eagle Lake. Now, I thank you for your professionalism and our ability to understand our differences and to move on.

Now, Men and Women of the House, this budget fails several Republican tests, and I would respectfully suggest that this document is the one that we are going to enact in just a few moments. It is worse than the Chief Executive's proposal in some respects. When I vote tonight, when I cast my vote I am going to think about a couple of families that I care about greatly, families that are second and third generation Moosehead employees, who make just a little too much to qualify for anything, but not enough for them to get ahead. Families that just do not understand why we cannot make the same difficult decisions that they have to make as they await each paycheck. When I vote tonight, I am thinking of some of those folks that the Representative from Raymond has had to lay off because his manufacturing company went out of business. When I vote tonight, I am thinking of the polite scolding I had from the Representative from Lee, Representative McLeod, who reminded me that when his red light goes off tonight, he will be doing a service for the people that he represents back in his district.

Mr. Speaker, there is a whole litany of issues and you know what our issues are and it is because of the taxes, it is because of some of the onetime moneys, the sale of securities which it is what it is. It is because of some of the lack of sustainable reform to our MaineCare system, some of the lack of sustainable reform to other parts of government, and it is because of all of those people I was thinking about earlier tonight that I will be voting no.

Mr. Speaker, we still have work to do, we will still continue to convey to each other our differences of opinion and our areas of significant agreement. I would like to thank the members of the Appropriations Committee: my good friend from Presque Isle, and the members of the Appropriations Committee from my side

of the aisle. I would suggest that there should be no argument that the work of this body was done in good faith with principle difference in mind, and I thank you for your time.

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. I want to aptly follow up on my good colleague from Newport's comments. I agree with him wholeheartedly that the process, even despite the machinations of this afternoon, has been respectful at this end of the aisle; this entire body, I think it has been fair. I think we have had very honest conversations about our differences, and I want to thank the Minority Leader. I want to thank the members of the Appropriations Committee, on both sides of the aisle, for keeping that tone even when this has been a very difficult process.

Clearly, we always work towards bipartisanship when it is possible. I am very proud of the work we did, an incredibly difficult two-thirds budget last year. We passed bonds together; we passed countless bills in every one of your committees together. Bipartisanship, when possible, is the best policy; it results in good policy for the people of Maine. I think, as members of the Appropriations Committee have discussed, the vast majority of work on this budget document before you was done in a bipartisan way. I was observing, the Health and Human Services Committee—and I have never seen this happen before in the Appropriations processes in the six years I have been there—sat with the Appropriations Committee for several days on end, going through every line of the budget, trying to figure out if there was a better way to not make this cut, to make part of this cut, what cuts could be accepted, what cuts had to be rejected. It was done in an incredible bipartisan way, and I want to especially thank the Health and Human Services Committee, again, on both sides of the aisle, for making such a commitment to the people of this state, who are the most vulnerable, who will be impacted by this budget. While I think all of us will still have some heartburn when we go to bed tonight, I think the work of that committee and the Appropriations Committee has been important.

But as the good Representative from Newport discussed, there are fundamental differences between where this Majority budget is at this point and the Minority budget that was presented. Again, I think our tone—the good Representative from Presque Isle did an excellent job, a better job than I could do tonight, laying out that it is really about our differences, it is about the way we see the world, our values. The differences are whether 22,000 people next year will have health care through our MaineCare system. We talked a lot about the non-categoricals, and I think the other body had an excellent discussion on this subject. These people, who we call the non-categoricals, it makes them sound like really faceless people, but the reality is non-categoricals are childless adults; they are the vast majority of people who make very little money; the average income is less than \$5,000 a year. I know from my work on the Health and Human Services Committee that these people are very often in early stages of psychosis, these are homeless people, these are people in substance abuse treatment, or they are people who are battling chronic illnesses like cancer. I think it is a priority for our party that these people, the non-categoricals and the parents who are part of our MaineCare program, are persevered. We are going through an incredibly difficult economic time, as a state and as a country. Personally, I will go to bed and sleep well tonight knowing that I was able to stand up for those people. We talked a lot about structural change, but in this case this structural change is about people's health care, their livelihood, their future health and safety.

Lastly, there were also cuts to the Fund for a Healthy Maine that were unacceptable to our side of the aisle, and three furlough days or holidays which we found unacceptable. I want to just highlight, again, what is in this budget because this budget was, even in its current state, it was very difficult to get to this place. This budget includes no new taxes, it takes no money from the Rainy Day Fund, it makes \$170 million of cuts. I do not have to speak for every member of my caucus and I know they can all speak for themselves, but this was a very, very difficult budget. I have been here for six years. This is not even a two-year budget; this is onetime budget to fix the structural gap that we have for '08 and '09. This was the most difficult, most painful budget I have seen in my six years in the Legislature. I was here for the \$1.2 billion shortfall in 2003, working with my good whip and others on that budget, which we passed in a bipartisan way. That budget was nowhere near as difficult as this budget, in terms of cuts to Human Services, in terms of its impact on our safety net. I think we are all going to be seriously considering the impacts of this budget next year. But I think, again as I said, we did what we could in a responsible way, without new taxes, without touching the Rainy Day Fund, to try to fix those things that were most onerous to us. Whether it was keeping domestic violence shelters open, providing homecare for our elders to make sure they do not end up in nursing homes, to protect mental health services for kids. There were a number of places where we felt we could try to restore the funds, but as many of you know there are areas like mental retardation, we are all going to have to watch incredibly closely because we fear we could have gone too far in this budget.

So the reality is that we differed on the issues, we differed in a respectful way, and I think that is fine for this process. We all run for office as a part of different political parties, as part of different communities, and we know that we are going to differ from time to time, and I think this budget is an appropriate place to differ. Of course, we are going to do everything we can over the next couple of weeks to work in a bipartisan way on the many issues still left before us. I am, again, very proud that my colleague from Newport said that work is important, because it is. It is worth leaving this chamber as friends having respectfully disagreed with each other. Thank you, Mr. Speaker.

Representative CROSTHWAITE of Ellsworth **OBJECTED** to extending the session past 9:00 p.m. pursuant to the House Rule 501.

The Speaker advised Representative CROSTHWAITE of Ellsworth that House Rule 501 was suspended by implication.

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.

ROLL CALL NO. 293

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, 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, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

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

ABSENT - Berube, Duprey, Hamper, Jackson, Moore, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

An Act To Protect Access to Health Care

(H.P. 1652) (L.D. 2290)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

The same Representative **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.

ROLL CALL NO. 294

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

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

ABSENT - Berube, Conover, Duprey, Hamper, Hanley S, Jackson, Marean, Moore, Muse, Pendleton, Perry, Pineau, Rector, Richardson W, Saviello, Thomas, Walker.

Yes, 82; No, 52; Absent, 17; Excused, 0.

82 having voted in the affirmative and 52 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

At this point, a message came from the Senate borne by Senator Martin of that Body, informing the House that the Senate was ready to adjourn without day.