

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

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Emergency Measure

An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority

S.P. 533 L.D. 1623
(C "A" S-373)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by President Pro Tem
CHRISTOPHER W. RECTOR of Knox County.

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tem
CHRISTOPHER W. RECTOR of Knox County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **RECTOR** to his seat on the floor.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government" (EMERGENCY)

H.P. 1339 L.D. 1816

Reported that the same **Ought to Pass**, pursuant to Public Law 2011, chapter 380, Part KKK, section 6.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY HOUSE AMENDMENT "D" (H-707)**.

Report **READ**.

Senator **SCHNEIDER** of Penobscot moved the Bill and accompanying papers be **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. I find it a little bit unusual in this case to be standing, urging Senate members to go along with this motion given, in the past when changes are presented, we have been, as Democrats, often called out for doing things behind closed doors and in the dark of night. I find it extraordinarily ironic that I am even having to make this motion because I had hoped that this wouldn't have come this far and that the committee work would be done appropriately, rather than behind closed doors with a lot of deal making happening in the dark of night. I really did not anticipate this. I believed in a process that I believe has been corrupted. I believe the people of the state of Maine are not being served well by this process and so I'm standing, urging all of you to go along with me to send this bill back to the appropriate committee for a deliberation. We had a unanimous deal on this bill and now there has been a lot of shenanigans going on, politicking, serving special interests, such as the hospitals, in order to get us to this point. I think that's not a good thing for the state of Maine and I will ask you to remember, in the past, the positions that you have all taken, that in light of transparency and for the process, that we take the time that we need, to send this back to the committee of jurisdiction to have a full vetting of this very significant change that we're about to move forward with. I had a discussion with Lisa McPherson earlier today. I've been told that the piece on the hospitals was handed to leadership three weeks ago, yet we are only finding out about this right now. I urge you to send this back to the committee so that this can have a full vetting. This is not the way we should be doing business in the state of Maine and I don't think it serves any of us well. Once again, we'll be doing things behind closed doors, without public input, in the dark of night. Thank you very much, Mr. President.

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

Senator **ROSEN:** Thank you Mr. President. I hope that the members of the Chamber will vote in opposition to committing this bill. We are poised, I hope, to accept the committee report, to move on to then accept attaching a House Amendment which, at this point in the process, I can't speak to, and none of us can speak to. The motion on the floor to commit the committee amendment back to the Appropriations Committee, I would just like to point out to the full membership of the Senate that we have worked this bill for two full months. While the membership was home enjoying the holidays, we were in the second week of December, with the Health and Human Services Committee, holding a very large public hearing on the DHHS supplemental budget bill and then continued to work through the month of December in work sessions. When the rest of our colleagues returned in January, we entered our second month of working this bill. We worked every weekday, many nights, four weekends in a row, and we achieved a unanimous vote, 13 members of the Appropriations Committee, to present to you, for your consideration and the other Body's consideration, a consensus document. It's our job now, as a full Chamber, to do just that, to consider the document and then, ultimately, to act and to vote on it. There is no reason, no reason, to send this bill back to the Appropriations Committee. I urge you to reject this motion to commit and I'm asking, Mr. President, has a roll call been ordered? Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Of course it's not the unanimous committee report that I object to and I appreciate, and I want to say thank you to the members who did work so hard. It is exactly for that reason that I supported the unanimous committee report, and all of that work, and that I stand to ask for this bill to be sent back to the committee. It is because of that committee report that I think that we should honor the work of the Appropriations Committee, but I know, and you know and everybody else knows who's under the Dome, that there has been a lot of behind the scene action going on that the public has not been privy to. That's what I object to. You all know it. I just believe that the people of the state of Maine should know it too. That's why I'm standing up. In the past, you called us out for that very thing. Now I'm asking you to stand up for what you supposedly believed in the past, which is not to pass things in the dark of night, rushing things through. There is no reason to rush this through. None whatsoever. If we can give things to hospitals and things like that, we should have a full vetting of this issue. I believe what was done on the other side of the building was not appropriate. That's why I'm standing up and I know that I'll be able to look myself in the mirror tomorrow and say I did the right thing because I'm standing up for the people of the state of Maine and letting them know that they should have more insight to what's going on behind the scenes here. Thank you.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Commit the Bill and accompanying papers to the Committee on Appropriations and Financial Affairs. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#353)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **COMMIT** the Bill and accompanying papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**, **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#354)

YEAS: Senators: COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, DILL, PATRICK, SCHNEIDER

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, Report **ACCEPTED**, in concurrence.

READ ONCE.

House Amendment "D" (H-707) **READ.**

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

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, before we take a vote on this House Amendment I would like to just outline to the members present that it is, again, a negotiated consensus document and point out what it actually does. First of all, it reduces the original amount of funds that were scheduled to be transferred from the Dirigo Health Agency to the General Fund. It makes a minor technical correction to a date that was originally entered into the budget as September 1st and corrects it to the committee agreement of October 1st. It allows the reduction in the assessment of the paid claims that fund the Dirigo Health Agency to go forward as scheduled and are reduced from a rate 1.87% this year to the scheduled reduction of 1.64% starting July 1, 2012, and it requires that a plan be submitted by June 30, 2013 to transition categorically eligible individuals who are enrolled in the adult waiver and provide options by December 31, 2013. As a result of those actions, it increases the amount of the one day transfer. It eliminates the original proposals to hospitals in the committee amendment and replaces that proposal with a temporary assessment of .39 of net operating revenue as identified by hospital audit financial statements. In addition, I would like to point out, in terms of Appropriations and Financial Affairs Committee members review of the contents and support of the contents of this amendment, you see on your desk a document that was distributed. This was a ballot that was circulated to all 13 members of the committee today, verifying, asking again whether or not there is committee support for the amendment that we are poised to vote on. You see, on the ballot that was presented, all 13 members of the committee indicating their support. I would ask the members here to support it as well.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I request permission to pose actually two questions through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BARTLETT:** Thank you Mr. President. I'm still trying to get my head around this amendment, although I think that in balance it is a very good one. I just had a couple of questions. The first is that there is a new tax that is imposed on hospital revenue. It says it is a temporary assessment, so I'm curious how long that tax runs for, when that temporary assessment will expire. The second question I had is, given that this assessment doesn't begin until July 1st, will it do anything to help us get through this fiscal year? Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Bartlett poses two questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. In response to the questions, the temporary assessment applies to fiscal year 2013. This is a similar mechanism that was utilized in 2009, most recently. The entire package, the amendment as attached to the committee amendment, in total generates significant savings in 2013 that are used to fund the one day transfer to balance the remainder of 2012.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to say a couple of words, if I might, Mr. President, regarding the amendment. I think the contents of the amendment, I think, seems like it is reasonable and does some things that people want to do. However, what bothers me about the amendment is the process by which it got here. That process, to me, is in violation of what we try to do in this Legislature. The Appropriations Committee, as you heard, spent hours and hours and weeks and days and months and all of that sitting in those little smelly rooms downstairs, caucusing and working on every line item and trying to make sure everything gets examined and thoroughly vetted. If you noticed, most Appropriations members have gray hair. There is a reason for that. It's because the work is very, very difficult and tedious and it's a process that you almost have to live through to even believe. You heard the good Senator, who is the Chair, Senator Rosen, talk about all the time they spent. It really is negotiating every line, every little item. Sometimes you spend days at that. Then they came to a unanimous decision. My concern, Mr. President, is when it came upstairs with that result, the product of that hard work, and all that was done and all the giving and taking, I think it got somehow captivated by other people. That's what bothers me. I really respect and honor the work of the committee, each and every one of them. I don't like it when something like this happens after this work has been done and it comes upstairs and somebody else grabs a hold of it and does something different to it. It almost ignores all of the hard work that's been done, because when you take one piece out and change it with another piece it effects so many other things. Mr. President, I just wanted to express my concern about what I consider a violation of the great work done by the Appropriations Committee and how I think that this ends up with maybe a product that more people obviously agree with, but I don't think the way we did it was a proper way. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. Given the ballot that was brought forward, and since it is a ballot I probably know the answer to this question already, but I'll pose it to get confirmation of what I assume. Is it so that this was never discussed, these changes by the committee and opened in public forum?

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I would just like to point out something about this amendment that perhaps is obvious, but I think it's worth noting on the record. That is that much of this amendment is about ideology. It's not about policy. The objection to the unanimous committee report was based on a so-called tax on the Dirigo Health Fund. That word tax was used intentionally because there are many people in this building who just hate the Dirigo Health Fund and they are on an ideological war to kill it. The suggestion, or the proposal, that was unanimously agreed on by the Appropriations Committee to not reduce the Dirigo assessment was something that was highly objectionable to, what I consider to be, a radical element in the House. The price that we are paying is now a tax on the hospital. Let's not kid ourselves. This is a tax that hospitals welcome because they know it's a tax that will be turned into two times the amount because of money coming from the federal government. I just want the record to be clear that tonight we are voting to approve a tax that will increase federal money into the state of Maine. That may be a good idea, but let's call a spade a spade and just agree that this is, in fact, where we're swapping one tax for another. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Adoption of House Amendment "D" (H-707), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#355)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: DIAMOND, DILL, SCHNEIDER, SULLIVAN

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, House Amendment "D" (H-707) **ADOPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "B" (S-380) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. I'm offering this amendment because I think that it was a real mistake and very bad policy to have made this cut. Part of the reason for that is that it is bad policy. It's restrictive and it doesn't allow any kind of flexibility for the providers to take this cut any other way than cutting their employees. They are cutting their employees across the board and these are people who work at very difficult jobs and earn approximately \$8.25 an hour. I think that it was really, really too bad that the cut was made in this way. Sometimes we have to take cuts, but this is going to decimate a lot of group homes that serve people with intellectual disabilities. We do have the funds in the third party liability fund that would cover this. I would ask that you, please, support the amendment. Again, just think that this is a 5% cut across the board to employees that earn about \$8.25 an hour. If you think this is a savings, I will say that a lot of them are going to qualify for MaineCare after this cut is made. Please follow my light. Thank you.

Senator **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-380).

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

Senator **ROSEN:** Thank you Mr. President. First of all, I'd like to assure members of this Body that the rate reduction that finally ended up, again, as the consensus agreement that's in the report is a significant change from the original proposal. A sub-committee of members, both Republican and Democratic members, of the Appropriations Committee worked as a sub-committee with the provider community. They put in a great deal of effort to alter the original proposal, with the provider community's participation and with their support. I certainly wouldn't indicate it was enthusiastic support, but they certainly saw it as an improvement over the original proposal. They did, in fact, provide that support. In addition, the amount of money that's booked here, \$4 million, generated from a third party liability effort, I would remind members that we already have in this proposal savings generated to rein in participation from third parties. The last time we had an initiative that was as large as this one a few years ago required additional personnel. I think at the time it was 18 additional positions to actually generate the savings and make it a reality. It's an issue that we're looking at. We looked at it in this piece. As we go on to the remaining piece of this particular proposal I'm sure we'll take another look at it. Right now we have examined it. We don't see this level of savings available and we're ready to go to work, if this is approved, and move on with the last portion of the DHHS supplemental budget fix and will be considering this option and others. It needs more work. We spent a considerable amount of time on it. We don't see this level of savings available from what we have done so far. I encourage you to support the motion to Indefinitely Postpone.

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

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. I have the very, very highest regard for my friend, Senator Rosen. I know he worked very hard and that he's very caring. This administration has promised that they would not cut or put at risk the most vulnerable of populations. People who have intellectual disabilities are indeed the most vulnerable of populations. This is going to hurt them and this is going to hurt the people that care for them as well. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'm not going to support the Indefinite Postponement because I feel, unfortunately, that this was not vetted thoroughly at all. It is exactly the reason why I asked for this bill to go back to the Appropriations and Financial Affairs Committee and that I rise again to say, again, that I believe that the wheeling and dealing that's gone beyond these doors and that it has not been an open process is completely unfair. There were some major changes made to this piece of legislation and, as much as the good Senator from Hancock, Senator Rosen, has said, this really wasn't vetted thoroughly. I know I didn't have input on that. I don't think that this is a proper process. There are good things that could have been achieved by having this go back to the committee. This is one of those issues that I think should have been looked at much more thoroughly. I didn't agree, frankly, initially when we had a deal a couple of weeks ago. I was going to support this budget as a very bitter pill because I believed thoroughly that we should not be dealing with a budgetary issue that's solely looks at one department when we are in financial straights. I've never seen it happen before and I don't know why we did it now. I really believe that we're making some mistakes here and we're going to hurt people. I don't think that's good for Maine. That's why I didn't support the other motion, because it's just unfortunate the way that we're doing this. I feel like this whole thing, at least for me, has become very unraveled and corrupted. For that I feel sorry. I don't think we should vote in favor of the pending motion. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you Mr. President. As I understand it, this deals with the part of the budget that's going to be the non-profits that run group homes for our mentally delayed, intellectually disabled, I believe that is the correct term now for this group of our population. I'm curious, it's a 5% cut and the cut

is to be made in the people who give the care. Will that take place before July 1st where this is the 2012 budget, or is it one that could be put off until the 13th? Are we going to be telling people, working in the nursing homes or working in the non-profit homes now, that they are without a job at \$8.50, which will certainly just compound the problems we have. I guess the easiest question, because that was a poorly worded question, is; will this be effective by June 30th? When will the people be notified and have the non-profits been notified to be able to plan for this? We worried about the hospitals and CEOs who make lots of money. I'm asking about the non-profits that run this for the people that need it the most and their workers are working for \$8.25 or \$8.50 an hour doing some of the hardest work for people who cannot work for themselves. Except for the grace of God, any of us could be them. Those would be my questions. Thank you, Mr. President.

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. In response to the question. The initiative that's in the budget, as it relates to the developmental services waiver, is in FY 13 savings initiative. It's all in FY 13. While I'm on my feet, in response to the allegation that the two items that make up the content of this amendment, third party liability collections and the rate reduction to providers in the developmental services waiver, thoroughly vetted, thoroughly vetted over two months. Public hearing with 350 people testifying, the providers in the room, every day for two months. Every day communication with the providers on an ongoing basis. As I said earlier, a sub-committee of our committee members and members of the administration that worked with providers to craft the final amended version that you see before us. Let's be very clear. Total transparency on this initiative. Completely open. I challenge anyone to check with any of the members of this provider community to check on the veracity of my statement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, this maybe was discussed at length within the committee based on the entire package. However, I would submit that it was not in any way, shape, or form solidified at all until very recently. This deal, the amendment that was struck that had to do with the hospitals, was only recently brought forward and added tonight. It was not part of the unanimous committee report that came out of the Appropriations and Financial Affairs Committee. That amendment, if it had been, would have been part of the full.

THE PRESIDENT: The Senator will defer. For what purpose does the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Point of Order, Mr. President. I assert that these comments are not germane to the issue before the Body at this time. It is the amendment offered by the Senator from Androscoggin, Senator Craven.

THE PRESIDENT: The Chair would answer in the affirmative. We are under consideration of Senate Amendment "B" (S-380). The Senator will confine her remarks to Senate Amendment "B" (S-380).

THE CHAIR RULED THE REMARKS WERE NOT GERMAINE TO THE AMENDMENT UNDER CONSIDERATION AT THIS TIME.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Indefinitely Postpone Senate Amendment "B" (S-380). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#356)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-380), **PREVAILED**.

On motion by Senator **DILL** of Cumberland, Senate Amendment "C" (S-381) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. If I may please speak to my motion briefly. This amendment restores funding for MaineCare eligibility for parents earning up to 200 of the official poverty line and offsets those costs by essentially emergency room management. I would submit that without the passage of this amendment 14,400 individuals will be taken off a health insurance program that's known as MaineCare. I would submit that this not a good idea. Taking people off a health insurance with hopes that we are going to reduce costs has been proven to be wrong by the Keizer Foundation and numerous other very reputable non-partisan, scientific oriented institutions. We take people who are poor, parents of children who are poor, and remove their health insurance protection, they will get sicker. When they do get sick they will resort to emergency room treatment, which we all know is significantly more expensive. When emergency rooms treat more people without insurance that cost then becomes part of charity care and bad debt because the hospitals cannot collect what they are owed. Then the hospitals

would increase the premiums of those of us who have private insurance or the money is raised through higher assessments on property taxes and the rest of us end up paying significantly more than what we would pay if these people stayed on MaineCare. What's important also to note is that this amendment is paid for by the management of not only emergency room care, which I think managed care should, at least by now, be generally accepted to be a very smart way to reduce the cost of health care, and reform of emergency room and hospital payments. I urge your full consideration of this amendment and ask for your support. Thank you.

Senator **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-381).

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

Senator **ROSEN:** Thank you Mr. President. I appreciate the Senator's offering, putting forth the idea of managing emergency department costs. It's a very timely issue. It is certainly one that the department is already working in on a pilot project which we developed last session. I believe it has been underway in Maine Health. I think there was a discussion related to the managing of emergency room care that both the members of the Health and Human Services Committee and the Appropriations Committee intend to continue to take a look at. Unfortunately, it is, as with so many of these items that we deal with in the MaineCare program, complicated. There are a variety of impacts. It takes a lot of careful consideration to put together a proposal. The amendment doesn't flush out a proposal. It simply has a \$6 million savings with no backup material or understanding of how that is accrued and whether it is realistic, and who will be affected. Although the idea is valid as a broader issue, it is one we're looking at. It is one we intend to pursue. I don't think it's ready for prime time in the form that's been offered tonight and would encourage you to support Indefinite Postponement.

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

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I would just like to respond briefly to the fine remarks by Senator Rosen. I'd just like to point out that there are other aspects of the budget that I believe, you obviously are the experts, and do know that one of the budget is to change a cap on the expenses associated with the non-categoricals from \$80 million to \$40 million. I don't believe that there are any extensive explanations for programs or systems that we can look at that would explain how that is going to be done. There is sort of a leap of faith that we're going manage the care from \$80 million down to \$40 million. I would just suggest that if it's possible for us to go from \$80 million to \$40 million without really knowing what's going to happen that we can keep another 14,000 people, poor working Maine people, on health insurance and have similar faith that hospitals, with all the extra revenue they are going to get thanks to the House Amendment, can manage this cost as well. Thank you.

ENACTORS

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

Emergency Measure

An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government

H.P. 1339 L.D. 1816
(H "D" H-707)

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

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, I'd just like to take a few moments before we take action on the bill that's before us. First of all, I'd like to point out that, as you've seen in the title of this bill, An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force. As you recall, in the biennial budget we had a language section in the budget, KKK, and we had a \$25 million place holder in FY 13. The language in the budget charged a committee be formed, the Prioritized Government Task Force, and set forth recommendations and parameters of how they should approach the job of looking for \$25 million of savings in FY 13. The task force included four members of the Legislature; the Senator from York, Senator Hill, and myself from the Senate Chamber and Representative Martin and Representative Keschl from the other Chamber. It was chaired by Commissioner Sawin Millet and former Commissioner Ryan Lowe. It included members from across the state in terms of prior State legislative service, private sector service, and community leaders. The task force met during the Summer and during the Fall and succeeded, I believe, in the charge particularly well. I want to credit the co-chairs of the committee for leading that effort. It has been an effort that has been largely unrecognized as we have been going forward with the discussion on the DHHS supplemental budget, but it is the bill that is the basis in terms of the document that is before us and it is worth noting the success of the task force. It is not easy to find \$25 million of savings in a year after the budget has been passed that meet the criteria that was set forth in the KKK language. The members succeeded and I'm very proud of their work and was happy to participate in that effort.

We have this vehicle in front of us. We had a public comment period for this report. The Appropriations Committee unanimously accepted and supported the work of the task force. As you know, at the same time we had the DHHS supplemental budget bill. A \$220 million bill to deal with the shortfall in both 2012 and 2013 of the fiscal year. We had, as has been described to you previously by a very able House co-chair, Representative Flood, two challenges before us. One that required very quick action. That was deliberate action to be presented to you in time to make sure that the \$120 million shortfall in DHHS this fiscal

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Indefinitely Postpone Senate Amendment "C" (S-381). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#357)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-381), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-707), in concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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