

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

January 4, 2012 – May 31, 2012

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
 SECOND REGULAR SESSION
 50th Legislative Day
 Tuesday, May 15, 2012

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Joe Campbell, White Pine Community Church, Cumberland.

National Anthem by Brittney Jamieson, Pembroke.

Pledge of Allegiance.

Doctor of the day, Michael Bell, M.D., Cumberland.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 364)

**STATE OF MAINE
 OFFICE OF THE GOVERNOR
 1 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0001**

April 14, 2012

The 125th Legislature of the State of Maine
 State House
 Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2-A of the Constitution of the State of Maine, I am hereby executing line-item vetoes of a number of allocations contained within LD 1903, "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013." These vetoes are included on the attached sheet.

General Assistance is a welfare program that, like most others, has gotten out of control. The amounts vetoed will put this issue back on the table and the Legislature must summon the political courage to fix the program structurally. Hiding from our problems will not make them go away. The Maine people expect leadership and those in Augusta must deliver.

The other vetoes speak for themselves. But real change is needed in the way we do business. We can no longer ignore the problems, we cannot pass the buck, and we cannot kick the can any further down the road. It is time to choose between the entitlement state and the American dream. These vetoes show you where I stand.

We need a profile in courage in Augusta. We must do what is right, without regards to the next election. It is why we all took that solemn oath and that is why I ask each and every one of you for your support on these vetoes. It is, quite frankly, the right thing to do. We can do no other.

Sincerely,

S/Paul R. LePage

Governor

LD 1903 – Line Item Veto

Section A-17.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) General Assistance - Reimbursement to Cities and Towns 0130

Initiative: Provides funding for general assistance benefits.

GENERAL FUND 2011-12 2012-13 **VETO**

All Other \$3,991,196 \$4,297,699 \$0

GENERAL FUND TOTAL \$3,991,196 \$4,297,699 \$0

Reason: Lasting structural changes to Maine's General Assistance Welfare Program are necessary to make the program affordable and sustainable. The funding included in this line item puts off the necessary decisions to restructure the program and papers over the problem, while leaving a \$2.3 million hole in FY13. This approach is irresponsible and does not serve Maine people - it is time for bold action and real change.

LD 1903 – Line Item Veto

Section A-17.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) General Assistance - Reimbursement to Cities and Towns 0130

Initiative: Provides funding in the General Assistance - Reimbursement to Cities and Towns program to bring allocations into line with anticipated resources.

GENERAL FUND 2011-12 2012-13 **VETO**

All Other \$0 \$449,846 \$0

GENERAL FUND TOTAL \$0 \$449,846 \$0

Reason: Lasting structural changes to Maine's General Assistance Welfare Program are necessary to make the program affordable and sustainable. The funding included in this line item puts off the necessary decisions to restructure the program and papers over the problem, while leaving a \$2.3 million hole in FY13. This approach is irresponsible and does not serve Maine people - it is time for bold action and real change.

LD 1903 – Line Item Veto

Section A-17.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) General Assistance - Reimbursement to Cities and Towns 0130

Initiative: Allocates funds for 7 limited-period Family Independence Specialist positions in the general assistance program and for other costs of the pilot program to maximize and expedite the award of federal Supplemental Security Income program benefits for recipients of general assistance and to identify and assist veterans who receive assistance through programs administered by the Office for Family Independence who may be eligible for federal Department of Veterans Affairs cash or medical assistance to access those benefits. These positions are established through June 15, 2014. This initiative is estimated to generate \$1,057,903 in 2012-13 in additional dedicated revenue for the general assistance program. Any dedicated revenue in addition to this estimated level must be used to offset the savings target of the general assistance working group established in this Act.

OTHER SPECIAL REVENUE FUNDS 2011-12 2012-13

VETO

Personal Services \$0 \$469,104 \$0

All Other \$0 \$976,874 \$0

OTHER SPECIAL REVENUE FUNDS \$0 \$1,445,978 \$0

Reason: This proposal anticipates reducing costs in our General Assistance Welfare Program by shifting people to a different welfare program. That is not welfare reform - it is simply box shifting. I do not believe that the solution to Maine's high welfare costs is to send the bill to Washington, DC. We must promote self sufficiency for Mainers and the State alike, not more reliance on the Federal Government.

LD 1903 – Line Item Veto

Section AAA-3.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS) Riverview Psychiatric Center 0105

Initiative: Provides funding to offset a reduction in disproportionate share payments for individuals transferred from jails or prisons, for individuals for whom the court has ordered evaluations and for individuals determined to be incompetent to stand trial.

GENERAL FUND	2011-12	2012-13	VETO
Unallocated	\$0	\$3,176,972	\$0

GENERAL FUND TOTAL \$0 ~~\$3,176,972~~ \$0

Reason: The way Maine funds mental health treatment for prisoners and those found not criminally responsible likely violates federal law. My budget proposed ending this questionable practice. The approach adopted by the Appropriations Committee leaves Maine taxpayers at risk of owing millions of dollars to the federal government. That risk must and can be avoided.

READ.

On motion of Representative CAIN of Orono, **TABLED** pending **PLACEMENT ON FILE** and later today assigned.

The Following Communication: (H.C. 365)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

April 18, 2012

The Honorable Heather J.R. Priest
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

The House of Representatives will not convene to address the Governor's line-item veto of LD 1903, "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013."

We do not have the consent of a majority of members of both parties; therefore, the Legislature will not convene prior to May 15, 2012.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 366)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 13, 2012

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1745, "An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the

Responsibility of the Inspections from the Office of the State Fire Marshal."

The original bill brought forward was intended to reduce the burden on the understaffed Fire Marshal's Office and allow them to refocus on their primary responsibilities. Instead, the Legislature completely rewrote the bill to increase fees when the work could easily be done in the private sector. The final result is that the regulated community will pay more to the State for services it already receives - that is something I cannot support.

Additionally, the Fire Marshal's Office has faced recent funding shortfalls since fees are not coming in as expected. We need to stop trying to fund core state operations on fees alone and recognize that the General Fund should be used for these public safety purposes. It is simply a matter of priorities.

Lastly, the Legislature directs the Department to conduct a massive study with the very limited resources available. The goal of this study is to put forward legislation around private licensing of inspectors. The Department already offered that proposal to the Legislature, which it turned into this bill. It is time for action, not more studies.

For these reasons, I am returning LD 1745 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal

(H.P. 1287) (L.D. 1745)
(C. "A" H-874)

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would encourage you to vote to allow this bill to become a law. While my name is listed as the sponsor here, it's because I agreed to sponsor this for the Department. This was a Department bill that was brought forward to us. It was brought forward to us because the Fire Marshal's office does inspections of amusement rides, which seems rather an odd place for an inspection process to be; however, it has traditionally been there in the Fire Marshal's office on the inspection of amusement rides. The bill asked us to consider whether the Department should go forward and investigate whether or not privatization of this inspection would be appropriate. The committee, in a 12-1 vote of the committee, asked a lot of questions. Twelve to one was the report on the bill as it came out, but we asked a lot of questions about whether privatization was the right direction, whether amusement rides should be over in Professional and Financial Regulation, for instance, where items like tramways and elevators and similar mechanical pieces of equipment are inspected through Professional and Financial Regulation. We were unsure about whether that was the right way to go or not, whether privatization was the right way.

We did hear from the public who received these services that they were very pleased with the kind of services that they were receiving from the Fire Marshal's office, that they had very well qualified, very able and professional individuals doing these. So there is nothing wrong with the inspection of amusement rides which is currently going on. The problem, however, was that the fees that are set in law, the fees that were set in law were not