

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 5, 2012

beginning at page H-1

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following item:

**Recognizing:**

Deputy Randy Staples, of North Yarmouth, on the occasion of his retirement from the Cumberland County Sheriff's Office. Deputy Staples began his career with the Cumberland County Sheriff's Office in 1976 as a bailiff for the Portland District Court and then as a Corrections Officer at the Cumberland County Jail. In January of 1977, he attended the Maine Criminal Justice Academy in Waterville and in March Deputy Staples was hired by Sheriff Charles Thayer as a patrol deputy. During his long career, Deputy Staples served in many capacities, including as a criminal investigator with the Criminal Investigations Division. He was the first detective assigned to the Cumberland County District Attorney's Office as a Domestic Violence Investigator. In 2004, Deputy Staples transferred back to the Patrol Division where he served as School Resource Officer for 4 years, for School Administrative District No. 6 and then for School Administrative District No. 5. Deputy Staples completed his career working as a Patrol Deputy, primarily in the Gray area, until his retirement on January 6, 2013. We send him our appreciation for his many years of dedicated service to the people of Cumberland County and to the State. We extend our congratulations and best wishes to him on his well-deserved retirement;

(HLS 56)

Presented by Representative DION of Portland.

Cosponsored by Senator WOODBURY of Cumberland, Senator PLUMMER of Cumberland, Representative GRAHAM of North Yarmouth, Representative MORIARTY of Cumberland.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand to recognize Deputy Sheriff Randy Staples of, actually Gray, North Yarmouth. I really would like him to be in my backyard and he really is, but he is actually a resident of Gray. He is a neighbor, in my opinion, and a friend. I represent the majority of the community of Gray. Gray is the largest town in Maine without an actual police department. Recently, we have gotten a part-time sheriff from Cumberland County, and Randy did patrol much of Gray during the time, in his 35 years of service, which I think is absolutely awesome. I have to say that I believe a sheriff should be a neighbor, should be a friend. Quite honestly, before I ran for office and became a legislator, police officers are not probably my favorite people. I don't know why. Now they are people that I look to. They drive by, the sheriff's car goes by, a state police officer goes by, I smile because I know they are there for us. I know Randy has been there for his community and for the people of Cumberland County for 35 years. So, with that, I wish Randy and his family all the best, and I have asked him fervently never to move and to stay in our community, and I hope he will always be my neighbor and my friend. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker. I think it is fitting to rise today, Ladies and Gentlemen of the House, given the message we received about justice. Justice does not occur in institutions. It occurs as the consequence of the best intentions and the decisions of the men and women who are out

there today on that thin blue line. That line has no stars. It is a solid blue line of anonymous faces who get the job done every day in our best interest. Deputy Randy Staples represents the best of that line and what it has to offer. Deputy Staples has served five sheriffs, I being just one of them. Today, the sheriff of Cumberland County was one of Deputy Staples's trainees when he was a field-training officer, and this says something about leadership. Leadership does not exist at the top of the organization by itself. Leadership of an organization can only exist by the unsung leadership of those below, who consent to be led and who inform the leader when he is right and, more importantly, when he might be wrong. It is a credit to Deputy Staples that his counsel has been sought and respected and heard by the five men who have occupied the office of sheriff, for we have come and gone and he has stayed to ensure the continuity and the consistency of the service that the citizens of Cumberland County expect. I have been a greater sheriff, not for my effort but for what Deputy Staples has contributed to my individual growth and I will always appreciate it, Randy. Thank you. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE  
Ought to Pass as Amended**

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make 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 Year Ending June 30, 2013" (EMERGENCY)

(S.P. 86) (L.D. 250)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-1)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-1) AS AMENDED BY SENATE AMENDMENT "A" (S-3)** thereto.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-1)** was **READ** by the Clerk. **Senate Amendment "A" (S-3) to Committee Amendment "A" (S-1)** was **READ** by the Clerk and **ADOPTED**.

Representative **STUCKEY** of Portland **PRESENTED House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank all of the members of the Appropriations and Financial Affairs Committee, and especially Representative Rotundo, for the incredible work they have done to bring the unanimous report before us today. I have watched it. It is hard work. It is work most of us could not do. However, some serious problems remain. Dozens of community organizations, hundreds of their employees and thousands of consumers and their families will be hurt by reductions to mental health services, family and child supports, substance abuse treatments, all cuts still in the budget. The problems that these lost services have been addressing will not simply go away. Many, if not most, will resurface in less appropriate and more expensive venues like our child welfare system, hospitals, jails and homeless shelters. Costlier

treatments, poorer outcomes and big cost shifts to more regressive revenue sources. It's a lose, lose, lose.

There are two lines in this budget we should learn from. Those lines propose over \$4 million in new spending for child welfare due to a huge increase in children being taken into state custody. After over a decade of steady decline in our child welfare rolls, we are confronted with this sudden and dramatic increase. We are told the reason is the rise in substance abuse, especially bath salts. Mr. Speaker, I respectfully disagree. The increase is much more the direct consequence of cuts to programs like Home Visiting, Substance Abuse Treatment, Family Reunification, and the Alternative Response Program that were made in the Biennial Budget, this Supplemental Budget before us today is trying to rebalance. Let me be perfectly clear. We have made damaging cuts to programs and services that supported communities, strengthened families, and protected children. It was a mistake. The unsupported families in trouble have fallen apart. The real victims of this poor policy and fiscal decision are the children and families, and all the rest of us will now pay more for poorer outcomes. In this Supplemental Budget, there is real potential for producing more of these shortsighted and not well-vetted and fiscally irresponsible outcomes.

But here is my biggest problem, Mr. Speaker. The original proposed Supplemental and the Biennial Budget it purported to fix were designed to radically shrink the role and responsibility of government in our state and in our towns. It is that simple. Cut, cut, cut, and see what sticks. It's really quite clever. Shrink state government by cutting spending on state finance services, cut state supports to municipalities forcing them to cut services or raise revenues through our most regressive and unpopular tax, the property tax, and, as a finishing touch, cut the Circuit Breaker property tax relief program. Then comes the big distraction, Mr. Speaker. Give tax cuts to everyone. Big ones to the wealthy and little ones to the rest of us, and for most folks, most, if not all, of their income tax cut will get wiped by losses in their Circuit Breaker rebates and increases in their property taxes. Mr. Speaker, we've allowed ourselves to get lost in the weeds. Although the AFA Committee's amendment is a big improvement, it still does not address a very real and imposing contributor to our crisis, the revenue lines that were so radically reduced in the Biennial Budget. Those same revenue lines must be reconsidered to help us fix the problem they helped cause.

I offer my amendment, Mr. Speaker, in the spirit of shared sacrifice. I am asking those Mainers who are faring the best amongst us to bear a little extra responsibility for supporting the way life should be for all Mainers. I am proposing to add a 2 percent surcharge on the 2012 income taxes paid by single filers with a Maine adjusted gross income of over \$200,000 and by joint filers with an adjusted gross income over \$250,000. That will generate just under \$7 million and I am proposing to restore almost \$4 million in cuts to community based services within the Department of Health and Human Services section of the budget, and to return almost \$1.5 million to the Fund for a Healthy Maine. The remaining revenues would be carried forward to the next biennium. Mr. Speaker, I can see you trying to do the math, so let me illustrate. I am asking the Maine taxpayer with a taxable income – that is the gross income minus adjustments, minus deductions, minus exemptions – a taxable income of \$200,000 to pay an extra \$320 to help us out this year. That is about 10 percent of the tax cut she is scheduled to get.

Men and Women of the House, I ask you to join me today in rejecting the notion that government should be starved to death and in reaffirming our belief that we are all in this together, all of

us, and that we have a shared responsibility to and for each other. Thank you, Mr. Speaker. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**.

Representative ROTUNDO of Lewiston moved that **House Amendment "A" (H-2) to Committee Amendment "A" (S-1) be INDEFINITELY POSTPONED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**.

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 Indefinite Postponement of House Amendment "A" (H-2) to Committee Amendment "A" (S-1). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 4

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Campbell J, Carey, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Brooks, Casavant, Chapman, Chipman, Daughtry, Dickerson, Evangelos, Hamann, Harlow, Hayes, Hickman, Jones, Monaghan-Derrig, Moonen, Morrison, Noon, Peoples, Peterson, Rykerson, Saucier, Stuckey, Tipping-Spitz.

ABSENT - Bolduc, Campbell R, Devin, Kent, Kumiega, Long, McGowan, Russell.

Yes, 121; No, 22; Absent, 8; Excused, 0.

121 having voted in the affirmative and 22 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-2) to Committee Amendment "A" (S-1) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-1) as Amended by Senate Amendment "A" (S-3) thereto was ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-1) as Amended by Senate Amendment "A" (S-3) thereto in concurrence. ORDERED SENT FORTHWITH**.

#### CONSENT CALENDAR First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 21) (L.D. 32) Bill "An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists" Committee