

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

Bill "An Act Regarding Legal Representation in Certain Eviction Actions"

(S.P. 230) (L.D. 640)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Improve Enforcement Mechanisms to the Elver Industry and To Make Technical Changes to Maine's Marine Resources Laws"

(S.P. 222) (L.D. 632)

Bill "An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry" (EMERGENCY)

(S.P. 233) (L.D. 643)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways"

(S.P. 221) (L.D. 631)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Resolve, Authorizing the Estate of Mitchell A. Kessler To Bring Suit against the Department of Health and Human Services

(S.P. 225) (L.D. 635)

Bill "An Act To Strengthen the State's Wholesale Liquor Business" (EMERGENCY)

(S.P. 234) (L.D. 644)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS Emergency Measure

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

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

(S. "A" S-3 to C. "A" S-1)

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

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of our budget and in support of the dedicated work of the Appropriations Committee. As a veteran member of the committee, I can say with experience that no budget, especially in tough economic times, is ever easy. Yet our team of talented

and tireless lawmakers never balked, never hesitated and never stopped working for the people of Maine, the veterans, the seniors, the families that depend on us to do our jobs so that they can do theirs. I am deeply grateful to the work of all of our Appropriations members. I would like to give a special thanks to my co-chair, the Senator from York, Senator Hill, and to my lead Republican counterparts, the Representative from Wells, Representative Chase, and the Senator from Kennebec, Senator Flood, for their commitment to bipartisanship and civility. It is this commitment that held our team together and kept us working to find common ground, even when we seemed far apart. I also want to thank the wonderful staff of the Office of Fiscal and Program Review, especially our amazing lead analyst Maureen Dawson. I would like to thank the Revisor's Office as well as the members of the administration who worked with us to get us to where we are today.

As with any unanimous budget, no one gets everything that he or she wants. Our committee worked late into the night and around the clock to find savings so that we could restore cuts to the programs like Drugs for the Elderly, that helps seniors pay for their medicine, and to ensure that the Meals on Wheels program that feeds so many struggling Mainers could continue. We have worked to make sure that teachers who have worked for decades in our school system didn't lose their only source of retirement in the cost of living adjustments, and we made sure that cuts to the hospitals were restored. While we were disappointed that we fell short of restoring cuts to our schools, it only strengthens our resolve to do better the next time.

While this budget gap represents 2.4 percent of the total two-year budget, each dollar has tremendous significance to the lives of the Maine families, schools, seniors and veterans who depend on them. It is also a reminder that we must put an end to a cycle of budget gaps that have plagued our state and so many others during these tough economic times. We must strengthen our economy and rebuild our middle class. Again, I thank all of the Appropriations Committee members for their hard work on this Supplemental Budget and I ask for your support for the budget that is before you today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of LD 250. Simply put, we have a constitutional mandate to keep our budget balanced. As a supplemental budget, that is the vehicle used to make corrections during a biennium to adjust any imbalance that may have occurred and that is what LD 250, a supplemental budget proposal, does today. It brings us back in balance. The Appropriations Committee worked well together in a bipartisan effort to arrive at a budget that our committee could vote out unanimously. I especially want to thank our good chairs, Representative Rotundo and Senator Hill, and all the members of Appropriations for their good work.

As in any budget proposal, there are things you like and things you don't like. Overall, however, LD 250 gets the job done, balances the budget, and was done with input and agreement from both sides of the aisle. I ask that we all vote to Accept the motion in front of us and support a good effort by many. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise too in favor of the pending motion. The budget before us is a result of hard work by the Appropriations Committee. I want to express our thanks to them, to all of them. They were dealt a difficult hand.

Their tireless work, determined negotiations and willingness to make the tough – but necessary – decisions got them to a unanimous decision on this budget. Their demonstrated dedication bodes well for all of us as their focus turns to the even larger task of the Biennial Budget. I believe Maine people have high hopes for their work on the Biennial – and that it will be a budget that finds efficiencies, is based on a fair tax system and it takes a balanced approach rather than being built on tax shifts. We cannot afford to continue down the path of short-term cuts that do not address our fundamental, ongoing budget problems and can only lead to longer term cuts in the future. We need an approach that helps us grow our economy and our middle class.

Today, however, we must be both resolute about the future and realistic about the present. It's time to honor the hard work of our Appropriations and Financial Affairs Committee and to approve their unanimous Committee Amendment. Mr. Speaker, when the vote is taken, I request that it be by the yeas and nays.

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**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to, first of all, thank the members of the Appropriations Committee who worked many long hours, nights, evenings, weekends to work out a compromise which is not a perfect solution, but it's a solution that does achieve what that is required by the Constitution. We have much work ahead in the committee and I think this bodes well for the work that needs to get done for the upcoming Biennial Budget and I ask members to follow my light in supporting the budget.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion before us. We had some important wins in this Supplemental Budget, however, from the point of view of education, we weren't able to correct the Chief Executive's \$12.5 million cut to General Purpose Aid or correct the fundamental unfairness of exempting charter schools from that curtailment. We are also concerned that \$14 million in money from Oxford Casino profits were diverted from education to cover this budget shortfall. In the next budget, we have to do better than this. We have to build up our public education system rather than seeing it curtailed, and I say this in full recognition of the fact that it's our public education system, which will be the engine of growth for us, that will help us build a strong economy and a stronger middle class. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. I rise to say I also support the bill and I thank the work of the Appropriations Committee and all other committees involved in the process, but I wish to speak at one particular thing that I find a bit of a bother. Yourself, Representative Noon and I, we share a school district, Noble High School and all the subgroups in North Berwick, Berwick and Lebanon. I have been informed that, as part of the cuts, what we see are an expiration of the EXCEL program, which includes 15 positions for teachers, more than 185 students affected by this. I, myself, when I was younger, was not part of the EXCEL program due to, unfortunately, a hole within the system that let me go, but I was fortunate enough to have a teacher who had a forward-looking objective in saying that maybe

I should be able to work in advance of the class. Thankfully, that teacher gave me that opportunity. But at the higher levels, with so many students in greater sized schools, those opportunities do not exist and when we make these decisions, yes, hard and needed, for a balanced budget, what we're doing is we're taking away opportunity from these students who could benefit greatly from the advancement that programs such as EXCEL offer. We also see the cancelling of all school intramurals at our schools, mostly middle and elementary, come this spring. Begrudgingly I will vote in favor of this bill because it is the necessary duty that I hold, but I wish that the opportunity voters gave us should not lead to the limitations of their opportunities at our dispense. I thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. That took my mind off track. I totally agree with the good Representative who spoke before me. My concern is education. My concern is GPA. But I have an overriding concern and that's what I told the voters when I came down. I came down here with the hopes, as an Independent, to be able to watch and recognize when people from both sides of the aisle work together to present us with a good document. I intend to vote yes on this and that is the reason why, is that I see some good working relationships, both sides of the aisle, and I credit both leaders. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the pending motion. I am glad that the Appropriations Committee was able to send us this budget, one that vastly improved from what the Chief Executive originally proposed. The committee was faced with a daunting task of addressing a \$153 million shortfall. The difficulties posed by the Supplemental underscore fundamental problems that need to be addressed. We have ongoing budget problems in the state, problems that simply cannot be fixed with short-term cuts that will only result in additional costs for us down the road. We need a balanced approach. We need to look hard for efficiencies, and we need a fair tax system that doesn't stymie our efforts to rebuild the middleclass, the key to growing our economy. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This budget is, as all budgets are, a compromised budget. It represents the best agreement we could obtain on the difficult issues that were presented before us. Unfortunately, we are unable to constrain the growth of many of the expenditures in programs in DHHS that are taking much needed money away from other important programs, as other Representatives have addressed. Nonetheless, as a member of the Appropriations Committee, I stand in full support of the budget and urge people to follow my light. Thank you.

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. 5

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, 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, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, 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 - Chapman, Chipman, Dickerson, Evangelos, Harlow, Hickman, Jones, Kaenrath, Morrison, Peterson, Powers, Saucier, Stuckey, Tipping-Spitz.

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

Yes, 129; No, 14; Absent, 8; Excused, 0.

129 having voted in the affirmative and 14 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative ROTUNDO of Lewiston, the House adjourned at 1:21 p.m., until 10:00 a.m., Tuesday, February 26, 2013 pursuant to the Joint Order (S.P. 235) and in honor and lasting tribute to Mabel-Roxie Moore Smith, of Farmington and the Honorable Elaine Fuller, of Manchester.