

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

Bill "An Act To Adjust Fuel Taxes To Improve Sustainability"  
H.P. 433 L.D. 614

Bill "An Act To Encourage Local Business Involvement in Local  
Schools"

H.P. 443 L.D. 624

Come from the House, **REFERRED** to the Committee on  
**TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to  
the Committee on **TAXATION** and ordered printed, in  
concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Abolish the Maine Turnpike Authority and Transfer  
Its Functions and Duties to the Department of Transportation"  
H.P. 407 L.D. 588

Bill "An Act To Strengthen the Law Regarding Texting and  
Driving"

H.P. 408 L.D. 589

Resolve, To Include Questions about Texting on the State's  
Written Driver's License Examination

H.P. 409 L.D. 590

Bill "An Act To Amend the Laws Governing Motorcycle and  
Moped Permits"

H.P. 410 L.D. 591

Bill "An Act To Expand the Authorized Operation of All-terrain  
Vehicles on Roads"

H.P. 439 L.D. 620

Bill "An Act To Change the Tolling on the Maine Turnpike"  
H.P. 440 L.D. 621

Come from the House, **REFERRED** to the Committee on  
**TRANSPORTATION** and ordered printed.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the  
Committee on **TRANSPORTATION** and ordered printed, in  
concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Amend the Laws Dealing with the Purchase of  
Wine Online"

H.P. 411 L.D. 592

Bill "An Act To Amend the Law Concerning Landlord and Tenant  
Relationships"

H.P. 425 L.D. 606

Bill "An Act To Make an Employee Who Sells Alcoholic  
Beverages or Tobacco to a Minor Responsible for Paying the  
Fine"

H.P. 426 L.D. 607

Bill "An Act To Assist Maine Businesses Paying Taxes on Spirits"  
H.P. 427 L.D. 608

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the  
Committee on **VETERANS AND LEGAL AFFAIRS** and ordered  
printed, in concurrence.

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

**ENACTORS**

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

**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)

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

Senator **HILL:** Thank you Mr. President. Men and women of the  
Senate, before us is L.D. 250, the Supplemental Budget. It brings  
us in balance until the end of this biennial year June 30<sup>th</sup>. To  
frame up the work we did and what we have before us, I wanted  
to bring your attention to two points that stayed with me  
throughout this process. At \$153 million, this represents only  
2.46% of our biennial budget and yet, my second point is, that  
given its size, it still was thoroughly vetted by the Appropriations  
and Financial Affairs Committee. There were long hours and we  
came up with insightful solutions where possible, because often  
we couldn't find some. All of these went into the final version.  
We did some good things here. We minimized impact of the  
losses of direct services to our elderly, to our sick, and to our  
disabled and we met our constitutional obligations. Very  
important things, all of the above. Because of Maine's economy  
and because of the national economy, often we found ourselves  
between a rock and a bigger rock. We were forced to go into

nooks and crannies and look for money in all sorts of places. Sometimes we had success. Often we didn't. We met with disappointment regularly and we did the best we could with the options we had. We tried to remedy the initiatives as best we could that were unsavory to us. I hope you will appreciate the work of this fine committee. I want to go back to my point in the beginning, which is that this is just approximately 2% of the biennial budget. It's temporary. We only have four months that this will be in effect. Truly, we need to get past this and get to the larger bill, the biennial budget. We've got to get it in balance and we have to move forward to FY 14 and FY 15. It is our obligation. It's our duty. I can't end the process we're in today and begin starting the other process without first recognizing those who played an incredibly important role in getting here in terms of the process and as well as the final product. I have to show my great regard and honor for Senator Flood. He is wonderful to work with. Senator Cain was there all the time for us. As Senators, I have to say I'm especially proud of them. Their demeanor and attitude are always exemplary. I mean that. It was always, through this entire process. The Appropriations Committee, as a whole, both Republicans and Democrats alike, I was proud of them and I said that several times, several times on mike and several times in the back rooms where we worked so hard. They always were professional. They worked really hard and they met the aim of finding common ground and so we put out a unanimous report even though this is a pretty complicated bill despite its smallness compared to the rest of the biennial budget. Then I have to tell you, I have to thank the Commissioner, Sawin Millett, and his staff because they stayed with us day in and day out and they gave us good information and they gave us guidance. Sometimes they were really happy with what we did and other times they weren't quite so happy, but they were steadfast with us and that was really important. Just in summary, I want to tell you that it was pretty clear to me that you came to this committee, the Appropriations and Financial Affairs Committee, and said, "We need you to do the job." I'm here to tell you we did the job and I'm here to tell you now I need your vote for it. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Flood.

Senator **FLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to start by saying that you have an outstanding Chair of the Appropriations Committee. The Senator from York, Senator Hill, did a great job at making us all very comfortable with our roles and treating us all as equals and running a very good process and keeping the distractions that tend to impact us to a minimum. I want to thank her for that. In the House, I wanted to say to my longtime friend, the Representative from Lewiston, Representative Rotundo, and thank her for her leadership as well and to thank my co-leader in the Republican caucus, the Representative from Wells, Representative Chase, for all their leadership and the good working relationships that we all worked to establish. I want to also say that my committee seatmate, the Senator from Penobscot, Senator Cain, provided several breakthrough innovations during this deliberation. I want to be sure that we acknowledge the help that she provided to us. Like what Senator Hill said, the OFPR staff, Commissioner Millett and the staff, were with us throughout and they did a great service to us by listening and responding to our concerns. My initial thought in December

regarding this bill was that it should be relatively straight forward. It actually was from the standpoint of getting it done on time and working through it productively. I think it was fairly straight forward. I'm not using the word easy, but everything about the bill, actually from beginning to end, was actually quite predictable and very normal. There were a few unique aspects of the bill that I thought were very interesting and indicative of some things that I'll mention in my closing comments. Supplemental budget bills like this always have unique characteristics. They always require speed. They require short term fixes, transfers, curtailments, spending reductions, and things that are of a very short term nature to achieve a balance by year end. Like all budget bills, they tend to have broad impacts across State agencies and local governments and they are all imperfect. There is probably something for everyone to dislike, but a unanimous bill out of the committee is the objective and that way we can hopefully achieve an emergency support in both Bodies. We did achieve the unanimous committee report, but I wanted to say that a significant factor in achieving that was that so many of the Joint Standing Committees gave us unanimous reports. Where there weren't unanimous reports, there were many unanimous votes.

I thank all of you in this Chamber for the part that you played in helping us. I wanted to let you know also, from my perspective, the Appropriations Committee atmosphere is excellent. Again, that is a testament to the good work that Senator Hill has done. There are very good working relationships that I think are going to stick with us right through all the other work that we must do. Very thoughtful individuals on that committee and I'm very very proud of them. I want to thank the Chairs certainly, but I also want to take the time to thank the leaders in this building, particularly you, Mr. President, for allowing the committee to do its work as constructively as possible and helping us when we sought help. There were several times when we needed help from our leaders and they provided it. It was just what we needed at just the right time. The committee doesn't have the option of voting Ought Not to Pass, not on budget bills. It is vital that we have a continuous and favorable work climate that enables us to agree on a final, but imperfect, product. Our leaders helped us and I want to acknowledge that. From an appropriator's view point, there were two unique things about this supplemental budget worth pointing out. Both, to me, indicate severity.

I've been on the committee for now my seventh year and for the first time in my memory we did not appropriate the full amount requested by the Executive Branch. We actually appropriated \$2 million less than requested because we simply could not feel comfortable removing those \$2 million from other arms of government. That is fairly unique. We granted greater than normal authorization to the Executive Branch to actually try to find these funds between now and June 30<sup>th</sup> if they were necessary. The second thing worth pointing out as an appropriator is that we pulled the Budget Stabilization Fund down to only several million dollars. That was certainly a step none of us, including our Commissioner, wished to take. That is also a step indicating severity and it's worth pointing out. In that regard, we also created a mechanism to help replenish the Stabilization Fund much more quickly than usual. I thank the committee and, again, particularly Senator Cain for working on that procedure. Finally, the committee felt strongly that the cost of living process developed for our State retirees two years ago was a fundamental part of the pension reforms of 2011. Therefore, we could not concur with the Executive Branch to eliminate what had been referred to as ADHOC Cost of Living Adjustments for our State

retirees. This supplemental budget provides that retirees will receive the appropriate cost of living changes to their pensions in the next two years.

Mr. President, I thank you for the opportunity to speak in support of the amended version of L.D. 250 that is before you. Again, I want to thank Senator Hill and all the leaders and all members of this Body for your roles in preparing the amended version. I seek your support today. Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise to urge your support and thank you in advance for that support of this supplemental budget. L.D. 250 is only focused on this fiscal year, between now and June 30<sup>th</sup> of 2013. Thanks to the work of your committees and the work of our committee in the Appropriations Room, it does the job of balancing the current fiscal year in a way that is thoughtful while keeping our promises from prior budgets to retirees, maintaining services to those in crisis or needing substance abuse services, minimizing impact to municipalities, and prioritizing replenishment of the Budget Stabilization Fund with available resources at the end of the year. Really this budget is just a warm up budget. It is to get us ready for the immense work that we have ahead of us in the biennial budget. It is my sincere hope and intention that we will find ourselves in a similar place a few months from now, coming together on the next budget. I add my thanks to the members of the Appropriations Committee from the other Body and to the good Senator, and my friend from Kennebec, the good Chair, the Senator from York, to the amazing staff of the Office of Fiscal and Program Review, Commissioner Millett and his team, and to joint legislative leadership. Thank you again in advance for your support of L.D. 250 today. I urge you to join us in supporting this budget. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of this document as well. First let me acknowledge the tremendous work that has gone into it and thank Senator Hill, Senator Cain, and Senator Flood for the hours that they've spent clearly understanding and working through the issues that were before us. This supplemental budget closes a substantial structural gap that we were facing when we arrived here in January. I appreciate the amount of work and thought that has gone into it. With that said, we all recognize that this committee faces a daunting task in front of them when we tackle the biennial budget. There are still many, many tough decisions to be made during that deliberation and we're going to have to make some really tough decisions trying to right-size state government and setting priorities that are going to be a challenge to many of us. With that said, we need to make sure that we have a government that we can afford, a state government that we can afford, without asking Mainers, working families, for a bigger portion of their paychecks. Thank you, ladies and gentlemen.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today first to thank the hard work of the committee members of the Appropriations Committee. You worked, as I think it has happened in times prior, I believe six times prior, to come together and had success. At times there have been disagreements. Overwhelmingly, even with these challenges on supplemental budgets, all except for one I believe over these last two years, we have come together to have a strong result and it has been bipartisan in fashion. That being said, we were able to make great progress and resolve some of the differences that we had with the Executive Branch based on his proposal. We were able to make strides with retirees. We were able to make strides, as we heard earlier both from Republicans and Democrats in this Body, around those in crisis. We also were able to make progress in drugs for the elderly based on a proposal that was put forth in front of us. One area though we must not lose track of as we go forward is about investing in our future. The foundation for which our economy will be based on is our children and education. I hope we will work together as we move forward in the biennial to make sure we realize that GPA dollars, the dollars that we send back to our educational facilities, are of great value to our future economy, to our kids, and really everything that we do here. It all relates back to education. Yes, we will have differences, but we can work together to solve these great challenges and make progress. States around the country are grappling with this and we must grapple with this issue too as we move forward. On that note, I would encourage all of us to support this budget and, with the votes in this Legislature and the stroke of the pen by the Chief Executive, we will have balanced our budget and solved this constitutional issue and fulfilled our duty. Now it will be time to get to work on the upcoming two-year budget. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

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Senator **YOUNGBLOOD** of Penobscot was granted unanimous consent to address the Senate off the Record.