

MAINE STATE LEGISLATURE

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to this bill. We talk a lot up here about behavioral health. This is just incredible to know that someone can sit and drink and then buy a couple to go and you know, people I know that buy a beer or two to go will crack one in their car on their way home. It's not a good bill. I'm going to vote against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker, Men and Women of the House, plain and simple this is a carve out. Mr. Speaker, could I have the Clerk read the Committee Report please?

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to answer part of the question previously posed. I just want to remind everyone in the House that anyone who's serving or selling alcohol always has the right to deny that customer the service if they feel that the customer is intoxicated.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **BEAVERS**: Thank you, Mr. Speaker, if you buy a six pack at the grocery store, you can crack that open on your way home, too. I mean, this makes no sense to me.

The SPEAKER: The Representative from South Berwick, Representative Beavers, has posed a question through the Chair to anyone who may care to respond.

A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 558

YEA - Alley, Austin, Babbidge, Bates, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Harrington, Hawke, Hickman, Higgins, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Short, Sirocki, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Battle, Bickford, Bryant, Chenette, Crafts, Dillingham, Dunphy L, Espling, Fredette, Greenwood, Hanington, Hanley, Head, Hilliard, Hobbins, Kinney J, Kinney M, Long, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Pickett, Pierce J, Reed, Sanderson, Seavey, Sherman, Stearns, Stetkis, Timberlake, Timmons, Turner, Wadsworth, Wallace.

ABSENT - Gillway, Herbig, Herrick.

Yes, 109; No, 39; Absent, 3; Excused, 0.

109 having voted in the affirmative and 39 voted in the negative, with 3 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-355) was READ** by the Clerk and **ADOPTED.**

Under 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-355) in NON-CONCURRENCE** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)** on Bill "An Act To Provide Funding to the Maine Budget Stabilization Fund" (EMERGENCY)

(S.P. 647) (L.D. 1606)

Signed:

Senators:

HAMPER of Oxford

KATZ of Kennebec

VALENTINO of York

Representatives:

ROTUNDO of Lewiston

FREY of Bangor

GRANT of Gardiner

JORGENSEN of Portland

MARTIN of Eagle Lake

SANBORN of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-465)** on same Bill.

Signed:

Representatives:

NUTTING of Oakland

SIROCKI of Scarborough

TIMBERLAKE of Turner

WINSOR of Norway

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) AS AMENDED BY SENATE AMENDMENT "A" (S-467)** thereto.

READ.

Representative ROTUNDO of Lewiston moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

Representative **ROTUNDO**: Mr. Speaker, Men and Women of the House, just like a family which has to take stock of its expenses mid-month to make sure it's on track, every other year, the State of Maine has to take an honest look at how our budget is measuring up to the reality of the needs facing our state. The supplemental budget is designed to close the gaps. What emergencies didn't we plan for that we have to address now?

This year, Maine has seen both a growth in revenue and new, desperate needs in our communities. We've already made some progress in passing bipartisan bills that will combat the drug crisis, fund our schools, support our businesses, and prevent property tax increases. But there are other serious needs before us that require our immediate attention. This supplemental budget is a true compromise, which responsibly addresses some of the emergency needs in our state, from strengthening Maine's workforce in a time of increased uncertainty to protecting our homeowners and communities from rising costs, to giving those that serve our most vulnerable the tools they need to take care of their own families.

This budget proposal is a reasonable way to fund smart policies that we can all feel proud standing behind. And just as important, this proposal saves \$45.5 million, the vast majority of the expected surplus, in the Rainy Day Fund so that we can plan for our needs in the future. A significant amount of the \$11 million in new spending comes from the fact that two proposals submitted by the Chief Executive, which we've included, because they received strong bipartisan report.

The supplemental budget doesn't include every Democratic priority. It doesn't include every Republican priority. But from having nothing to something, we've been able to broker a compromise that encompasses our common ground and helps us to move forward. To the AFA Committee members who helped forge this compromise, I thank you for your hard work and dedication in spite of the frustration all 13 of us experienced along the way. I also want to thank the staff in the Revisor's Office and in OFPR who gave up their weekend to get this bill to the floor this evening. The staff is always gracious, patient, professional, and helpful no matter how exhausted they are. Finally, I want to thank our principal analyst, Maureen Dawson, who must put in longer hours than anyone else in the State House, and I thank her on behalf of our committee for her tireless work on our behalf.

The amended bill before you this evening addresses needs that should not wait until January to be fixed. Maine's law enforcement officers who face dangerous situations every day deserve fair wages. Direct care providers should be able to find and keep skilled workers, who take care of our seniors and Mainers living with a disability. Riverview employees should be able to go home to their families at the end of their shift instead of working overtime to cover the gaps caused by low wages. Our property taxpayers should not have to foot the bill for jails, who continue to receive less state funding.

Telling my community they will have to wait until January before any help comes to them isn't an option for me and it shouldn't be for you. It's time to address the emergencies before us in a smart way while saving for the future. I urge all of us to come together in passing the supplemental budget proposal. Thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Norway, Representative Winsor.

Representative WINSOR: Thank you, Mr. Speaker, Men and Women of the House, I thank the good Representative from Lewiston, and I do agree with her in some points and disagree with her in others. I certainly want to thank our staff for their hard work and I also want to thank my colleagues in the Democratic caucus for their courteous and kind behavior with us.

I disagree that we have an emergency, however, and I think that I have to note that only nine months ago, we passed a 24-month budget that included more than \$300 million worth of additional spending. If we reject this bill, nothing will happen. The sun will rise and set as scheduled and life will continue. Our government will continue to provide services to its constituents, to our constituents. But I have to say that there are many things in this budget that I think that I agree with, as do my colleagues and I would support them if I could vote on them individually. But in total, I think there's just too much new, and perhaps, unemergency spending in this particular proposal.

The major concern in my caucus is taking on additional spending at this time. This a time for us of uncertainty. We are about to face two referendum votes this fall, which may, and I believe will, have significant impact on our state's revenue. We are told that there may be two more mills closing, as well as a large wafer manufacturing facility in South Portland. These together, with changes in labor law and tax law, mean to me that we should be careful about taking on additional spending and programs. I do believe that we could redirect existing funding and that if we could do that, we would be able to accomplish many of the causes that our colleagues would like, that we agree on. For example, everybody agrees that the police officers should have raises and the Chief Executive has provided a plan to do that without additional resources or spending.

The next Legislature will return here in approximately 11 months. We believe at that time, there will be more certainty in the state's revenue situations, as well as a better understanding of the needs of the various departments. It will give us time to truly vet the proposals before us. And so, Men and Women, I urge you to reject the current motion before us so that we may approve so that the Appropriations Committee may continue its work. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative McCABE: Thank you, Mr. Speaker, Men and Women of the House, I was sitting here showing the good Representative from Freeport, Representative Gideon, a message I received from a member of the law enforcement community, a member who's not here tonight, probably listening, not here because the type of job that they have would not allow them to be in the hallway and to lobby us on the measure that's before us. The message was in regards to leadership, showing leadership, thanking many of us for providing leadership this session. And I step back for a moment and I think of a meeting I had very early on with my sheriff. Came here to meet with us to ask for assistance for the county jail.

So, I think tonight as we take this debate, it's important to talk and it's important to talk because there's people who are listening. They are wondering. There's no cameras really here today. There might be one or two. This might be picked up by Maine Public Broadcasting. But I think of, probably, the thousands of people that are listening around the state. They're listening because what we have put forward is what they expect us to put forward: a bipartisan compromise that shows our values, sets priorities, and uses resources that we have in the State of Maine in an effective and efficient way.

So a lot has not been talked about in regards to what is actually in this bill. So let's talk for a minute. I look at this bill, it talks a lot, it should talk a lot, it includes things about recruitment and retention. There's pieces in here from LD 1645, a bill sponsored by the Senator from Augusta, Senator Roger Katz, "An Act To Address Employee Recruitment and Retention Issues" here for the State Mental Institution. Unanimous Report. No roll calls. Testimony on this bill, the good Senator from

Augusta, Senator Katz, also had support from a member in our body who testified, Representative Malaby, in support. Also on this bill, language from LD 886, sponsored by the good Representative from New Gloucester, Representative Espling, co-sponsored by yourself, Mr. Speaker, "Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services." Unanimous Report. No roll calls. Seems like a slam dunk. Testimony from the good Representative from New Gloucester, Representative Espling. Also in this bill, LD 1653, good Representative from Newport, Representative Fredette, "An Act Implementing the Pay Increases for Certain Law Enforcement Employees To Aid in Recruitment and Retention." Let's talk about this one for a second. Unanimous Report. No roll calls. Testimony from a number of folks, Senators and Representatives from around the state.

Last night I had an opportunity, I attended an event at my local high school for elementary students. A number of those elementary students got up, they spoke, they want a career in law enforcement. Really powerful experience. I was pretty excited. Young Carly McCabe decided she wants to be an actress. A number of students from Skowhegan want to be diesel mechanics. But there was a number of young men and young women there who wanted to become police officers. I had an opportunity to go out in the hallway while we ate some cake, had some punch, celebrated those students.

I talked with a state trooper, someone I've known for quite some time, probably going on 15 years. I talked to him about how things are going and he said, "You know, to be honest, things aren't really going that well," based on our actions in this body. It's not very good for morale right now. I talked a little bit more. He's done very well. He's had a lot of opportunities, and I can see this person moving up in the ranks. He said, "If I'm going to move up, Jeff, the next promotion would mean that I would probably lose about \$20,000 a year." That's a real problem. He said, "Will we have your support?" I said, "I'm there. I've been on board since the beginning." Mr. Speaker, I believe you and I talked months ago. We said we're going to do what it takes to get this done.

So, moving on, LD 1523. This is a bill sponsored by Senator Davis. Senator Davis understands a little bit about being in law enforcement. He also understands what the challenges are. This is a "Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel." This is a big one. I just spoke about the needs to this one. Unanimous Committee Report. In the House it passed 142-2. Seven people were absent. Strong vote on that one. Testimony on that bill included folks from this body. The good Representative from Winslow, Representative Nadeau, good Senator Davis himself in support. Senator Davis is somebody that's a smart man. He has a lot of institutional knowledge. He's someone we should follow.

Moving on. Let's talk about property tax relief. I think we talk a big game, Mr. Speaker, when it comes to property tax relief. LD 1614. This is a bill right here. This is a no brainer for me, Mr. Speaker. This is just what my sheriff wanted me to pass. This bill is included in this supplemental budget. It's a "Resolve, To Provide Funding to the County Jail Operations Fund." All sorts of Members of this body and the other body supported this, Mr. Speaker.

Also in this bill, let's talk about supporting Maine health care providers. LD 1638, sponsored by somebody from this body, the good Representative, Representative Malaby. It's an increased payments to MaineCare providers that are subject to the Service Provider Tax. It's a great bill, Mr. Speaker. It's very important moving forward.

Let's jump down a little bit to LD 1150, sponsored by the good Representative from Lewiston, Representative Brooks. This is a good one, right here, Mr. Speaker. I have a Main Street business, actually just had an expansion recently. It was a pharmacy. Anything I can do when it comes to local pharmacies, I take that opportunity and I jump. Right here is "An Act Regarding the Maximum Allowable Cost Pricing List Used by Pharmacy Benefit Managers." This is another great bill right here. Had support here. Testimony by folks on the other side of the aisle that testified in favor of this bill. Good bipartisan effort.

Lastly, Mr. Speaker, before I move on, I just want to draw everyone attention. We hear a lot about retaining young people in this state, Mr. Speaker. Everyone's worried about young people leaving the state after college. Anything that we can do in this elected body, Democrats and Republicans working together to make sure that young people stay in this state after college, want to make this a great place to live, we should do. I hear a lot, the Chief Executive talks about doing things for students, doing things for college graduates, lowering the debt for those coming out of college, and here's an opportunity, Mr. Speaker, right here. In this bill, it includes LD 1587. This is an Act sponsored by the good representative from Franklin County, Senator Saviello. This is "An Act Regarding the Education Opportunity Tax Credit." Unanimous Committee Report. No roll calls.

So, here we are, Mr. Speaker. The good people of the State of Maine, those folks that protect us, those folks that work at places like Riverview, places like Dorothea Dix, people that do the jobs that many of us would not want to do, are asking for us to step up. They're asking us to step outside of our party labels today. They're asking us to leave those at the door. They're asking us to take a strong stand, send a message that we can work together, we can find compromise, we can find common ground, and we can move important issues forward, Mr. Speaker.

So when we take this vote today, it's a simple one for me. I've stated why I'll support this. I hope that others will join me. I hope that this becomes a bipartisan effort. I hope that we pass this bill, we send it down to the other body, we get this bill back, we take another strong vote, and we move on. We move on, we send a clear message to the State of Maine that we can work together, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson,

Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Gillway, Herbig, Herrick.

Yes, 82; No, 66; Absent, 3; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-464)** was **READ** by the Clerk. **Senate Amendment "A" (S-467)** to **Committee Amendment "A" (S-464)** was **READ** by the Clerk and **ADOPTED**.

Representative STUCKEY of Portland **PRESENTED House Amendment "B" (H-642)** to **Committee Amendment "A" (S-464)**, 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 and Men and Women of the House, I want to be very clear that I really appreciate our leadership and our colleagues on the AFA Committee and their steadfast and bipartisan commitment to doing what's right for the people of the State of Maine in this somewhat unusual supplemental budget.

My amendment is very simple. It proposes doing two things to support and improve the quality of life for two other important groups of Mainers. The first thing this amendment does is increase the monthly allowance of MaineCare residents of nursing and residential care facilities by \$10 and \$20 a month, from \$40 to \$50, and \$70 to \$90 a month, respectively. Mr. Speaker, these are folks who have spent down all but the last \$2,000 of their savings, and maybe that used car in the parking lot that they hope to give to their granddaughter when she graduates from high school.

This personal needs allowance is the only other money they have. People use it to pay for things like long distance telephone service, cable television, haircuts, clothes and shoes, special shampoos and hand creams. Residents who can still get up and get out use this modest allowance to go out to lunch, go to the movies, get ice cream, visit a museum. Residents who cannot get up or get out may authorize a family member or friend to use their personal needs allowance on their behalf, allowing and ensuring that funds meant for her are spent for her. And, Mr. Speaker, unexpended funds are escrowed, and subject to settlement.

Mr. Speaker, this allowance has not been increased since 1985. And the cost of this increase to over 8,000 people is \$1.5 million a year. The second thing this amendment does, Mr. Speaker, is to increase the spending cap for individuals covered by Section 29 MaineCare. As I'm sure you remember, led by the efforts of then Senator Flood and Representative Chace, we expanded in the last Legislature, services allowed under the MaineCare Section 29 waiver to include home supports, assistive technology, and career planning. These services, added to the existing community and work supports, are designed to allow consumers to remain at home in their community. That's what many consumers and their families want to do, and it's less expensive.

However, what we did not do last session, Mr. Speaker, was increase the reimbursement cap for Section 29 recipients. So they now have the menu of choices they need to live and work in their community, but their allowance may not be big enough to pay for the services they need. That's when they have to apply for Section 21.

With bipartisan support in the budget, in the last year, the Department of Health and Human Services has been able to

eliminate the waiting list for Section 29 services, and the Priority 1 waiting list for Section 21 services. That's great news, Mr. Speaker. However, there are still over 1,200 people on the Priority 2 and Priority 3 waiting lists for Section 21. And of that 1,200-plus, over 400 are currently also receiving Section 29 services, just not enough of them.

There are currently about 1,400 people on the Section 29 waiver. Their average annual waiver cost is \$17,700, about 75 percent of the current annual cap. This amendment will double the cap, raising it to \$45,500 a year. The waiver will be more responsive to more people, allowing them to live and work in the community, and delaying, or maybe even eliminating, their need for the significantly more expensive Section 21 services, and thus further reducing that waiting list.

Hopefully, the day is not far off, Mr. Speaker, when we will have a comprehensive and seamless life-long continuum of services available to every person living with intellectual disabilities and autistic disorders, and a system that provides the supports they, and their families, need—no more and no less—when they need it.

Finally, Mr. Speaker, I'm sure you will appreciate my profound disappointment, when I realized that since the bill originated in the other body, I could not use my revenue of choice to cover the \$4.5 million annual fiscal note. I would have proposed an infinitesimally small surtax on the income of the wealthiest one percent of Maine tax payers. Instead, Mr. Speaker, this amendment pays for these additional expenses by reducing the amount of the bill transfers to the rainy day fund. And finally, Mr. Speaker, I want to say that I'm a little bit sad to think that this will be my last amendment to a state budget. Thank you, Mr. Speaker.

On motion of Representative McCABE of Skowhegan, **House Amendment "B" (H-642)** to **Committee Amendment "A" (S-464)** was **INDEFINITELY POSTPONED**.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-464)** as **Amended by Senate Amendment "A" (S-467)** thereto and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1141) (L.D. 1670) Bill "An Act To Attract Investment to Loring Commerce Centre" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)**

(H.P. 1142) (L.D. 1671) Resolve, Compensating Susan Cloutier for Claims against the State Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-638)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-636)** on Bill "An Act To Increase the Availability of Mental Health Services"

(H.P. 1070) (L.D. 1577)