

MAINE STATE LEGISLATURE

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the palliative care now being provided, and make recommendations for improvement in an annual report. An existing government entity, the Maine Hospice Council, now provides "continued development and delivery of high quality hospice and palliative care to all Mainers" and educates "both professionals and laypersons in the best practices of hospice and palliative care medicine." The Council's mission overlaps greatly with the palliative care initiatives of this bill. Indeed, the proposed 14-member council would include the executive director of the Maine Hospice Council, as well as three persons she appoints. With this bill, another permanent governmental entity will be set up, with the Maine people paying members' expenses, and it will continue to exist long after its usefulness has evaporated. Not every well-intended idea must take up permanent residence in the halls of government. For these reasons, I return LD 782 unsigned and vetoed. I strongly urge the Legislature to sustain it. Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Improve the Quality of Life of Persons with Serious Illnesses

(S.P. 280) (L.D. 782)

In Senate, June 16, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 280V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Campbell R, Dillingham, Ginzler, Guerin, Hanington, Hilliard, Lockman, Lyford, McClellan, Picchiotti, Pickett, Stetkis, Wallace, White.

ABSENT - Campbell J, Marean, Skolfield, Timmons.

Yes, 132; No, 15; Absent, 4; Excused, 0.

132 having voted in the affirmative and 15 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

On motion of Representative KORNFIELD of Bangor, the House **RECONSIDERED** its action whereby it voted to **INSIST** on Bill "An Act To Provide Reasonable Accommodations for School Attendance for Children with Disabilities for Whom Medical Marijuana Has Been Recommended"

(H.P. 381) (L.D. 557)

On further motion of the same Representative, the House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017

(H.P. 702) (L.D. 1019)

(S. "A" S-287 and S. "B" S-288 to C. "A" H-415)

Was 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, Men and Women of the House, because of the late hour, I will forego thanking all those people I would normally thank for their work in this budget process. But before enactment, I do feel I need to express my deepest appreciation to the staff of the Revisor's Office and the Office of Fiscal and Program Review. These people are exemplary public servants. I know I speak on behalf of the entire Appropriations Committee when I thank the OFPR staff for their professionalism, expertise, and patience as they have worked under enormous stress and pressure for weeks. I hope they know how much we appreciate their work. We're particularly grateful to the committee's principle analyst, Maureen Dawson, who has worked unimaginably long hours for months. Not only was Maureen enormously helpful to us in organizing and moving our committee work along, she was also gracious and good natured whenever we went to her for help. To all who have helped in this budgetary process, I extend my greatest thanks.

Representative McCABE of Skowhegan **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 Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Before we vote on this, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to say a few words. There were days when I thought this day would never arrive, but here we are. To begin with, I would like to thank every Member of the House. While House Republicans' views were marginalized during the committee process, the report backs from the various policy

committees helped those of us on the Appropriations Committee much more than you may imagine.

Our House leadership made a valiant effort to improve upon the majority budget. And some important changes were negotiated, but they came at a cost. Once the cream was put in the coffee, it became clear to me that a new pot needed to be brewed. Thus, House Republicans readied a Minority Report; a report that will never see the light of day.

After careful consideration, I feel compelled to explain why, after all of this work, I am unable to vote for the budget before us. All of us have a stake in this budget. After all, the budget affects every person in the state. It is often said that it is easy to spend other people's money, but I would not describe spending billions of hardworking taxpayer dollars as "easy," nor should it be, especially when so many Mainers are struggling to make ends meet.

When speaking with my constituents, they made it clear to me that they are frustrated with politics and politicians. Why? Because we often refuse to tackle tough issues, we spend more money on programs that yield few, if any, results, we underfund programs that serve our vulnerable, and we spend their hard-earned money on pork and special handouts. And all of this is true.

I am voting against this budget because I know we can do better. We still have time to make improvements. In my mind, there are some things that should go into the budget first. Essential things. Important things. We should have made it a commitment to adequately fund our nursing homes and provide a long overdue cost of living adjustment instead of loading in millions of specific targeted amendments. We should have eliminated the waitlists for our traumatically brain injured before we loaded up the budget with \$4 million in cherry-picked bills from the Special Appropriations Table, and we should have eliminated the waitlists for hundreds of cognitively and physically disabled individuals who will once again be told they must wait, while we made sure to continue a full spectrum of benefits that most other states do not offer for non-citizens.

I know that we are all tired, and we want to go home. And, yes, the clock is ticking, but we still have time to make this a better budget. We can do the right thing, right here, right now for Maine people who are not being served and for struggling Maine nursing homes that care for our elderly. We can choose to finish the job. Or, we can do like we have so many times in the past, being content enough, we vote, we go home, and we quickly forget who we left behind. After all, the disabled, the elderly, the autistic, the traumatically brain injured, have become accustomed to waiting while others are served. Thank you, Mr. Speaker.

 After Midnight

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Mr. Speaker, we've heard a number of concerns about the budget before us this evening—and perhaps, more importantly, concerns about the process that brought us this budget. Let me share an example with you.

I have a concern about an issue in the proposed budget that should have been addressed during the most recent budget negotiations amongst leaders, but which, sadly, was not. The issue at hand is a much needed wage increase for home- and community-based workers who serve Maine's elders and people living with a disability. The increase was provided for agencies, some of which are owned by out of state interests and investors, and by extension, the workers associated with those agencies. But the section that would have provided a comparable wage increase for workers in Maine's consumer directed programs, those important programs where people with a disability take responsibility for their care by recruiting, hiring and managing their own workers—and it just so happens the most cost-effective unit of service within our long-term care system—were not included in this across-the-board increase.

Such an action will create inequities in our home- and community-based services that are unsustainable and unfair. I was assured by some members of the Appropriations Committee that this was a technical oversight. However, even though it was pointed out by members of the Health and Human Services Committee, who voted unanimously during the light of day in a public meeting to include all of these workers equally in any rate increase, this omission was not corrected during the recent closed door negotiations conducted by the legislative leadership.

Mr. Speaker, I understand that proposing amendments of this type to the budget at this stage of the process would be cumbersome and I haven't proposed such a change this evening. Instead, my only alternative is to vote against this entire budget, because I think this budget as presented by our leaders will create and perpetuate an inequity which was discussed at length by the Health and Human Services Committee where we agreed unanimously—again, all members of both parties in public, in the light of day—that any rate increases should be equitably applied across all programs, including the consumer-directed programs. Since this inequity would provide an increase in rates to agencies, which may be owned by out-of-state investors, while not providing the same increase to hard-working Maine citizens who care for our seniors and people with a disability, it violates a fundamental aspect of the contract we have as a Legislature with Maine people.

Based on my discussions with AFA members, the omission and variance from the unanimous and bipartisan vote of the Health and Human Services Committee has been described as a drafting error, one which I hope can be handled as a technical correction, and I would seek that commitment from you, Mr. Speaker, that this matter will be appropriately addressed. If such assurances are not forthcoming, this must be a deliberate policy choice made by some legislative leaders which runs counter to the unanimous and bipartisan will of the Health and Human Services Committee. That would be disturbing; unfortunately, re-enforcing the criticism that has recently been leveled by

investigative reporters in our state concerning the lack of transparency of this entire budget process.

The legislative process is one of public debate and discussion and we've strayed from that. That is why I'm voting against this budget and I urge all of my colleagues in this body to join me—and especially my colleagues on both sides of the aisle from the Health and Human Services Committee. Let's maintain our position in endorsing fairness for all direct care workers in home- and community- based services to keep Maine seniors and people living with a disability as independent as possible for as long as possible in their own homes.

Make no mistake about it—this is a moment of truth for all of us in this body. Agreements were made in a way very different from the usual matter of course. Let's send this bill back to the Appropriations Committee to be considered in the light of day, to correct issues like the one I just outlined, and to affirm the faith of the Maine people that sent us here by reopening a transparent and inclusive process. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, I rise in support of enactment of this budget. I know it's tough for a lot of people to do it and I know it is late at night, but since everybody seems to want to talk, I guess I'll throw my two cents in.

When I was a kid, my grandmother taught us many things. One was you had a meal that was set before you. You either ate it for what it was or you went without. What you'd like to have might not be the case. You ate it or you went without. And you learn in the process humility. And I think everyone who has issues with this, and I have issues with this, everyone has issues with this, but it's time for us to get over ourselves, to put our pride aside, to swallow hard, to get this done. It's time. We have been hours and hours and hours and hours and hours of debate on this and everybody has legitimate issues in their own mind, but sometimes you have to go beyond that. The people expect this to be done.

I would also say, to those who are thinking of stopping the process here and now, the full words that the media may want to pick up is, "What's your plan? Where do you go from here? If you shoot this down, where do you go?" There is no plan to go from here. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Ladies and Gentlemen of the House, I think we can all find something that we don't like about this budget. But, I want to tell you about what is good about this budget. The Education Committee decided unanimously very early what our priorities were. We were very clear about them when we went before the Appropriations Committee. And the Education Committee wants to thank the Appropriations Committee for working so hard to preserve those priorities.

This budget put money into the University of Maine System, the Community College System, Maine Maritime Academy, while also putting money into the Maine State Grant Program, which is the only needs-based state aid. We want to have a higher ed education system in this state that we are proud of, that educates our Maine students as well as draws in students from other states.

The budget gives money to general purpose aid, which will give money to every public school in the state, and potential tax relief to people in all of our communities. This moves us in the right direction toward the 55 percent, and it shifts the burden away from the taxpayers. It also puts in about a million dollars for job training in various forms. So, from an educational standpoint, this is a very good budget.

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

Representative **BROOKS**: Mr. Speaker, Women and Men of the House, I rise tonight with a heavy heart. Many thoughts come to my mind, but when I look to the Speaker, I see that our Dirigo flag, our Maine flag and our American flag, and the star and the Dirigo—We lead—and the eagle on the top of the American Flag. And I think it's a moment that we need to embrace. We don't want to go gently into this good night. It is the evening and it is late hour. But I felt compelled to rise and encourage people to really search inside.

I will be opposing the current motion of enactment for different reasons. People are deciding to vote on this bill. I just don't, what is paining me tonight is the stripping of the amendment for our residents in Maine, our fellow Mainers, that are new Mainers. Not long ago, four years ago, there were low-cost drugs for the elderly and disabled in the Medicare Savings Program were at risk. And, they were at risk in this current budget as well and that's part of why I have a heavy heart. Is that there were so many people did such hard work for this budget and it is important that we come to an agreement.

However, I think we were faced with many false choices and for plan "b," I believe we do have other options and one of the options was presented by the good Representative Stuckey from Portland, and there are other options and a fair share of solution is available to us. So, I'll be voting against this current motion.

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. 281

YEA - Alley, Austin, Babbidge, Bates, Beck, Beebe-Center, Bickford, Black, Blume, Bryant, Buckland, Campbell R, Chace, Chenette, Cooper, Corey, Daughtry, Davitt, DeChant, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Farrin, Foley, Fowle, Fredette, Frey, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Grohman, Guerin, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Monaghan, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Stearns, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Battle, Beavers, Brooks, Burstein, Chapman, Chipman, Crafts, Devin, Dillingham, Dion, Evangelos, Farnsworth, Fecteau, Gattine, Golden, Goode, Grant, Greenwood, Hamann, Hanington, Harlow, Hickman, Jorgensen, Lockman, Long, McClellan, Melaragno, Moonen, Peterson, Pickett, Reed, Rotundo, Russell, Sanborn, Sanderson, Short, Sirocki, Stanley, Stetkis, Stuckey, Timberlake, Turner.

ABSENT - Campbell J, Marean, Skolfield, Timmons.

Yes, 105; No, 42; Absent, 4; Excused, 0.

105 having voted in the affirmative and 42 voted in the negative, with 4 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 CAMPBELL of Orrington, the House adjourned at 12:37 a.m., until 10:30 a.m., Wednesday, June 17, 2015.