

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

"A" (S-497) as Amended by Senate Amendment "A" (S-521) thereto in concurrence.

ENACTORS
Emergency Measure

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

(S.P. 340) (L.D. 995)
(S. "B" S-514)

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

On motion of Representative McCABE of Skowhegan, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

(S.P. 577) (L.D. 1530)
(S. "A" S-518 to C. "A" S-508)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

(S.P. 340) (L.D. 995)
(S. "B" S-514)

Which was **TABLED** by Representative McCABE of Skowhegan pending **PASSAGE TO BE ENACTED**.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 83 voted in favor of the same and 54 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

(H.P. 1349) (L.D. 1858)

TABLED - April 14, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - PASSAGE TO BE ENGROSSED.

Subsequently, Representative ROTUNDO of Lewiston **PRESENTED House Amendment "B" (H-833)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, Representative STUCKEY of Portland **PRESENTED House Amendment "A" (H-832)**, 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 have great respect for the commitment of our Appropriations and Financial Affairs Committee and the consensus they have reached. This amendment does nothing to disrupt or alter the unanimous report they have brought us today. This amendment does, however, Mr. Speaker, challenge the conventional thinking in this building that we can't do things we all agree should be done because we don't have the money. I call this the can-do amendment. Mr. Speaker, let me be perfectly clear: I do not believe it's MaineCare that is cannibalizing our budget. I believe it's the \$400 million plus unfunded income and estate tax cuts handed to us by the 125th Legislature. So the first thing we can do is repeal them both – and their TABOResque ratchet – right here, right now, this year, and we can make sure that LD 1120 closes our offshore tax haven loopholes.

And now, Mr. Speaker, let's look at some of the other things we can do: We can begin eliminating the waiting lists for Sections 21 and 29, and all the other Office of Aging and Disability Services programs. For \$41.3 million, plus \$55.6 million in federal funds, we can get rid of these waiting lists, all of them, right away, starting this summer. We can also begin this summer to provide the additional community mental health services that would finally bring the state into compliance with the decades old Consent Decree. That would cost us \$2.6 million. We can begin right away, not a year from now, reimbursing our nursing facilities for the full amount of their allowable costs. A year is probably too long for some of them to wait. Eleven point six million dollars will draw down another \$18.8 million in federal funds to help keep these beds where they belong. We can put \$42 million, Mr. Speaker, into the EPS Funding Formula, keeping school districts whole while allowing us to remove the federal Title I money and allocate it as it was intended, to supplement, not supplant state and local funds. We can restore the incredibly successful Community Schools grants to the Healthy Maine Partnerships. That's \$4.6 million invested in on the ground public health programs and services focusing on young Mainers. We can restore longevity pay and the noncumulative 2014 COLA for state employees. Eleven point one million dollars will send them a small signal that what they do and how they do it matters to us. We can return eligibility for the Low Cost Drugs for the Elderly and Disabled and the Medicare Savings Programs to their pre-2012 levels. Six point three million dollars will restore these services and some piece of mind to upwards of 3,000 very low income and physically challenged people. We all know who they are, and how hard it is sometimes for them to ask for help. We can speak up for our youngest Mainers and their parents by reopening recently closed Head Start classrooms and returning those undeniably helpful Home Visitors who support families with young children in communities all across our state. Six point three million dollars will do all of that and seed the restoration of state child care payments to 75 percent of the market rate, and restore the program quality rate differentials.

There's more. We can build on the eligibility and participation changes made to the new Property Tax Fairness Credit in LD 1751. It's great that the program is now attached to the State Income Tax return. Many more eligible people will now apply, but

the maximum credit has been cut almost in half. Three point seven million dollars would begin aligning this new program with the more robust tax fairness intention of the original Circuit Breaker rebates. We can promote more tax fairness by restoring \$51 million to Municipal Revenue Sharing. That's more tax fairness, providing all Maine residents with relief from our most regressive tax, the property tax.

And finally, my favorite, we can really reward work. We can expand and make fully refundable the program President Reagan called "the best anti-poverty, the best pro-family, the best job creation measure to ever come out of Congress." Thirty-one point five million dollars will allow us to make the state Earned Income Tax Credit fully refundable and raise it to 12.5 percent of the federal credit. There you have it, Mr. Speaker. We can do a lot of good. These are smart investments. Most will reduce costs, and all will improve outcomes going forward.

At the same time, though, they'll eliminate a lot of the divisiveness and anger the current system creates. We have too many people paying no taxes and not enough people paying their fair share. According to the Chief Executive, last session we eliminated state income tax liability for over 70,000 Maine families. Is that fairness? I think most people would say no, including many of those who no longer have to pay. And many people who are paying taxes are working hard just to make ends meet, a livable wage but not much discretionary income. They pay at the same rate as people making 10 times their income, or more. Is that tax fairness? Again, I think most people would say no, including many of those who agree they aren't paying enough. This can do amendment tries hard to restore measures of fairness to our tax system.

Think about it this way, Mr. Speaker: If we repeal the unfunded tax cuts handed to us by the last Legislature, then tax families with incomes of under \$100,000 would forego cuts of under \$700, most of them under \$400, and many of them under \$100. And the taxes they would pay would allow us to strengthen our community services, and support and dramatically improve our collective quality of life. And, Mr. Speaker, if we repeal those tax cuts, families with incomes between \$100,000 and \$160,000 would forego an average of a little over \$800, incomes up to \$326,000 would average forgoing tax cuts of a little under \$1,100, and those with incomes over \$326,000 would average just under \$3,100 in tax cuts. And their taxes would allow us to restore and expand programs that promote civil/civic engagement and tax fairness. Together, we can make sure Maine is the way life should be for all of us. Whether we pull a big oar or a little oar, or no oar at all, we're all responsible for keeping the boat afloat and moving forward. Thank you, Mr. Speaker.

Representative ROTUNDO of Lewiston moved that **House Amendment "A" (H-832)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-832)**.

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-832). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 707

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Brooks, Campbell J, Campbell R, Carey, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Harvell, Hayes, Herbig,

Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Briggs, Casavant, Cassidy, Chapman, Chipman, Daughtry, DeChant, Devin, Dickerson, Evangelos, Goode, Hamann, Harlow, Hickman, Jones, Kent, Kusiak, McGowan, Monaghan-Derrig, Moonen, Peterson, Russell, Schneck, Stuckey, Tipping-Spitz, Villa.

ABSENT - Ayotte, Boland, Frey, Johnson D, Malaby, Mason, Nadeau C, Noon, Rykerson, Shaw.

Yes, 115; No, 26; Absent, 10; Excused, 0.

115 having voted in the affirmative and 26 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-832)** was **INDEFINITELY POSTPONED**.

Subsequently, Representative LOCKMAN of Amherst **PRESENTED House Amendment "C" (H-834)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-834)**.

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 Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, this budget amendment attempts to address the problem of Maine's demographic winter that we're all familiar with. Maine is now the oldest state in the nation. After decades of anemic economic growth in Maine, including the eight years of the previous administration when a net 56 private sector jobs were created, young people are leaving Maine in search of better opportunities elsewhere. We're also losing retirees because we tax the daylights out of their pensions. This amendment would increase the pension deduction and offer tax relief to retirees, and we'll pay for it with reductions in the budget to the Office of Information Technology which has about 450 fulltime employees, spends about \$140 million a year, and I'll give you just one example of how that money gets spent. I have a constituent who works for DOT. They lease him a laptop for \$1,200 a year and this is common practice. As far as I'm concerned, if we can afford \$1,200 a year for laptop leases, we can certainly afford to offer some modest tax relief to our retirees. Thank you, Mr. Speaker.

Representative ROTUNDO of Lewiston moved that **House Amendment "C" (H-834)** be **INDEFINITELY POSTPONED**.

Representative LOCKMAN of Amherst **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-834)**.

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 "C" (H-834). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 708

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Fredette, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hickman, Hobbins, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nelson, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Willette, Wilson, Winsor, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Harlow, Jackson, Johnson P, Jones, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Winchenbach, Wood.

ABSENT - Ayotte, Boland, Frey, Hubbell, Johnson D, Malaby, Mason, Nadeau C, Noon, Rykerson, Shaw.

Yes, 97; No, 43; Absent, 11; Excused, 0.

97 having voted in the affirmative and 43 voted in the negative, with 11 being absent, and accordingly **House Amendment "C" (H-834)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-833)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **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:

(H.P. 314) (L.D. 464) Bill "An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-836)**

(H.P. 357) (L.D. 538) Bill "An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-837)**

(H.P. 630) (L.D. 906) Bill "An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-838)**

(H.P. 829) (L.D. 1185) Bill "An Act To Enhance Efforts To Use Locally Produced Food in Schools" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-839)**

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.

SENATE PAPERS

Non-Concurrent Matter

Joint Order To Recall L.D. 1619 from the Governor's Desk to the House

(H.P. 1350)

READ and **PASSED** in the House on April 14, 2014.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

ENACTORS

Emergency Measure

An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015

(H.P. 1349) (L.D. 1858)

(H. "B" H-833)

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. Mr. Speaker, Men and Women of the House. I rise today in support of the bipartisan budget we have before us. I urge you to support LD 1858. Not only does it pay our bills, it also solves some of our greatest challenges facing the state. It's also life changing for many of the most vulnerable people we serve. Our bipartisan proposal provides critical funding for seniors, individuals with disabilities, and for those struggling with mental illness. The \$32 million budget will fund services for people with disabilities on the DHHS waitlist. It will increase reimbursements for Maine's struggling nursing homes. It funds critical services required under the state's court ordered Mental Health Consent Decree, and increases funds for safety and security at Riverview and Dorothea Dix. By passing this budget, we can reduce and eliminate the DHHS waitlists so many of us have spoken passionately about. Hundreds of Maine people with disabilities and their families will now have the relief of knowing they can get the care and services they desperately need. By passing this budget, we can help nursing homes in rural areas from shutting their doors to our seniors. For many of these low-income seniors, this is their only option. By passing this budget, we are helping to prevent a mental health crisis in our communities and ensure our state's psychiatric facilities are safe and adequately staffed. In addition to funding key Health and Human Services initiatives, this collaborative budget adds funding to the education programs including the Bridge Year Program and funding for Jobs for Maine's Graduates.

I'm proud to say we worked collaboratively to fund these key priorities for our most vulnerable, for our children and students, and for our workforce. When we first started our work this year, our committee faced an unprecedented task: to build a budget from scratch with no proposal and limited information from the Chief Executive. Many predicted we would fail. Like so many times before, many on the outside wondered how we would get it done. I'm pleased and proud to say that, once again, we prevailed. Not only did our committee come together to pay the