

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just had a few points that I wanted to make and I will sit down. First of all, mining is not a clean business so I just wanted to point that out. The water quality is the same as the wastewater standards, so if you want to drink wastewater then the water will be fine for you. Many of us felt that this is a brand new topic for everybody in the committee, even for the good Representative from Hudson, Representative Duchesne, who undoubtedly knows more than anybody on the committee probably and this was new to him as well. So I know I felt like I really didn't have enough expert advice from the outside telling us how this was really done to even write a statute to send it out well to rulemaking.

Two other things. One is that the half million dollars is coming from two different sources within the DEP, but that's \$500,000 just to write the rules, to go out and get experts to come in and tell us basically what we don't know, which is quite a bit. This is again not an Aroostook County bill. This is a statewide bill. It relaxes the rules for the entire state. There is Parmachini in the Western Mountains, Mount Chase, Acton, Moosehead. I mean there are other places. So this is not – and there are people sitting in the room obviously for other reasons than just leisure, listening about the mining rules – so I wanted to point out again this is not an Aroostook County bill. Thank you very much.

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. 327**

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Black, Bolduc, Bryant, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Edgecomb, Eves, Fitts, Fitzpatrick, Flood, Foster, Gifford, Graham, Guerin, Hamper, Hanley, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Libby, Long, Malaby, Martin, McClellan, McFadden, Morissette, Moulton, Nass, Newendyke, O'Connor, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Tuttle, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beliveau, Berry, Bickford, Blodgett, Boland, Briggs, Casavant, Chapman, Chipman, Clarke, Cotta, Driscoll, Dunphy, Eberle, Espling, Flemings, Fossel, Gilbert, Gillway, Goode, Harlow, Harmon, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Mazurek, McCabe, McKane, Monaghan-Derrig, Morrison, Nelson, O'Brien, Olsen, Peoples, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Stevens, Stuckey, Treat, Turner, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Fredette, Kent, Knight.

Yes, 80; No, 65; Absent, 5; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-940)** 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" (H-940)** and sent for concurrence.

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

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Establish the St. John Valley Regional Planning Commission"

(H.P. 578) (L.D. 771)

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from **PASSAGE TO BE ENGROSSED As Amended by COMMITTEE AMENDMENT "B" (H-865)**; **RECEDE** from **ADOPTION of COMMITTEE AMENDMENT "B" (H-865)** and **INDEFINITELY POSTPONE** same. **READ AND ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (H-948)** and **PASS** the **BILL TO BE ENGROSSED As Amended by COMMITTEE OF CONFERENCE AMENDMENT "A" (H-948)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

DOW of Waldoboro

AYOTTE of Caswell

TUTTLE of Sanford

Senators:

RECTOR of Knox

MARTIN of Kennebec

HOBBINS of York

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE**.

Subsequently, **Committee Amendment "B" (H-865)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee of Conference Amendment "A" (H-948)** was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (H-948)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-938)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

(H.P. 1405) (L.D. 1903)

Which was **TABLED** by Representative **FLOOD** of Winthrop pending **ADOPTION of Committee Amendment "A" (H-938)**.

Representative FLOOD of Winthrop **PRESENTED House Amendment "F" (H-949) to Committee Amendment "A" (H-938)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. First, I would like to provide a little information on Committee Amendment "A" for the body. It is our sixth budget type document proposed to the Legislature by the executive branch this session and is brought to you in an amended form by the Approps Committee today after about one month of review and discussion. It comes to the floor of the House today as a unanimously approved bill as amended by the committee. We do strive for that unanimity in order to convey to you that considerable work has been done to find the essential consensus. Because of the emergency nature of this bill, it requires a two-thirds majority support in both bodies. It does require consensus and we now seek your support. I want to take a few moments to make some comments on some of the more important aspects of the bill. I also want to make some comments on some of the pieces that may not get as much notoriety but are important for your consideration.

First, I want to mention that just because we were able to reach consensus, that does not mean it was easy. In fact, I think you all know that finding an agreeable solution for 13 committee members is often the most difficult part of our jobs, particularly when the subject areas tend to be compelling and divisive and very important, lending themselves to highly polarized points of view. That's not an envious place from which to begin deliberations, but it's the proposal we were presented with and I thank the committee members and the staff for sticking with this, even when I felt at times that it just wasn't going to happen this time. I want to express thanks very much to Representative Rotundo and her caucus members, as well as my colleagues in the Republican caucus, and all the committee members feel blessed to have such a great staff of people in Office of Fiscal and Program Review who help us with critical data, calculations and the necessary information to assist us in our deliberations. We also thank the revisors for their work on all of our budget bills and the many amendments that they see.

A few comments and I will be very brief. The urgent fiscal year '12 funding needs for the next three months in this bill were and are funding for fueling for state-owned buildings, funding for the state share of disaster relief, funding for Child Development Services shortfalls, funding for General Assistance shortfalls, funding for indigent legal services, funding for public safety, the fire marshal, Criminal Justice Academy, funding for the Health and Human Services licensing operations, funding for the Gambling Control Board, there was a General Assistance shortfall and there is miscellaneous reclassifications. The committee also suggests to you \$16 million of other critical General Fund spending at fiscal year '13 dealing with a disproportionate share of hospital funds and other mental health funding issues, General Assistance again, Child Development Services, Gambling Control Board reclassifications. The committee suggests further additional spending in fiscal year '12 and '13 for new sales tax exemptions on certain breathing equipment, support for the computer crime lab, court security, Dorothea Dix Dental Clinic, Department of Human Services licensing operations and management initiatives, and a variety of other items.

We utilized savings in the following areas in year '12 and '13: \$10 million from lapsed balances and \$8 million from other balances in the General Purpose Aid from funds not spent in several previous years that were anticipated for Debt Service,

state wards funding and bus purchases. We reduced General Assistance costs by \$1.7 million through several significant initiatives involving a 9-month limitation on housing, a task force, a pilot project, reductions in maximum person General Assistance expenditures and reducing the state share of funding for some municipalities from 90 percent to 85 percent. Those are important initiatives and they were developed after listening carefully to the many stakeholders that we work with. We utilized savings brought forth by the executive branch regarding the Governor's retirement plan of \$2.2 million. We utilized savings from the retirement incentive program. We transferred \$2.25 million from the now available balances in the Clean Election Fund. We capture about \$10.5 million from salary savings, central service rate reductions and changing the attrition factor from 5 to 6 percent. And we thank the Treasury Department for achieving \$3.4 million of debt service savings and the University of Maine for debt service savings of \$932,000. We also achieved \$230,000 from the many changes proposed and made by this amendment in the State Planning Office converting to an Office of Policy and Management organization. Also, \$500,000 from reorganizing portions of the corrections system and other miscellaneous savings of about \$329,000.

There were several items that we did not accept that deal with tax increment financing proposals, personnel changes between the Department of Conservation and the Department of Environmental Protection, additional portions dealing with income tax reductions and to granting additional subpoena powers. The committee did not concur with the proposed reductions to higher education and Maine Public Broadcasting and directed significant changes in the commitments we would have to MPBN in the future, turning it more to a fee for services plan that will be developed in ensuing months. The committee made additions to spending with minor appropriations for women who work in the community, a state museum pilot project, a building refurbishment and retirement funding for a retired honored military member. The committee supported not always unanimously several significant initiatives proposed by the executive branch regarding the Office of Policy and Management, corrections and education. My thanks to all the Joint Standing Committees that assisted us, to members of leadership who assisted us and to the Appropriations Committee members and our outstanding staff. So I want to close by personally thanking Commissioner Millett and the Senator from Hancock, Senator Rosen, for their steady hands throughout this process. Thank you, Mr. Speaker. When the vote is taken, I do request a roll call and I would like to speak to Amendment "F" which is a technical amendment and it is often necessary to provide an Appropriations Chair technical amendment to a document that's roughly one inch thick. We missed some things along the way. I've done this in each of the previous budget bills. There are six clarifications and oversights contained in the House Amendment "F," and I want to thank both the OFPR staff and the revisors for catching these and developing this technical amendment "F." Thank you, Mr. Speaker.

Subsequently, **House Amendment "F" (H-949) to Committee Amendment "A" (H-938) was ADOPTED.**

Representative MOULTON of York **PRESENTED House Amendment "A" (H-943) to Committee Amendment "A" (H-938)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am presenting what I would describe as a friendly amendment, quite like that already contained in this document which, in this case, is different

from that which I refer, which concerns certification of code enforcement officers to be reviewed in one year by LCRED. In the case of this amendment, Mr. Speaker, it is to do two things. One is with the relocation of the land use planning unit from the soon to be nonexistent State Planning Office into the bowels of the Department of Conservation. If anyone would care to look at LD 1903 and see the language section, the first section in the language is the repeal of Title 5, Chapter 311, which contains a job description for the old State Planning Office, including the land use planning functions. So this amendment, briefly, Mr. Speaker, has to do with retention of that language so that these folks moving to a new agency will have a job description and that at the end of the year the Department of Conservation will submit proposed language back to the Legislature, specifically the State and Local Government Committee, in order that we may codify the job description for these people. I find it ironic, Mr. Speaker, that the work group as authorized by language FF within last year's budget, which may or may not be LD 1043, but I tend to forget those numbers after awhile, was composed primarily of administration people who employed, in their words, a very clever and informed drafts person who happened to put in language sending the specific job of reviewing comprehensive plans over to the Department of Economic Development, while in its revised format sending the land use people who do comprehensive planning for municipalities over to the Department of Conservation. This was brought to my attention by a stakeholder this morning, Mr. Speaker, which I promptly brought back to the attention of the administration and the Revisor's office and was initially told, oh, that was intentional and then later they admitted that, oops, we made a mistake. So, Mr. Speaker, we've actually got at hand a good reason why this language, this job description for the land use planning people should come back to the Legislature for further review, hence the need for the motion.

If I may broaden my discussion of this amendment slightly, Mr. Speaker, over the next three or four minutes for the rest of you, the process here started with a reorganization of Maine State Planning that arose out of a budget article. The working group that constituted the minds behind this reorganization was heavily weighted towards the administration and with minor representation by stakeholders and in the course of the meetings, which ranged monthly between July and October, all of which I attended as well as at least one other member of this body, at the very end of these meetings the stakeholders expressed concerns about where things were going and whether or not they were actually going to serve their consumers. In this case, municipalities, regional planning commissions, Mr. Speaker, and other agencies in order to do their job effectively, because one of the missions in this time of economic need is to work on economic development and everybody wanted to see that the job was done correctly with this reorganization. So why is there such a determined resistance to having this language inserted for a job description? Back in January, the stakeholders including Maine Municipal, Maine Association of Planners, Regional Planning Commissions and Smart Growth all met with representatives of the Chief Executive and complained about the lack of language and were basically told there, there, now, it's okay, we'll do a good job. Well, Mr. Speaker, if the Chief Executive is going to take care of all of our needs, then why have a Legislature? Why go to the trouble of ensuring that the things that past Legislatures, that the government has enacted actually get done? In this case, the language has all disappeared and even in the writing of the budget supplement, there have been mistakes, Mr. Speaker. So I am making merely a simple request, Mr. Speaker, and request that this chamber adopt my amendment. Thank you, Mr. Speaker.

Representative FLOOD of Winthrop moved that **House Amendment "A" (H-943) to Committee Amendment "A" (H-938) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you, Mr. Speaker. Items within this area within the proposed larger amendment before you have been handled by a subcommittee of several people within the Appropriations Committee and working with the executive branch during the development of the bill in front of you. After this came about, this whole reorganization came about as a result of a one-year study, as the Representative has discussed, then it came to us in the proposal, is now in the Committee Amendment and it deals with the restructuring of the State Planning Office and the Office of Policy and Management. The subcommittee of both caucuses worked with the executive branch representatives for a significant period of time and they found consensus and common agreement on the changes. And I believe it's important to keep those intact as developed as part of this Committee Amendment and I regret the motion, but I think it's important to move Indefinite Postponement and I request a roll call.

The same Representative REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-943) to Committee Amendment "A" (H-938).**

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 Standish, Representative Shaw.

Representative SHAW: Thank you very much, Mr. Speaker. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SHAW: Thank you very much, Mr. Speaker. It is an interesting subject to me and I was just wondering if anyone could tell me what just a brief description of the duties of the four jobs that we're talking about in the amendment would be or are presently. Thank you.

The SPEAKER: The Representative from Standish, Representative Shaw, 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 Indefinite Postponement of House Amendment "A" (H-943) to Committee Amendment "A" (H-938). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 328

YEA - Ayotte, Beaudoin, Beaulieu, Beliveau, Bennett, Bickford, Black, Blodgett, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Clarke, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Dunphy, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Johnson D, Johnson P, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Bryant, Casavant, Chapman, Chipman, Dion, Driscoll, Duchesne, Eberle, Goode, Graham, Harlow, Hinck, Innes Walsh, Kaenrath,

MacDonald, Maloney, Monaghan-Derrig, Moulton, O'Brien, Peoples, Russell, Sanborn, Shaw, Stuckey, Theriault, Treat, Volk.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 113; No, 33; Absent, 4; Vacant, 1; Excused, 0.

113 having voted in the affirmative and 33 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "A" (H-943) to Committee Amendment "A" (H-938) was INDEFINITELY POSTPONED.**

**Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto was ADOPTED.**

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to adoption of this budget supplement. I do so for a specific reason, Mr. Speaker. During the process of the reorganization of the State Planning Office, there was language inserted into the budget process, a policy matter concerning the establishment of an Office of Policy and Management and I must say, Mr. Speaker, that with respect to that specific item, in front of State and Local Government there were two presentations by the Chief Executive, one of which lasted an hour and a half with a few questions that followed. The second followed a public hearing recently in front of the combined committees, Appropriations and State and Local Government. The second presentation, Mr. Speaker, was an hour. It left roughly one hour left for the establishment of a new agency with new powers.

The SPEAKER: Will the Representative defer? The House is still in order. The Representative may proceed.

Representative **MOULTON**: Thank you, Mr. Speaker. With respect matters of policy, Mr. Speaker, and with respect to the Appropriations Committee which does a very wonderful job of making the rest of us look good, I cannot, in good conscience, vote for the establishment of an agency that in its early genesis was described as, you know, just like TABOR, that it was going to employ secret shoppers, that is was going to conduct investigations. And even though Appropriations worked very hard for the scrubbing of much of that language, I, in good conscience, cannot support the creation of this agency. It was not properly discussed by the oversight committee, that's my personal opinion, Mr. Speaker, and not reflecting on anyone from either of the two other committees. But, Mr. Speaker, we have a serious job to perform here and unless we do our jobs correctly, then I fear the result because we have to do a good job for our constituents. I know I'm not giving any specific detail, Mr. Speaker, but you do not give an open license for an agency to do pretty much what it wants as a super agency without more scrutiny that has occurred in this case. And with regret, Mr. Speaker, even though we need to take care of the money articles because they contain this language about a policy issue, I cannot, in good conscience, support it. Thank you, Mr. Speaker.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

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 budget before us. I'd like to take a moment to thank both the Senate and House chairmen of the Appropriations and Financial Affairs Committee for their truly outstanding leadership. I'd also like to give a very special thanks to my House Chair and friend, the Representative from Winthrop, Representative Flood. From the beginning, he has always been committed to a fair

process. He is a person of great integrity and it's an honor to work with him.

I'd also like to extend praise to my fellow committee members, Republicans and Democrats alike. All of us come from different parts of the state, we certainly don't always see eye to eye. But we have proven time and again that we can put politics aside and find agreement. Even when it seemed we were at the greatest impasse, everyone stayed at the table to work through difficult challenges. I'm so grateful to have worked with individuals with such strong character and courage. Together we listen to our communities and towns. We heard from our mayors, our teachers, our businesses and our public safety officials. We worked to address their concerns and to ensure that the cost of some of these cuts were not shifted to property taxpayers who are already struggling to make ends meet. We were able to restore funds to higher education and the Fund for a Healthy Maine, while also ensuring that our police and courts had the resources they desperately needed. Each member of the committee worked arduously through long nights and remained dedicated to resolving the shortfall. As a result, we have crafted a fair proposal that addresses the concerns of all of our committees and ensures our budget is in balance.

Before I conclude my remarks, I would also like to thank Grant Pennoyer and his amazing staff at the Office of Fiscal and Program Review, who always work with enormous professionalism and dedication. I am especially appreciative of our principal policy analyst Maureen Dawson who, with patience and good humor, has worked nonstop for the past few months to get us to this point to date. Finally, I thank my Democratic colleagues and my leaders who have entrusted me with the honor and responsibility of leading our team on the AFA Committee and have always provided tremendous support to us. Thank you, Mr. Speaker, and when the vote is taken I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto.**

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 Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to explain a couple of things. I first want to express appreciation for the work of the Appropriations Committee on this budget and there have been a lot of changes to it since what was introduced by the Chief Executive, that it's much to be appreciated there. But there still are a couple of reasons to be concerned about it, and as a matter of principle, I probably am going to vote no and I just want to explain why. My concern is with General Assistance which is a social safety net for the poorest of the poor. I represent a very low-income district in Portland and many people in my district are on the edge of starvation or going homeless, and in this budget the reimbursement rate goes from 90 percent to 85 percent. That's, I believe, about \$100,000 in lost funding reimbursement to the City of Portland. That's of some concern.

But of bigger concern to me is that beginning July 1st, there will be a 10 percent reduction in the maximum individual benefit. It's not exactly something I want to put my name on. Furthermore, there is a nine month limit on housing beginning July 1st and there is no guarantee that no one will go homeless as a result of that because in order to get an extension and to meet emergency criteria, as outlined in this budget, folks that have to meet certain circumstances and we don't know that

everybody would meet those circumstances. So without having a guarantee that no one would go homeless and with the 10 percent reduction and the reimbursement difference, I'm going to vote my conscience and vote against the budget, and I just wanted to explain that before the yeas and nays were taken. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to express my appreciation to the Appropriations Committee for all the hard work they did. However, for different reasons than the last speaker, I, too, am going to vote against this budget. I have failed to see significant changes and improvements in the welfare system in this state. The ones that we skipped over last session with the previous budget, they were proposed in this budget. They were deleted. Money went to places that as far as I'm concerned in my perspective should not have gone, such as public television, public radio. I think we have missed a great opportunity here and because of those reasons I'm not going to support this. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to stand. I will be voting for this bill. I think that the Appropriations Committee did enormous work and I respect the work they've done. It's not perfect in my mind as I'm sure it isn't in anybody's that will have certain ideas that may not have gotten in there. But I also wanted to stand in salute to my colleague on the State and Government Committee, the Representative from York, Representative Moulton, who worked very hard in a bipartisan way to see that our communities are still benefited by keeping the State Planning Office together as far as being able to be a consultant and help in planning for land use planning. Of course, there is plenty of other work done by others in that regard, but he certainly took the lead and I know it's not easy to do that against what might appear to be the preference of his own party members. But it was a large effort and I think it's one that, together with the work done by the Appropriations Committee, will serve our communities in ways that save them lots of money and have them benefit from a lot of expertise. So I just wanted to thank him.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise before you also and want to thank the Appropriations Committee for the good job that they've done, but I'm also not going to vote in favor of this budget because I feel there wasn't enough structural change done in the 2013 General Assistance part of the budget. For that reason, I cannot support it. I just wanted to let you know.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The exact same reasons that another Representative from Portland has made a choice not to vote for this budget, I will be voting for this budget and the reasons are because my colleagues on the Appropriations Committee on both sides of the aisle saw the need, recognized the work that was done by mayors from across the state, not just from my city but from across the state, when in recognizing the fact that we were facing a difficult budget came together and made recommendations about where to cut and how much. And that was respected by the Appropriations

Committee and I appreciated that. For those same reasons, the fact the GA only went down to 85 percent, that there was only 10 percent and that we were allowed that nine months on the housing, I believe those were critically important things for my city and for those reasons, as one Representative from Portland, I will be supporting this budget. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first of all wanted to thank the Appropriations Committee for all their hard work. We all know that the Appropriations Committee works longer hours than anybody. They work weekends, nights, and I don't think that anybody here when they vote for a budget votes for or against the work of the Appropriations Committee. We all know that they worked really hard. I think it's after looking at the final product, maybe to steal a phrase from a friend, reasonable people agree to differ, and I've thought long and hard about this budget and what the right thing to do was for frankly the caucus and also what the right thing to do for my constituents, and my conscience, and I just started thinking about the past, all the budgets that have come before us, and I started to make a list of the people who have been affected and I can't, in good conscience, knowing how many people every single time call me about the budget. I have one person who calls me worried that she's going to lose benefits. She's mentally ill. She's a very sweet person. But she's worried every session and she feels like her services keep her out of the hospital, her medications keep her out of the hospital. I just can't, it doesn't feel like the right thing for me to do to vote against the people of my district, so I won't be able to support this budget and I am sorry to the Appropriations Committee, but I am doing what I think is right for my constituents. Thank you, Mr. Speaker.

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 am concerned about the cuts to the General Assistance program in this budget. As you know, Mr. Speaker, I'm from Portland and I'm proud of this city's GA program. It's responsive and fair, and it's supported by over \$2.5 million of municipal tax dollars. However, Mr. Speaker, my concerns have absolutely nothing to do with where I live. They have to do with how I believe we should respond to our neighbors in need.

The General Assistance program is a state and local partnership and the very last threads of our society's safety net, when people who have absolutely nowhere else to turn. Reducing already sub subsistence level benefits is just not right. The state GA reimbursement to municipalities covers none of the local costs of administering the program. Reducing reimbursements to service center communities that provide hubs for regional General Assistance programs and spend thousands of their own municipal tax dollars to address the basic needs in their community's most needy folks do not promote collaboration or shared responsibility. The GA working group and the pilot program are good and long overdue proposals. The working group is charged to improve the efficiency, the effectiveness, the uniformity and financial accountability of the GA program. If it can also identify savings, that's terrific. But the working group's first goal should be to make sure that we have a statewide safety net that is responsive, fair and balanced.

Mr. Speaker, we could restore the cuts of the FY '13 GA budget by raising the effective tax rate on the top 1 percent of Maine taxpayers, folks whose current rate is 14 percent lower than the rest of us. We could restore the one and three quarter

million dollars to GA if we raise the top 1 percent's rate by 35¢ on every \$10,000 of their total tax liability – 35¢ on every \$10,000 of their total tax liability. This would result in an average tax increase for this 1 percent of \$261 a year or \$4.99 a week or 12.5¢ an hour to help provide the most basic needs to our friends and neighbors most in need. Having said all of that, Mr. Speaker, I will be voting for the pending motion. The original GA proposal was terrifying and depressing. I want to thank our colleagues on the AFA Committee on their thoughtful work on General Assistance and the rest of this budget. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this motion, to this budget. I thank all the members of the Appropriations Committee. They've worked hard, they've put many hours into this budget. But for as me and my vote, I don't gauge my accomplishments by the budgets of the second floor or how much we differed from them, but by the effects of the bills and the budgets we pass have on the least among us in the common good. At the end of the day, we are keeping in place tax cuts for the rich while still leaving many people without affordable health care and the basic needs. We can do better. We must do better for our constituents and for the people of the great State of Maine. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 329**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Clarke, Cotta, Cray, Curtis, Cushing, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gilbert, Gillway, Graham, Hamper, Hanley, Harmon, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Nass, Nelson, Newendyke, O'Brien, Olsen, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Bennett, Bryant, Burns DC, Chipman, Crafts, Crockett, Damon, Davis, Gifford, Goode, Guerin, Harlow, Harvell, Johnson D, Libby, Long, Moulton, O'Connor, Parker, Parry, Peterson, Sirocki, Timberlake, Turner, Waterhouse, Wood.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 120; No, 26; Absent, 4; Vacant, 1; Excused, 0.

120 having voted in the affirmative and 26 voted in the negative, 1 vacancy with 4 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto and sent for concurrence.**

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

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**ENACTORS  
Emergency Measure**

An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown

(H.P. 1414) (L.D. 1910)  
(C. "A" H-929)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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On motion of Representative FLOOD of Winthrop, the House adjourned at 7:00 p.m., until 10:00 a.m., Friday, April 13, 2012 in honor and lasting tribute to the Honorable Emile J. Jacques, of Lewiston.