

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 6, 2016

beginning at Page 1434

Ordered sent down forthwith.

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

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

April 12, 2016

COMMUNICATIONS

The Following Communication: S.C. 978

The 127th Legislature of the State of Maine
State House
Augusta, ME

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
COMMISSIONER'S OFFICE
221 STATE STREET
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0011**

Dear Honorable Members of the 127th Legislature:

April 6, 2016

Heather J. R. Priest,
Secretary of the Senate
Maine State Legislature
#3 State House Station
State House, Room 432
Augusta, Maine 04333-0003

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1475, "An Act To Facilitate the Use of State Education Subsidies."

Dear Ms. Priest:

Rather than address shortcomings of the Legislative budget cycle or problems with the State's consolidation laws, this bill lays out a recipe by which local school administration units would be encouraged to spend any unanticipated funding received from the State rather than to offset the local share and provide property tax relief. Despite all of the talk in Augusta about the need to reduce property taxes, this bill introduces a new barrier to lowering the property tax burden and encourages new spending.

Please consider this formal notification that, pursuant to 22 M.R.S. § 3173-G, Public Law 2015, Chapter 356, *An Act to Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services of Reproductive Health Care and Family Services*, the Department of Health and Human Services (DHHS) has received written approval of the required state plan amendments from the Centers for Medicare and Medicaid Services (CMS).

Voting on a school budget is one cornerstone of local control that provides transparency and accountability at the local level. By placing a mechanism in law that would silence local debate in the event additional resources become available, this bill erodes the rights of property tax payers, who currently have a say in how funds are used and whether they would prefer that any additional dollars from the State reduce the local share of the cost of education. This Administration will not support such an affront.

In order to implement this legislation, DHHS must now promulgate rules in accordance with the Administrative Procedures Act (5 M.R.S. §8052).

The core problem this bill seeks to address seems to be the mismatch in timing between when the biennial budget is finalized and when local budgets for school administrative units are approved. It is within the Legislature's purview to make changes to the biennial budget process.

Sincerely,

S/Mary C. Mayhew
Commissioner

Options include switching to a calendar-based fiscal year, requiring that the budget be passed earlier in the Session, moving the entire budget process to the Second Regular Session of an elected Legislature, or any combination of the above. The Administration is willing to discuss any serious proposal to change the State's budgeting process. Sadly, this bill would fundamentally alter local control for school budgets to compensate for the shortcomings of the Legislative process.

MCM/klv
Enclosure

READ and ORDERED PLACED ON FILE.

If the Legislature is interested in reexamining the way we run our State government in service of the communities, the Administration stands ready to assist. That is not what this bill does; therefore I cannot support it and I return it to you unsigned and vetoed. I urge you to sustain it.

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

Sincerely,

COMMUNICATIONS

The Following Communication: S.C. 981

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Facilitate the Use of State Education Subsidies
(EMERGENCY)

S.P. 573 L.D. 1475

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, before you have a Chief Executive's veto of L.D. 1475, An Act to Facilitate the Use of State Education Subsidies. This was a unanimous report out of the Education Committee. What this bill looked to do was allow our municipalities and our school districts, our towns, to be able to put on a warrant for voter approval a question that says that if, indeed, there are additional funds that come out of the acts of the Legislature that this is how we would spend those funds, either to carry forward, reduce property taxes, or to pay for some items that may have been cut due to budget cuts. This is, I think, a responsible way for our communities to act. They would put it in front of the voters, unlike what I think it says here. They would make those decisions at the local level. If they, indeed, did not want to vote to support that, if additional funds came in they would automatically go into balance forward. For those communities that have some need, this would allow them to be able to put it in front of the voters on a warrant and then allow them to use those funds if they come in after town meetings and the budget process is done. I would urge you to vote to Override. Thank you.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#663)

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CUSHING, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BURNS, CYRWAY, DAVIS, EDGECOMB, MCCORMICK, WILLETTE, WOODSOME

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: S.C. 982

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

April 12, 2016

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1565, "An Act to Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners."

I do not oppose the objectives of this bill – increasing the reimbursements the State makes to non-salaried medical examiners for an inspection and view of a body. The flat fee of \$85 per incident is not sufficient. I do, however, oppose trying to pay for this through increased fees. Maine people pay sufficient taxes and should not be expected to pay additional fees for services the State should be providing via the tax revenues it generates.

Sections 2 and 3 of this bill both propose increasing fees charged by the Medical Examiner's Office. Section 3 of this bill, which proposes increasing the fee one's family must pay in order to receive a certificate to cremate a loved one's remains, seems particularly inappropriate and was rejected in the Committee's minority report on this bill. Instead of increasing fees, the modest funding to increase medical examiner reimbursements should be identified within the State's General Fund budget as a way to move away from these fees.

For these reasons, I return LD 1565 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners
S.P. 617 L.D. 1565