

# MAINE STATE LEGISLATURE

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**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

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Pages 737-1487

69 having voted in the affirmative and 76 voted in the negative, with 6 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-717) FAILED.**

Representative CUMMINGS of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONED** the Bill and all accompanying papers.

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 the bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 338**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

**ABSENT** - Bierman, Brown R, Curley, Moore G, Muse, Saviello.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

**ENACTORS**  
**Acts**

An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures

(H.P. 1199) (L.D. 1691)

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

On motion of Representative **TARDY** of Newport, was **SET ASIDE.**

The **SPEAKER:** The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have before us "An Act to Eliminate Pension Cost Reduction Bonding". Before we vote on enactment I would ask that we recall the end of March when this Legislature and the Chief Executive rejected the bipartisan approach to budgeting and engaged in what we know now as the notorious method of pension cost reduction bonding.

I am glad that we are pass that night Mr. Speaker. I want to thank you for your part in bringing LD 1691 forward and I want to thank you for not using the BRAC recommendations as an excuse and I want to thank you Mr. Speaker for recognizing that borrowing money to keep the lights on isn't sound investment as was argued in march and is instead bad policy that flows from bad process.

When I talk about bad process I think it is important for us to look at the differences in Part I, a document that had only one set of fingerprints, versus the Part II document that did have two sets of fingerprints. I think we would all agree and I think, Mr. Speaker, that you would agree that the best process and product for the people of Maine occurs after there are two sets of fingerprints on a document.

As my good friend from Sanford, Representative Bowles suggested earlier today this LD is an improvement and credit needs to be given where credit is due. There have been some cuts and there have been some products of bipartisan work that have improved our state. But, tonight I would suggest that it is kind of like here we go again, we are ready to impose a tax increase on the overburdened people of Maine using a tax revenue that is unstable, unreliable and that will no doubt contribute to our structural gap in the future and I would ask this; are we getting the job done like we should and is this so called Part III the best product, given that it only has one set of fingerprints? If instead of borrowing to keep the lights on we are just taxing to keep the lights on is this what the people of Maine deserve?

We are going to vote against this over here in this side of the aisle unless something really goofy happens at supper tonight Mr. Speaker and we are standing up for the people of our districts and we are standing up for the Democrats, the Independents and the Republicans, the small business people, the smokers, the people who own the mom-and-pop stores and the people all across Maine who recognize that we are number one taxed state in the country. That burden is ridiculous, it is unacceptable and I ask isn't it obvious that we could do better? Mr. Speaker I ask for a roll call.

The same Representative **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 Portland, Representative Cummings.

Representative **CUMMINGS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand here to speak in support of this motion and to say that we, as Democrats, are proud to be standing up for those who need healthcare and not their next cigarette. We have a belief in this state that people work better together and that is what this is about. But, I do want to say that I believe in this last few weeks we have clearly worked better and we have worked well and I want to thank the Minority Leadership and I want to thank the Minority Leadership and I want to thank Representative Millett and his team in Appropriations for working with us. I believe it was in a respectful manner and a helpful manner and a productive way and it means alot to us and to the people of this state.

I do want to say though that even if you go back to March, based on how things came out in the last few days, there are clear philosophical differences and even if we had done things differently in March you many not have had a different result. Here we see the clear philosophical difference that says we will not abandon 40,000 people. I have never heard a contradiction out of any significant independent source that says otherwise. We will not abandon them for with no healthcare, which is a

major cost shift to the rest of us. In addition, we did a significant cut in our structural gap, we eliminated the borrowing and we used no broad based taxes. We think that this is a step forward, but I would not be telling the truth if I believe that this was the only thing that needed to be done. Today we balance a budget that eliminates the borrowing and that shifts the structural gap downward, which was what we suggested and moves us, I think, forward and avoids the biggest cost shift in healthcare that we could experience as a state and we will all pay for it.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Crosby.

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I did vote for the Part I budget and the borrowing package and because I voted for that borrowing package and this package we have before us tonight is the only thing that we have to fix the borrowing package I plan to vote for final enactment. I am not happy about the fact that we are taxing our corporations, but it is the only thing that we have before us tonight and I believe that it is the better of the two evils and so I will be voting for 1691. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 339**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Bierman, Brown R, Curley, Moore G, Saviello.

Yes, 74; No, 72; Absent, 5; Excused, 0.

74 having voted in the affirmative and 72 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**ENACTORS  
Acts**

An Act To Improve the Delivery of Maine's Mental Health Services

(S.P. 57) (L.D. 151)

(H. "A" H-716 and S. "B" S-373 to C. "A" S-367)

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

On motion of Representative WALCOTT of Lewiston, was **SET ASIDE.**

The same Representative **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: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 340**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Bliss, Brannigan, Bryant, Craven, Davis G, Eder, Hutton, Lerman, Lindell, Mills, Pelletier-Simpson, Sampson, Twomey, Walcott, Webster.

ABSENT - Bierman, Brown R, Curley, Moore G.

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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**ENACTORS  
Emergency Measure**

Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978

(S.P. 139) (L.D. 415)

(H. "A" H-710 to C. "A" S-138)

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. 120 voted in favor of the same and 22 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

(S.P. 590) (L.D. 1608)

(H. "A" H-712 to C. "A" S-316)

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. 107 voted in favor of the same and 30 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.