

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

Expression of Legislative Sentiment Recognizing Marc Solomon Korobkin, of Portland

(HLS 570)

TABLED - June 15, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **PASSAGE**.

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. This young man is here today and he is somebody that if you get a chance to speak to, you will enjoy meeting. I always like it when people describe someone as "seemingly serious and quiet" because you know underneath that boils some real passion for ideas, for education, and for things that he truly cares about, and Marc is a wonderful example of that kind of dedication in his life to affect change.

He has been, besides being the valedictorian of a school with very high standards, he is currently captain of three of their important academic clubs at Portland, the math team which should be enough of a challenge, but also the Academic Decathlon and the Future Business Leaders of America, where he also serves as their state level secretary. He was a student representative to the Family Living Advisory Board, a group of professionals who review the sexuality curriculum at the high school level, and last year he was one of the few students selected by the staff to attend a summer program called Democracy In Action, the 10-day experiential learning seminar focused on the legislative process, no less, where the students studied and debated bills into law. Marc has also been an active participant in Key Club for four years, is a peer tutor for math in his last two years.

Besides this academic excellence he has also received the Harvard Book Award, which is a very prestigious award, and last year as a junior he was inducted into the National Honor Society. Outside of school he has worked for the last three years at a hotel and after experiencing the death of an elderly family friend, Mark started volunteering his time at a Meals on Wheels program last summer, and he has been a Jewish Community Alliance volunteer for the last four years. Here is a bright down-to-earth motivated active individual and I would suggest that, ladies and gentlemen, we do well to remember the name Marc Korobkin because I believe that we're going to see a lot of this young man as time goes on, and I offer my congratulations on his status as valedictorian of his class. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Mikhaila Rose Fogel, of Portland

(HLS 568)

TABLED - June 15, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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, 2011, June 30, 2012 and June 30, 2013

(H.P. 778) (L.D. 1043)

(H. "A" H-636 and S. "H" S-324 to C. "A" H-620)

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. Those of us who have had the privilege of serving on Appropriations this session felt like we were completing a marathon when we voted the budget out last Thursday night and I ask your patience with me as I thank some of those people who helped us to get to the finish line. This was a particularly difficult and challenging budget and there are many people who deserve appreciation.

First I want to thank all my colleagues on the committee whose dedication, hard work, and patience enabled us to work through the differences that often existed among us. Committee members, Democrats and Republicans, gave one another the benefit of the doubt when the going got tough as we worked through one enormous challenge after another. All committee members displayed an abundance of good will over the past months and for that I'm truly grateful.

I want to thank all of those people who supported us and guided us with our work, people like House staff member Bill Brown and caucus members who encouraged us, who shared their policy expertise with us, and who sometimes even fed us meals.

I want to thank you, Mr. Speaker, and the Representative from Orono, Representative Cain, for your support and the faith that you all had in us by leaving us alone to do our work. I am grateful to the Revisor's Office, Sandy Matheson and her staff at MePERS, and I especially want to thank Grant Pennoyer and his fabulous staff at OFPR whose expertise, professionalism and graciousness were critical to our work. Staff like Chris Nolan were invaluable to us as we worked weekend after weekend and late night after late night. Our stellar principal analyst, Maureen Dawson, was always so helpful and always had a smile on her face, regardless of the fact that she has been totally sleep deprived over the past few weeks and has been working under enormous pressure.

Finally I want to thank my good colleague from the other body, the Senator from York, Senator Hill, and especially our Appropriations chairs, the Senator from Hancock, Senator Rosen and the Representative from Winthrop, Representative Flood, for their exemplary leadership and for their patience, respect, and for forbearance shown to us throughout the last five months. The thoughtfulness, kindness, courage and integrity displayed by the Representative from Winthrop, Representative Flood, as he demonstrated to honoring the committee process brought us to where we are today.

When the Appropriations Committee started working on this budget more than four months ago, the common wisdom in the State House was that we would never be able to achieve a bipartisan, unanimous budget. If there is a message to the amended bill before you, it is that the process works when it is honored and allowed to run its course. Our weeks of listening to the public, the deliberations and input from the Legislative Oversight Committees, the weeks of lively and respectful discussion within the Appropriations Committee and the give and take among the members all helped us to accomplish the impossible.

You see it before you, a budget which comes a long way from

the Chief Executive's original proposal. Our caucus was particularly concerned with keeping our promise to our public employees in the budget and maintaining a safety net for our most vulnerable in the state – the elderly and the disabled, those in the greatest need. You see our caucus imprint in these areas in the budget. You see the changes we were able to make to the pension proposals and we are proud of the restorations we made to the Fund for a Healthy Maine and programs like Drugs for the Elderly and MaineCare Buy-In program, which serves thousands and thousands of our elderly throughout the state. We would have liked to have done even more around the pensions and we would have liked to have made changes to the tax package by sending more money back to our local communities for property tax relief, but this is a 2/3 budget and we knew we couldn't get everything we wanted.

There are parts of this budget that some of us like more than others. All Appropriations Committee members advocated strongly for the concerns and values of their caucuses, knowing that eventually we would need to find constructive ways to resolve our differences and we did that. Our committee didn't have the luxury of not compromising and not voting out a budget. Failure was not an option for us, just as it is not a realistic option for us today. Failure is also not an option for the people of Maine and so I hope you will join us in supporting LD 1043 as amended. Thank you, Mr. Speaker.

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

Representative FLOOD: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the kind words of the Representative from Lewiston, Representative Rotundo. It is a distinct honor to serve with her. Regarding this bill, I did want to thank the kind people and hardworking people at OFPR. I also wanted to be sure we thanked the Democrat and Republican leaders in both bodies for their patience and for their guidance when we needed it. Also all members of this chamber and the other body had a great deal of influence on this process and I think if you look at it carefully you'll see your stamp is on this budget bill as well. Of course I want to thank my colleagues on the Appropriations Committee, I can't possibly thank you enough, and also the good Commissioner for DAFS, Commissioner Millett, a good friend and a hardworking gentleman who helped us throughout this process and I want to be particularly sure that I note that he helped us a lot at the end. I especially want to say thanks to the Senator from Hancock, Senator Rosen. Those of you who may not have worked with him closely over the years, I want to be sure you know he is a man of outstanding intellect, understanding and a strong sense of purpose. It is a distinct honor to work beside him in Room 228.

I think when people work together in a trusting environment, in an empowering atmosphere, anything is possible and as the Representative from Lewiston said, we did need that to help us get through this to a unanimous support.

I think the people of Maine have very high expectations of us – and it's rightfully so – and it's our duty to deliver results and I hope the results of this budget meet your needs and also the needs of the people.

The people expect us to put aside partisanship and to solve problems. I hope the results that we brought in this budget indicate our strong willingness to do just that – to work together to solve problems. I also earnestly hope that our efforts here please the Executive Branch. We hope that our unanimous work facilitates their leadership of our state.

I could not be prouder of the people I work with here, Republicans, Democrats, Independents, and I wish to thank them

all again for their leadership, everyone in this body, and wish you all a good summer.

In closing I did want to say "Let's not do this again right away...that would be great..." Thank you, Mr. Speaker, and thank you very much Ladies and Gentlemen of the House. Mr. Speaker, I request a roll call.

Representative FLOOD of Winthrop **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 Orono, Representative Cain.

Representative CAIN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support enactment of LD 1043, the biennial budget for Fiscal Years 2012 and 2013. Mr. Speaker, for the first time since the early nineteen seventies House Democrats negotiated this budget from a minority position.

Personally, I have now helped to work and balance the budget as a member of the Appropriations Committee, as House Chair of the Appropriations Committee, and now as Minority Leader in the House. All three biennial budgets that I have been fortunate to participate in have come to this floor with a unanimous committee vote and that makes me very proud to serve in this body.

This time was different, though, for us as House Democrats, because the values of our caucus and of our party, as Democrats, were not easily discernable in the initial budget document, as proposed more than 5 months ago by the Chief Executive. We found the size and structure of the tax package out of sync with the needs of Maine's economy. We found the cuts and initiatives in the Department of Health and Human Services dangerous and harmful to Maine's most vulnerable. And we felt promises to our public employees and retirees with fixed incomes were in jeopardy and the impact was too great on their limited family budgets.

But our values were reflected in the process, they were reflected in the transparent and thorough process established and ably led by the Representative from Winthrop and the Senator from Hancock. They were reflected in the hours and weeks of public hearings when people came from every corner of this state to express the impact they feared from the initial proposals. They were reflected in the thorough and transparent work sessions of the committee. And they are reflected in the budget before us today.

Though as House Democrats we still have concerns about the future implications, the tax package has changed in size and scope to have a greater benefit to Maine people and Maine companies. The changes in Health and Human Services increase accountability in safety net programs while maintaining support for the elderly, the disabled, and the working poor. And promises are being kept to our public employees – who work hard every day to ensure that our children are taught, are roads are cared for, and the vital services of state government continue to work for the people of Maine. We owe our current and retired public sector employees our thanks and gratitude, and I am pleased that all of the most harmful proposals to their pensions and healthcare were removed during the budget process.

I want to thank the Representative from Lewiston, Representative Rotundo, the Representative from Eagle Lake, Representative Martin, the Representative from Freeport, Representative Webster, and the Representative from Bangor, Representative Stevens, for so ably representing our caucus positions on so many tough issues. I also want to thank my

friend, the Representative from Winthrop, Representative Flood and his entire "team" on the Appropriations Committee. I commend and thank all those whose work and dedication during the process led to this outcome.

And to you, Mr. Speaker, I thank you for sharing my philosophy of leadership and the budget – "if they need us, they'll call us, and we'll be there to hang on the rail and watch the final vote."

This session has been different for House Democrats in many ways, but what this budget and today's vote demonstrate is that despite political changes, some forms of consistency are possible and desirable. When the process is consistent, and the process is respected, a unanimous product and a bipartisan vote will follow.

The best work we do, we do together. I am honored to be a part of this kind of process. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On behalf of the Republican caucus and all of us in the 125th, we want to take this time to extend our appreciation to the Representative from Winthrop, Representative Flood, and the good Representative from Lewiston, Representative Rotundo, and their fellow Appropriations Committee members on carrying out an awesome responsibility of delivering to this body LD 1043. Their commitment in time and in patience went well beyond their call of duty. Our appreciation needs to be extended not only to each of them, but to the family members that shared their time, allowed them to share their time with us here in this chamber. So thank you members of the committee, each one of you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. First I want to also thank the Representative from Winthrop, Representative Flood, and other members of the Appropriations Committee for the work of achieving this goal. I also want to take this opportunity to thank Republican leadership who made the decision not to go to a majority budget and to make the decision that we could accomplish a two-thirds budget before the end of this session. It was the right decision and I'm really pleased that that decision was made. As a person who has also in the previous served as a member of the minority on the Appropriations Committee in the '60s, I want to point out that the work isn't much different, whether you serve in the minority or the majority, because in both sides, if you're going to achieve a budget, it has to be by two-thirds vote and there has to be a give and take both ways.

In addition, I want to thank the person who served on Appropriations many years ago, the Commissioner of DAFS, who was our advisor through this and was, when I was a member of the Appropriations Committee many years ago, when he was a member of the Legislature. So our thanks go to everyone who participated and my belief that the job was done. None of us got what we wanted fully, but I believe in the end we have a budget that can serve the people of Maine.

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. 201

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Boland, Burns DR, Cain, Cebra,

Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Cray, Crockett, Curtis, Cushing, Damon, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiaga, Lajoie, Libby, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Blodgett, Briggs, Bryant, Burns DC, Casavant, Chipman, Crafts, Davis, Gilbert, Goode, Harlow, Kent, Lovejoy, O'Brien, Peterson, Russell, Stuckey, Timberlake, Treat.

ABSENT - Bolduc, Carey, Celli, Dion, Fredette, Hinck, Maloney, Wintle.

Yes, 123; No, 19; Absent, 8; Vacant, 1; Excused, 0.

123 having voted in the affirmative and 19 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Reference was made to Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities"

(H.P. 662) (L.D. 903)

In reference to the action of the House on June 16, 2011 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative PICCHIOTTI of Fairfield
 Representative McCLELLAN of Raymond
 Representative CASAVANT of Biddeford

COMMUNICATIONS

The Following Communication: (H.C. 205)

**STATE OF MAINE
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June 15, 2011

The Honorable Robert W. Nutting
 Speaker of the House

2 State House Station
 Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass":

Appropriations and Financial Affairs

L.D. 141 An Act To Increase the Retirement Age for New State Employees to 65 Years of Age

L.D. 181 An Act To Promote Fiscal Transparency in State Government

L.D. 542 An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System