

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

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 16, 2012

The House met according to adjournment and was called to order by the Speaker.

Prayer by Colonel Valmore Vigue, State Chaplain, Joint Forces Headquarters, Maine Army National Guard.

National Anthem by Staff Sergeant Joel T. Crowley, Windham.

Pledge of Allegiance.

Doctor of the day, Daniel Stanhiser, M.D., Scarborough.

The Journal of yesterday was read and approved.

At this point, the Members of the House stood and joined in a moment of silence for our fallen soldiers.

SENATE PAPERS

Bill "An Act To Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)

(S.P. 630) (L.D. 1822)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Pursuant to Resolve

**Department of Administrative and Financial Services,
Bureau of General Services and the Department of
Transportation**

Report of the **Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation** pursuant to Resolve 2011, chapter 74 asks leave to report that the accompanying Resolve, Regarding Prequalification Processes for Contractors

(S.P. 629) (L.D. 1821)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 309)

**DEPARTMENT OF DEFENSE, VETERANS
AND EMERGENCY MANAGEMENT
33 STATE HOUSE STATION**

CAMP KEYES, AUGUSTA, MAINE 04333-0033

Office the Commissioner and The Adjutant General

February 13, 2012

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 125th Maine Legislature on Thursday, February 16, 2012 at 11:00 a.m.

Sincerely,

S/Major General (Retired) John W. Libby

Commissioner and The Adjutant General

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 310)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

February 16, 2012

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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Insurance and Financial Services

L.D. 1716 An Act To Require Funds for Prearranged Funerals To Be Invested Subject to the Requirements of the Maine Uniform Prudent Investor Act and To Update Related Provisions

L.D. 1717 An Act To Establish a Preneed Life Insurance Producer License and Preneed Life Insurance Product for Prearranged Funeral Plans

State and Local Government

L.D. 1757 An Act To Require Agencies To Report the Costs of Pursuing Actions in Adjudicatory and Court Proceedings

Transportation

L.D. 1656 An Act To Clarify the Registration Exemption of Tractors under the Motor Vehicle Laws

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Heather J.R. Priest

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 311)

MAINE STATE LEGISLATURE

AUGUSTA, MAINE 04333

BLUE RIBBON COMMISSION ON AFFORDABLE HOUSING

February 14, 2012

The Honorable Kevin L. Raye, President

Maine State Senate

The Honorable Robert W. Nutting, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Resolve 2011, chapter 108, the Blue Ribbon Commission on Affordable Housing is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have

been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,
S/Sen. Thomas Martin, Jr.
Senate Chair
S/Rep. Andre E. Cushing III
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 312)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

February 15, 2012

The Honorable Kevin L. Raye, President of the Senate
and Members of the 125th Maine Senate
3 State House Station
Augusta, Maine 04333

The Honorable Robert W. Nutting, Speaker of the House
and Members of the 125th House of Representatives
2 State House Station
Augusta, Maine 04333

Dear President Raye, Speaker Nutting and Members of the 125th Legislature:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2011. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. I hope that you and Maine's citizens continue to view our efforts and results as a worthwhile use of taxpayer dollars, as we continue working to increase our value to you.

Sincerely,
S/Beth L. Ashcroft
Director

READ and with accompanying papers **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority"

(H.P. 1346) (L.D. 1825)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: KNAPP of Gorham, MONAGHAN-DERRIG of Cape Elizabeth.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

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

**REPORTS OF COMMITTEE
Refer to the Committee on Taxation
Pursuant to Joint Order**

Representative KNIGHT for the **Joint Standing Committee on Taxation** on Bill "An Act To Review and Repeal Income Tax Return Checkoffs"

(H.P. 1347) (L.D. 1826)

Reporting that it be **REFERRED** to the Committee on **TAXATION** pursuant to Joint Order, H.P. 1324.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources"

(H.P. 832) (L.D. 1120)

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGEComb of Caribou
BLACK of Wilton
CRAY of Palmyra
GIFFORD of Lincoln
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)** on same Bill.

Signed:

Representatives:

DILL of Old Town
FOSTER of Augusta
KENT of Woolwich
McCABE of Skowhegan
O'BRIEN of Lincolnville

READ.

Representative EDGEComb of Caribou moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

**CONSENT CALENDAR
First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 595) (L.D. 1736) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 527) (L.D. 1617) Bill "An Act To Ensure the Alignment of Truck Weight Limitations on the Interstate with Those Allowed

under Federal Law" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-376)**

(H.P. 457) (L.D. 627) Bill "An Act To Expand the Capacity of York County Community College" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-699)**

(H.P. 1294) (L.D. 1759) Bill "An Act To Amend the Laws Governing the Pull Events Commission" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-701)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR
Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 206) (L.D. 675) Bill "An Act To Establish Multidistrict Online Classes in Maine" (C. "B" S-375)

(S.P. 525) (L.D. 1615) Resolve, To Name 2 Bridges in the Town of Harmony (C. "A" S-374)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Create Fair and Open Competition in Line Extension Construction"

(H.P. 695) (L.D. 935)
(C. "A" H-695)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Acts

An Act To Protect Legislative Intent in Rulemaking
(H.P. 426) (L.D. 543)
(C. "B" H-688)

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.

Resolves

Resolve, To Name Route 1-A between Brewer and Ellsworth the Korean War Veterans Memorial Highway
(H.P. 1198) (L.D. 1593)
(C. "A" H-693)

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

The following item was taken up out of order by unanimous consent:

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1272) (L.D. 1723) Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1230) (L.D. 1640) Bill "An Act To Promote POW/MIA Recognition Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-705)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following item was 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 Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government" (EMERGENCY)

(H.P. 1339) (L.D. 1816)
TABLED - February 15, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE TO BE ENGROSSED**.

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. The unanimous report before you on LD 1816 from the Appropriations Committee combines the work of a \$25 million Streamlining Task Force authorized by last year's biennial budget and the first portion of the Administration's Health and Human Services Supplemental Budget Proposal addressing a \$121 million MaineCare shortfall in fiscal year 12 and \$101 million shortfall in fiscal year 13 – totaling \$222 million. First, I want to thank the Representative from Belgrade, Representative Keschl, and the Representative from Eagle Lake, Representative Martin and Commissioner Millett, Budget Director Lopatasky and the other members of the Commission for their work this summer on the \$25 million Streamlining Task Force.

The portion of LD 1816 reflecting the HHS Supplemental Budget proposal was first discussed with the Appropriations

Committee in November and formally proposed to us in early December.

The reason that we combined the Streamlining Bill and the first portion of the HHS Supplemental Bill together into this bill was an effort to pass an adequate Emergency Measure bill now so that we could ensure sufficient resources to fund our state's MaineCare programs through the end of the fiscal year ending this June 30th. The Administration had requested quick action on our part because the General Fund cash availability for MaineCare providers was going to become a problem in the mid to late April period. They requested our action now. And we responded.....

In order to address looming cash flow problems, we left some issues proposed in the HHS Supplemental Bill until later. We did not have time to adequately cover those in their entirety in the short time horizon we were facing. And it was unlikely we would be able to achieve the necessary support for those issues if they were also imbedded in an emergency measure requiring a super majority action on our part – now.

Our dilemma was that on one hand we had a legitimate Emergency request from the Administration, but on the other hand we had components of that very request that we realized would be impossible to gain consensus on during the urgent deliberations needed to solve our mid-April cash flow issues.

Due to this genuine timing issue, we split the bill into two pieces: a) the piece that is before you today – LD 1816 – addressing about 60% of the original request from the Administration and is geared toward fixing our MaineCare shortfalls in fiscal year 12 along with the Streamlining Bill and part b) the remaining 40% of the shortfall – geared toward fiscal year 13 that will be deliberated in another bill that we hope to bring back to you in several weeks. This was the only pathway that the Senator from Hancock, Senator Rosen, and I felt we could utilize to meet our urgent fiscal year 12 responsibilities.

Today, we seek your full support of this emergency measure to ensure our MaineCare providers throughout the state will be paid through the fiscal year. This is our primary duty and our primary objective with this bill.

This bill has been reviewed by individual caucuses for nearly a week now so I won't repeat many of the things you already know about this bill. However, I do want to mention a few things.

This combined bill achieves about \$157 million of total savings, of which about \$106 million are long term and ongoing. Those types of changes will help strengthen the state's fiscal situation in the outgoing years as well as helping us to provide the fix to our current looming cash flow problem. This is good fiscal management.

The HHS portion of LD 1816 provides over \$1 million in MaineCare benefit redesign and approximately \$32 million in payment reforms. It also provides \$21 million plus of savings from changes in MaineCare eligibilities. Administrative-type savings within the bill total approximately \$52.7 million and other HHS funding options total approximately \$8.7 million. The bill also proposes using \$16.2 million from several actions within other portions of state government including de-appropriations, revenue transfers, or court settlements. It incorporates a one day inter fiscal year borrowing of \$59 million as proposed by the Executive Branch. This borrowing (of our own special revenue funds from the cash pool) helps us avoid more costly external borrowing. I want to be clear to all of you that this bill also provides significant savings in year 13. It was required that we achieve over \$59 million of savings in year 13 to "cover" the \$59 million proposed to be borrowed forward into year 12. By covering this expense – with year 13 savings – we have handled this internal borrowing process appropriately.

The Streamlining portion of the bill provides an additional \$25 million of savings primarily in fiscal year 13 across all agencies of government as required by our most recent biennial budget that you passed last June.

There are many pages of individual initiatives in LD 1816 from both the Streamlining bill and the first portion of the HHS Supplemental Budget proposal. However, I believe that there were only a dozen or so that were reported out of the committee with divided – yet strong – votes. The rest of the 200 individual line item initiatives in the bills were unanimous.

The streamlining bill was reported out of the task force that developed it over the summer – unanimously. And the entire combined bill before you now – came out of the Appropriations Committee early Wednesday of last week unanimously.

I want to thank the committee's Democrat House leader, the Representative from Lewiston, Representative Rotundo and all members of the committee for handling this unpleasant work with such dignity. I also want to thank all members of the OFPR staff, HHS Committee and Commissioners Mayhew and Millett and their staffs for their expertise and their unending patience. Thanks to Senator Hill, Senator Katz, Representative Winsor, Representative Chase, Representative Martin, Representative Webster, Representative Clark, Representative Keschl, Representative Stevens, Representative Fredette, and Chairman Senator Rosen. Your work is honorable and it does not go unnoticed. I could not wish for a better committee.

There is no joy in the discussion of, or passage of, LD 1816. Long term proposed changes implemented by this bill will be difficult for many of our citizens. But we have tried to frame up these proposals in a humane way; maintaining our goal of providing for the persons most in need, and providing for reasonable transition periods as we reduce our MaineCare eligibilities by over 30,000 people and reduce government costs here by \$157 million. This is a serious and necessary step change for our state – and we approached it with the constraint, the thought, the respect, and the concern that you should expect of the committee. We bring forth to you today an imperfect document built by a hard-working committee, doing our best to satisfy you – our state's leaders. Clearly there is plenty to dislike regarding this or any other budget proposal. It is the very caustic nature of implementing necessary and unpleasant changes. We have addressed the work we were handed – and it is our responsibility to present to you today a plan that the committee feels will work. The committee knows there are perhaps hundreds of potential plans that would not work; our goal is to bring you one that will – and to try to receive your support.

This bill doesn't go far enough. Yet this bill goes too far. We understand that. We understand that very conflict, the many objections, and the resultant conflict resolution inherent in the budget-building and budget acceptance process. We accept that responsibility. We bring to you today our product. We recognize that the only budget that will work is the one that you – our colleagues in this great chamber and in the other body – believe will work. Our goal is to facilitate that for you as best we can. We hope we have met your expectations with this unanimous report and ensuing amendments. Mr. Speaker, when the vote is taken I request a roll call. And finally, my thanks to the leaders of this Legislature for their guidance and support during this process. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED.**

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 Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The budget before us was not easy to negotiate. We faced fiscal and political obstacles at every turn. This budget is not a Democratic budget. Democrats don't agree that taking health care away from Maine people who need it most will solve our budget problems. This budget shortfall was not caused by an increase in enrollment in MaineCare. This pursuit of eliminating people's health care has been a distraction from the laser focus that is needed to reinvigorate jobs and the economy in our state.

We come to this agreement with great concern and pause. However, we believe that this budget allows us to keep the lights on, to pay providers, and to continue to provide access to health care for thousands who would have lost it under the Chief Executive's original proposals.

This budget process has been difficult and many people deserve thanks in helping us to come to this agreement. First, I want to thank you, Mr. Speaker, and the Representative from Orono, Representative Cain, and the Representative from Buckfield, Representative Hayes, for giving us the freedom as a committee to negotiate a bill that we were able to vote out unanimously. We also appreciate that you were there for us when we did need you.

I want to thank the DHHS staff for the long hours they put in as this budget was negotiated. I want to thank the OFPR staff for their extraordinary work over the past two months, with special thanks going to our principle analyst, Maureen Dawson, and to Grant Pennoyer, Chris Nolan and Alex Avore.

I want to express my admiration and deep respect for the Senate and House Chairs of the Appropriations Committee whose patience, determination, integrity, good humor and professionalism enabled us to forge the bipartisan agreement in face of all odds.

I also finally want to thank all of my colleagues on the Appropriations Committee, Republicans and Democrats, for their great good will and commitment to staying at the negotiating table to bridge what seemed – on every occasion – like a gaping partisan and ideological divide.

As we move forward from today, the work of the Appropriations Committee continues as we try to find the right path for our state. I hope that Republicans and Democrats can find the strength and courage to continue to work together and to continue to work in good faith. Thank you.

Representative **FLOOD** of Winthrop **PRESENTED** House **Amendment "D" (H-707)**, which was **READ** by the Clerk.

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 offer House Amendment "D" on behalf of the members of this body in order to more fully develop the necessary consensus for this legislation. The amendment intends to recognize several concerns brought forward by membership since our report was voted out of the committee last week and provides solutions to those concerns. It is my hope that by proposing solutions to these concerns in one amendment, it will be of benefit to all. Additionally there is one technical item to fix.

Here are the four things proposed in this House Amendment. First – the minor technical amendment. In one location within the bill, the bill refers to a September 1 start date, when in reality we all agree it should be an October 1 start date. This House Amendment fixes that mistake.

Regarding the three substantive changes proposed in this House Amendment: Number one, the amendment allows the reduction of the Dirigo "access" payment to go into effect as

structured in last year's biennial budget. More specifically, it rescinds a proposed one year extension of the current "access" payment required from health insurance carriers, 3rd-party administrators, and employee benefit excess insurance carriers; proposed and passed last week as an amendment in LD 1816's Committee Report. By rescinding the Committee Amendment, this House Amendment reduces the current 1.87% access payment to support the Dirigo Health Agency to 1.64% on July 1, 2012, thereby reducing revenue to Dirigo Health Agency by \$4.8 million but also reducing the transfer of that same amount from Dirigo Health Agency to Other Special Revenue Funds Medical Payments to Providers account, the so-called MAP account.

Secondly, the amendment creates a one time hospital assessment at the request of the hospital administrators of .39% of net operating revenues, in year 13, approximating \$14 million in total to replace and supplant several rate cutting savings initiatives also totaling \$14 million of General Fund dollars as originally proposed by the Administration and generally accepted by the Appropriations Committee within the Streamline Task Force and the HHS Supplemental Budget. Because this one time year 13 revision replaces some savings originally proposed for year 12, it requires an additional \$1.5 million of one day inter-year internal borrowing. That additional borrowing is adequately covered by the savings generated in year 13. There is no effect on the total General Fund savings regarding hospitals within the bill.

Thirdly, it provides consensus language on the planning process for the changes to one of the important MaineCare changes – regarding the childless adults waiver.

The committee hopes that these three substantive changes help to overcome concerns brought forward during this past week from members of our respective caucuses. As I said earlier, the only budget bill that works is the one that most of you concur with. It is our objective to build as much agreement as possible. You are all equal voices in this budgeting process. We hope that the work we have done in the committee and the work subsequent to that imbedded within this amendment renders this amended proposal supportable by this body.

I am very proud of the legislative consensus-building, both within the committee and then again once the committee reported out its work. I want to thank you all for your consideration and your leadership. I seek your support of this broad amendment in an attempt to complete a legislative solution to this emergency issue. Mr. Speaker, I request a roll call. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-707)**.

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 Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this amendment. I support this amendment that's been brought forward because it restores critical funding for hospitals. This has been very important for our caucus. The restoration of these cuts will prevent job loss in our communities and will continue critical care at our hospitals. I urge you all to support the amendment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "D" (H-707). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 225

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

NAY - NONE.

ABSENT - Celli, Goode, Peterson, Volk, Wood.

Yes, 145; No, 0; Absent, 5; Vacant, 1; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "D" (H-707) was ADOPTED.**

Representative CHIPMAN of Portland **PRESENTED House Amendment "A" (H-700)**, which was **READ** by the Clerk.

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. Last year, I voted no on the budget and I didn't offer any kind of plan or any kind of alternative, and with all due respect to the incredible amount of work that went into developing this budget, there are still some things about it that I can't support. However, I've put a lot of time and effort into developing an amendment that I think would work quite well.

This amendment would protect MaineCare coverage for thousands of low-income families and individuals without eliminating anybody. It also will not raise taxes for a single person in the state and it will create \$57 million in additional revenue for the 2013 and 2014 budgets. These aren't my figures. These facts and figures have all been verified by the Office of Fiscal and Program Review. Now that said, there will be 14,000 low-income parents that we would restore eligibility standards for, and we would avoid denial of health care for thousands of low-income noncategoricals in the future because we would not change the eligibility for them.

Even if you voted for tax cuts last year, you can still vote for this amendment and the reason is simple. The finances of the state have changed since last year. We have shortfalls we didn't think we were going to have. Our revenue forecasts are off, \$39 million for January alone. There are some serious financial problems with the state that we need to straighten out. And so I guess I would ask the question to the House is, can we afford to go forward with tax cuts that have not taken effect yet? And I'm not, with this amendment, at all trying to repeal anything that's already taken effect. That's fine, let those go. But tax cuts that have not taken effect yet, all I'm saying, and I'm not saying to repeal those either, I'm just simply saying to hold off for one year and to delay any further implementation of tax cuts.

This is not a tax increase; it's simply delaying the implementation of cuts that have not taken effect yet. And I've heard some folks say now is not the time to offer this kind of plan and I would submit that it is the time because we have some problems that need to be addressed, and, you know, when you've got more money going out the door than you have coming in the door, you stop writing checks. And, Ladies and Gentlemen of the House, the tax cuts that will take effect next January of 2013 is a huge check that we cannot afford to write at this time, because by writing it, we're not going to have enough money to cover MaineCare and we're going to be cutting people off health care. And what's going to happen? They're going to end up in the emergency rooms, they're going to end up getting sick, and when they cannot afford to pay those bills, ladies and gentlemen, who is going to pay those bills? We all are going to pay those bills. They're going to get paid somehow. We're going to pay it anyway, but at a more expensive cost. And so this plan will avoid all of that and, again, won't raise anyone's taxes and will actually give us some additional money to start out the next budget with.

So, in conclusion, I would just put the question out there and encourage everybody to vote with me on this amendment, to protect MaineCare for thousands of low-income Maine families by simply delaying tax cuts for one year. Thank you.

Representative FLOOD of Winthrop moved that **House Amendment "A" (H-700) be INDEFINITELY POSTPONED.**

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. The summary of the amendment before you states that the amendment restores all the MaineCare reductions proposed in the Bill. Additionally it increases one-day borrowing significantly by \$13 million. In discussions with Leaders and Appropriations Committee members of both parties, it has been clearly understood that the MaineCare programs are in need of some reform. There is broad support for that concept. Certainly there are disagreements regarding which portions should be reformed, by how much and when, and we have been trying to achieve consensus on that over the past few months and into today. The amendment before you unravels all of that. Eliminating all the MaineCare initiatives for which we have found unanimous consent – dismisses all the collaborative work done over the past several months. I urge the House to support the Indefinite Postponement motion. Thank you, Mr. Speaker.

Representative CHIPMAN of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-700).**

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-700). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 226

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Briggs, Burns DC, Cain, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker,

Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, 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, Timberlake, Treat, Turner, Tuttle, Valentino, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Boland, Bolduc, Bryant, Chapman, Chipman, Harlow, Innes Walsh, Russell, Stuckey.

ABSENT - Celli, Peterson, Volk, Wood.

Yes, 137; No, 9; Absent, 4; Vacant, 1; Excused, 0.

137 having voted in the affirmative and 9 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "A" (H-700) was INDEFINITELY POSTPONED.**

Representative SANBORN of Gorham **PRESENTED House Amendment "C" (H-706)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proposing an amendment to LD 1816 as I believe there is a viable and better alternative to the MR waiver cut proposed in this bill. Some of you are aware that the bill proposes a 5% rate cut on top of additional cuts to room and board and will have devastating results for waiver homes. Consider the reality of this cut. Direct support workers, those who actually supply the hands-on care for individuals with severe developmental disabilities, intellectual disabilities and autism, and who already earn low wages will either suffer cuts to their hours of service or, more likely, lose their benefits such as health insurance. These direct care workers are the good people who clean, clothe, feed, soothe and calm those affected with severe disabilities, not easy tasks and care that is rewarded more by knowing that one has provided a necessary service with dignity to another human being rather than being rewarded monetarily.

Not only is this a hardship to direct care workers, but it will likely increase the turnover in staff employed by community service agencies. Individuals with intellectual disabilities and autism and their families need to be able to depend on community service agencies having the resources to provide stable and consistent residential care for those who need this level of service. Disruption in support can be very challenging for many people with disabilities and result in increased costs as their lives are turned topsy-turvy.

Agencies informed me that they have had a proud history of providing health insurance to their workers and the only reason they would cut the health insurance benefit is to avoid reducing service to people with developmental disabilities. They say it will be a very sad day when these cuts result in adding more people to the uninsured rolls, and I shouldn't need to remind anyone in the Legislature that adding to the uninsured rolls continues to drive up the costs of health insurance for those of us lucky enough to still have it.

Finally, the waiting list for adult developmental services continues to grow. At the end of January there were 966 people on the waiting list for the two waiver programs, a 57% increase from one year ago. Two-hundred and twenty-eight of those are identified to be in immediate need of services because of their health and safety risk. This is not the time to be taking any resources away from the program. Regrettably, some of us have been accused falsely with ignoring the serious need to get these folks into services, when in reality we continue to try to find better

alternatives than rash cuts to these programs. The people deserving these services are never going to simply get a job and the people providing direct supports to those in need deserve our blessings, not a slap in the face. The amendment I offer proposes to fill the gap in the budget from this cut with moneys collected from 3rd-party liability. MaineCare should always be the payer of last resort, we can all agree on that, and by making the effort to collect all due from third parties, we can truly provide the needed safety net, not just talk about it. I ask your support in passing this amendment as a good alternative to the unacceptable cut to the MR waiver. Thank you.

Representative FLOOD of Winthrop moved that **House Amendment "C" (H-706) be INDEFINITELY POSTPONED.**

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. House Amendment "C" proposes to reverse a 5% rate reduction for agency per diem homes, in the so-called Developmental Services Waiver – a General Fund impact of \$3.6 million in Part JJ. The House Amendment proposes to restore the reduction with additional 3rd-party recovery efforts in MaineCare by providing \$350,000 of new spending to achieve a proposed \$4 million of recovery effort savings. I move to postpone this amendment for several reasons.

Number one, Part JJ – as proposed by the committee – is the result of several weeks of negotiation by both caucuses of the committee and representatives of the Community Service Providers. It represents an agreement forged. It is important to not unravel that agreement.

Part JJ as proposed by the committee also included a working group to work with the Department and providers to develop recommendations regarding ongoing efficiencies and practices, exploring changes to reduce over-utilization of services, resolving issues within the shared living service model, reviewing standardized rates, and other actions – and to report their findings several times during the September '12 to April '13 period with a final set of recommendations to the HHS and Appropriations Committees in July '13 in order to help facilitate the next biennial budget process. That was a well-thought process – developed by long periods of negotiation.

Regarding the use of 3rd-party recovery efforts, the committee already addressed 3rd-party recovery efforts several times during the budget-building process – as did the Department. The Department is achieving a total of \$1.5 million per year in each year of the biennium as a result of their proposals and incremental proposals by the committee. They have made it very clear to the Appropriators that they are comfortable planning on those savings with their available staff and funding resources. They advised against trying to achieve additional savings in this area of 3rd-party recoveries, and I believe this is an area where they have given us their maximum savings potential to book. They and the committee were uncomfortable seeking additional staff or contract services funds to pursue this issue further at this time.

I am also concerned that since the matter of the Developmental Services Waiver – and its \$3.6 million of proposed savings – was an important matter that was sincerely resolved in a manner that continues to achieve savings with a different methodology, we could do significant damage to our support for the bill on this floor with a change here.

The negotiated pathway in this subject area is the one we should maintain. I urge the House to support the Indefinite Postponement motion. Thank you, Mr. Speaker.

Representative SANBORN of Gorham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-706)**.

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-706). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 227

YEA - Ayotte, Beaudoin, Beaulieu, Bennett, Bickford, Black, Burns DC, Cain, Cebra, Chase, Clark H, Clark T, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Lajoie, Libby, Long, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Tilton, Timberlake, Turner, Valentino, Wallace, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chipman, Clarke, Dill J, Dion, Driscoll, Eberle, Eves, Flemings, Goode, Graham, Harlow, Hinck, Hogan, Hunt, Innes Walsh, Kent, Kruger, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Priest, Rankin, Rochelo, Russell, Sanborn, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Wagner R, Welsh.

ABSENT - Celli, Peterson, Volk, Wood.

Yes, 93; No, 53; Absent, 4; Vacant, 1; Excused, 0.

93 having voted in the affirmative and 53 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "C" (H-706) was INDEFINITELY POSTPONED.**

Representative BERRY of Bowdoinham **PRESENTED House Amendment "F" (H-709)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. On Monday evening I was talking to a large group of senior citizens, all of them ladies, from the United Methodist Church of Richmond and Dresden.

One elderly constituent, someone who in the past has told me she never voted for a Democrat, never will, spoke up. She told me she had heard the President talking about how millionaires and billionaires shouldn't pay less than their secretary for taxes. And she said, "Can we do the same thing here in Maine?" "Yes, we can," I said. And we should.

Mr. Speaker, the amendment before you is very simple. To quote from the summary: the amendment "restores funding for MaineCare and other services that were reduced in the bill by requiring that the wealthiest 1% of Maine residents pay at least the same average state and local tax rate as all other Maine residents."

A little transfer difference, \$15 million extra to go to the General Fund, the rainy day fund, a little more now that we've fixed the hospitals issue. That's the bill. Restore everything that provides direct services to the people that will be impacted if we don't restore them, WraparoundME, CDS, the drugs two brand limit, the hospitals – although we already took care of that so more can go to the rainy day fund – the MR waiver, childless

adults, Alternate Response, Cost of Care, Opiates, Methadone, all of those cuts restored and more.

Mr. Speaker, President Obama is not alone in calling for exactly this kind of tax fairness. President Reagan famously said a millionaire should not pay lower taxes than a bus driver. President Roosevelt, arguably the other most popular Republican President of the 20th century, called for significantly higher taxes on the wealthy. This amendment, by the way, doesn't do that. It just asks that they pay the same rates as the rest of us.

Mr. Speaker: Is it right that a single mother, working at minimum wage and struggling to raise two children because the father died in a war overseas, perhaps, should pay twice as high a tax rate, as she does now – twice as high a tax rate – as what is paid by the heir to a fortune worth billions, who has never had to work a full day in his life? Is it right that a retired senior, like my constituent who approached me, let's say a former teacher living on a fixed income, with retirement COLAs reduced now and no social security, should pay higher taxes than a millionaire hedge fund investor? Of course not. It is not right, and it is not the Maine way.

Mr. Speaker, the Maine I know is a Maine where everyone pulls his or her fair share. The Maine I know is a place where we pull together as a community. These are the values I learned growing up on a farm in Bowdoinham, working construction, washing dishes in the local restaurant to help pay for my education. The Maine I know would not let a neighbor go without health care, or a developmentally disabled child go without extra help, to pay for lower taxes on a select and fortunate few. Not the Maine I know, Mr. Speaker.

The Maine I know is a proud place where we believe in fairness and in helping a neighbor in need. The Maine I know is a proud place where we do not put off until tomorrow what we can and should do today. We don't wait until winter to put up the hay, to put up the wood, to put up the vegetables. Nor should we wait to protect what we care about most: our communities, our neighbors, our values.

Mr. Speaker, don't just take my word for it, or the church lady's. Go home tonight and ask your constituents if they believe in tax fairness. Ask them if it is right that a millionaire in Maine should pay less than a bus driver. The average income, by the way, for the group we're talking about that pays below average rates is three quarters of a million dollars a year. Mr. Speaker, my constituents and my conscience say we should take care of one another, and not wait until tomorrow to do the right thing.

So, Mr. Speaker, I ask for a roll call, and I intend to vote for tax fairness and for helping a neighbor in need. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "F" (H-709)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative FLOOD of Winthrop moved that **House Amendment "F" (H-709) be INDEFINITELY POSTPONED.**

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. This House Amendment proposes to increase taxes paid into the General Fund by our citizens by \$66.6 million in a time when we have recently begun to implement some of our most significant tax reductions. This runs counter to a philosophy of reducing our tax burden. It proposes to use these funds to restore many proposals put forth in the budget building process by both the Democrat and Republican members of the Appropriations Committee to address reforms, and agreed upon after many hours of negotiation.

The long term changes implemented in LD 1816 are indeed unpleasant but essential to facilitate long term fiscal stability. I urge Indefinite Postponement of this amendment. Thank you, Mr. Speaker.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I support the amendment that is on the floor. The reason I support it is a simple principle. In hard times the message to the people of Maine should be that we're in this together. I admire my colleagues who served in the Appropriations Committee, my colleagues who served in the committees that came before the Appropriations, particularly Health and Human Services, to tackle the task that was put before them. The work that was done here was admirable, even heroic. There was extraordinary effort made. I don't think the people of Maine fully appreciate how many hours were put in listening to people, gathering evidence, sifting through it, and making a budget proposal something we could all be more proud of. But the frame in which they were operating was in violation of the principle that we're all in this together.

When times are tough and the State of Maine is short of money, the wealthiest among us, the ones who have been prospering, should pay the same tax rate as the ordinary working person. The guy who works the night shift, the woman who works the night shift, the folks who clean, make beds, sew, drive taxis, drive trucks, they shouldn't be paying a higher tax rate than somebody who is fortunate enough to be in the top 1% of income earners. It is an unfortunate fact of the tax code today that the people at the highest end pay a lower tax rate. Of course they pay more actual money, but the key fact is what rate are they taxed on and the fact is it's a lower tax rate than the tax rate paid by the ordinary working person, somebody who is making money by moving money is paying less than somebody who is making money with backbreaking work. That's not the way it should be.

This amendment proposes a modest adjustment to that so that if the tax is equalized and the top 1% pays the same amount that the average person pays, we free up a little bit of money to counteract the unfortunate cuts that have to be made in this budget. So the budget is not balanced on just the backs of the people who have the least. This is just tax fairness. I think it's the least we can do. We are in this together and that's the way we should be as a Legislature. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know, I've been asked numerous times 'Have you read the book "Nickel and Dimed"?' I tell people I don't have to because I lived it. When I first ran for office I was making \$8 an hour. I was the local cashier behind the counter, the one who carded you if you looked under 21, as Representative Ayotte often does. The problem is that people would come up to the counter and they would look down on me, if they ever saw me at all. I was the help. I was the person you really didn't see, but I made sure you had what you wanted.

But at \$8 an hour, what was interesting is that if you look at what Maine state and local taxes, how much people pay per \$100 of income, how much they pay in taxes for that, for the bottom 20%, that was me. The bottom 20% of Maine people, for every \$100 they earn, they pay out \$17.06. For the top 1%, they only pay \$10. So every time someone either looked at me with disdain, looked at me as though I must not have gotten myself educated, even though I had a college degree, or just didn't see

me at all, they were making \$10 an hour for every...I'm sorry...they were paying \$10 in taxes for every \$100 they earned, while I was paying \$17.06 for every \$100 that I earned.

I would argue that that position deserves a little more respect and maybe its time that we stop looking past those people making \$8 an hour and start seeing them for the hard work they do, the feet that they go home to at night and hurt, and the backs that are going out because they are busting their butts so that we can just smile politely and look past them at the products we actually are consuming. So I will be opposing the pending motion and supporting Representative Berry and his amendment that was introduced on behalf of an elderly woman who probably does see the people behind the counter.

The SPEAKER: The Chair will order a division. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. I believe I did request a roll call.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-709)**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-709)**.

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 "F" (H-709). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 228

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Bickford, Black, Burns DC, Cain, Carey, Casavant, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, Maker, Malaby, Maloney, Martin, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, 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, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Chapman, Chipman, Dill J, Gilbert, Goode, Harlow, Hinck, Innes Walsh, Kent, Lovejoy, MacDonald, Mazurek, O'Brien, Russell, Sanborn, Stuckey, Theriault.

ABSENT - Cebra, Celli, Peterson, Volk, Wood.

Yes, 121; No, 24; Absent, 5; Vacant, 1; Excused, 0.

121 having voted in the affirmative and 24 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "F" (H-709) was INDEFINITELY POSTPONED**.

Representative EVES of North Berwick **PRESENTED House Amendment "B" (H-702)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. I rise today to offer an amendment to maintain existing coverage for parents with incomes between 133% and 200% of the federal poverty

level. The supplemental budget before us cuts more than 14,000 low income parents off of health coverage. The budget places the new threshold for eligibility for MaineCare at 133% of the federal poverty level, which for a family of three is an annual income of just over \$25,000. Most of these parents who will lose coverage as a result of this budget will have nowhere to turn for their health coverage. These parents work in the low wage job market and don't have access to affordable coverage through their employer.

This proposed cut is fiscally shortsighted and unnecessary. The fact is that these parents are not expensive to cover and we all benefit when we have a larger pool of individuals covered with health insurance. The overall cost for each of these parents is approximately \$3,000 per year but the State of Maine pays just over \$1,000 per year per parent – that's less than \$100 per month. This is a smart investment that produces a great return on investment. This is a far more sensible way to provide care for these parents, rather than leaving them uninsured where their only source of care is the hospital emergency room where the cost is higher and is ultimately passed on to all other private health insurance payers. By providing coverage we ensure that parents are healthy and able to work.

Take, for example, Megan who lives in Lewiston. She is a single mom who works two jobs to pay the bills. One of her jobs is as a waitress. She's fortunate not to have any major health conditions, but she explains that the MaineCare program helped her over the last year get to work and likely stay employed. She was able to visit her doctor and get the medicine she needed when she had bronchitis and another time when she strained her neck carrying heavy loads at work. These may sound like minor inconsequential issues, but Megan explained that she does not have sick time at work. MaineCare enabled her to see a doctor and get the care she needed so that she didn't have to miss work – or risk losing her job.

Then there is Mike from Augusta. He would not be alive today if it were not for MaineCare. This is not an exaggerated statement; it's the truth. Mike also works two jobs to support his young children. He has a heart condition that was not detected until a few years ago. The surgery that he was able to get helped correct his heart condition. Mike takes medication to help regulate his heart and gets routine checkups as prescribed by his doctor. This keeps him healthy, which enables him to work and care for his children. He does not know what he will do without his MaineCare coverage. But the likely scenario is that Mike will access needed primary care services through the emergency room. This is an inappropriate setting for patients to receive primary care and it is at the highest cost possible, which will translate into the hospitals' burden as uncompensated care and passed onto you on me through higher private health insurance premiums.

These are just two examples of how this program is effectively supporting parents to meet the needs of their families by staying healthy and continuing to be employed.

This amendment funds coverage for these parents through a more appropriate and better approach to saving money in the MaineCare system. Rather than removing people from health coverage, we should be identifying ways to bring down the cost of caring for those who are costing the system the most by ensuring that people are getting the right care in the right place and at the right time. We know that 5% of the population represents 55% of the cost within the Medicaid program.

And we know that by working with some of these more costly members by better coordinating and managing their care, we can prevent the need for more costly care for this population.

The Department of Health and Human Services has implemented an initiative to better manage the care of the 20 high cost members at each hospital throughout the state, thus preventing their use of emergency rooms for conditions more appropriately treated in a primary care setting. While I wholeheartedly agree with the goals of this effort and were impressed by the success of the pilot project at MaineGeneral, it is limited in its scope and could be modestly expanded. The proposal in this amendment would simply double the efforts of the hospitals and the Department of Health and Human Services to reach twice as many people – an average of 40 rather than the 20 currently slated to participate in this initiative. In addition, the proposal adds teeth to this initiative by providing financial incentives to hospitals to improve the coordination of the care for MaineCare members. Too many people end up going to the Emergency Department for conditions that would have been more appropriately cared for in a primary care setting. Many times, this happens because people are unable to access same day appointments through their providers or their primary care provider is not open after hours.

As a policy, the State should be doing more to encourage our health care delivery system to have more options for appropriate care. Whether it is opening affiliated walk-in clinics, ensuring that people can access after hours primary care, or whatever the providers decides works best for them and their communities. In our current system, we do not have appropriate incentives to keep people out of the emergency room because they receive a higher rate of reimbursement for their care. This proposal would change that and pay the hospitals the amount that is appropriate for the kind of care that they are providing, even if the setting is in the emergency room.

The cut in the budget that removes health care for more than 14,000 parents takes us in the wrong direction. We should be doing more to ensure that Maine people are able to afford and access health care. Obviously we should be working to control costs in the MaineCare program, but there are better ways as I have explained than cutting people off of coverage.

I urge you to support this amendment and maintain this important and critical coverage for this group of people. It really is a wise investment that we should continue to support. Thank you, Mr. Speaker.

Representative FLOOD of Winthrop moved that **House Amendment "B" (H-702) be INDEFINITELY POSTPONED.**

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. House Amendment "B" removes the unanimous committee-approved and negotiated structural change in MaineCare eligibility for parents of children covered by MaineCare commencing October 1, 2012. It proposes to remove that structural change and replace savings with an initiative to increase savings through hospital emergency care management and reimbursement reform. I truly respect that the Representative from North Berwick, Representative Eves, proposes to fund his proposal with an initiative. My belief is that in the long run, we will need to utilize as many innovative concepts as possible, like his, as we enter the next phase of our budgeting process, beginning soon. The next phase of our work will require thoughtful approaches. We anticipate that innovations like this, the one proposed herein, will have to be a part of our overall savings strategies as we continue our work later. I respectfully request Indefinite Postponement of House Amendment "B." Thank you, Mr. Speaker.

Representative EVES of North Berwick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-702)**.

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 Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand in strong support of this amendment and I want to specifically comment on the remarks of the Chair of the Appropriations Committee concerning structural change has been made in this budget and therefore we should not vote for this amendment. Structural change is not throwing people off of health care actually. That's not structural change. Structural change is precisely what is in the amendment that is before us, which very carefully looks at the people who need the most care and figures out how to give that care to them in a most efficient way. Structural change like that actually improves care and reduces the costs to Maine taxpayers, and I'd like to just give you a couple examples. Maine is really missing the boat on this. Other states around the country are engaging in this kind of managed care, medical home projects, accountability, structuring payments so that they actually address structural change.

For example, in North Carolina, a recent study commissioned by their Legislature found that they had saved \$984 million in approved health outcomes over a period of three years by doing precisely what is in this amendment for their Medicaid population. Similar programs are in place in Oklahoma, Colorado, Rhode Island, and Vermont. A recent study by the Commonwealth Fund reported that these programs all report cost savings largely because of fewer hospitalizations and other acute treatment costs. The Colorado program saw a 21.5% reduction in median annual costs for children in this program and the Oklahoma per capita expenses declined \$29 per patient, per year, from 2008 to 2010. This is structural change. This is medical reform, health care reform that we need to be doing now and I urge your support of this amendment.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-702). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 229

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cain, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Lajoie, Libby, Long, Maker, Malaby, Martin, Mazurek, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Wallace, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Hinck, Hogan, Hunt, Innes Walsh, Kent, Kruger, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rochelo,

Russell, Sanborn, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Welsh.

ABSENT - Celli, Peterson, Volk, Wood.

Yes, 90; No, 56; Absent, 4; Vacant, 1; Excused, 0.

90 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "B" (H-702) was INDEFINITELY POSTPONED.**

The **SPEAKER**: A roll call having been previously ordered, the pending question before the House is Passage to be Engrossed as Amended by House Amendment "D" (H-707). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 230

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Bickford, Black, Bolduc, Briggs, Burns DC, Cain, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, Olsen, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Berry, Blodgett, Boland, Bryant, Chapman, Chipman, Dill J, Espling, Goode, Harlow, Hinck, Innes Walsh, Kent, Long, McClellan, O'Brien, O'Connor, Parker, Rochelo, Russell, Sanborn, Sirocki, Stuckey, Theriault, Treat.

ABSENT - Celli, Peterson, Volk, Wood.

Yes, 121; No, 25; Absent, 4; Vacant, 1; Excused, 0.

121 having voted in the affirmative and 25 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "D" (H-707)** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS
Emergency Measure**

An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and

Changes to the Law Necessary to the Operation of State Government

(H.P. 1339) (L.D. 1816)
(H. "D" H-707)

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

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I want to make sure that we have in the record the language which clearly lays out what is the intent of the Appropriations Committee, which deals specifically with expenditures, which deals with noncats. Expenditures will be maintained at the \$40 million and that the commissioner will continue the freeze on the program enrollment but will not eliminate coverage for those currently enrolled in the program, and this basically is in order to serve the maximum number of people that we can for that amount and that is the intent of the Appropriations Committee.

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 want to first of all thank our colleagues on the Appropriations and Financial Affairs Committee for their commitment to collaboration in the incredible effort it must have taken to arrive at their unanimous report. I want to personally and publicly thank Representative Flood and Representative Rotundo for their fortitude, their wisdom and the leadership they bring every day to this process. However, I didn't vote for the original biennial budget last year and I won't be voting for this streamlining and supplemental amendment for that budget before us today. Here is why.

This proposal reintroduces much of what we rejected last year and more, allegedly because we can no longer afford to care for, or about, thousands of Maine's most vulnerable and disenfranchised men, women and children, and their families. The bill before us today is bad. Many of the cuts are ill-advised. They don't solve problems, they don't save money. They'll just shift the service venue and the payer and may wind up costing us much more. They eliminate thousands of jobs. They will hurt lots of people and scare a lot more. Completely de-funding the evidence-based and highly successful High Fidelity Wraparound program is a huge step backwards in our efforts to support effective and efficient community-based programs for highly at-risk children and their families. Do we really want to go back to sending these troubled youth to out of state and out of mind facilities with six figure annual fees?

Reducing the funding to the Maine Youth Action Network and the Alternative Response program means reducing proven frontline community services that reach out to young people and strengthen community infrastructure and family supports for at-risk and disenfranchised children and youth that keep them out of much more expensive parts of our child welfare system. I don't really believe that capping the noncats will actually produce by attrition the book savings, leaving the commissioner of Health and Human Services free to further dismantle this program. There are already 16,000 people on a frozen waiting list and, in the end, we'll pay more and get less. Reducing income eligibility will remove 14,000 parents from MaineCare and will lead to poorer and more expensive outcomes for them and for their children and, again, we'll pay more and get less.

It's not rocket science. We should be bringing more people into the health care system, not kicking them out. Increased access to affordable primary care and a well managed medical home will produce better health outcomes and lower overall

health care costs. Men and Women of the House, let's be very clear. Many of us are struggling in today's economy, but a few of us most certainly are not. The real crisis we face in Maine today is one of vision and priorities. This budget isn't about money, it's about ideology. There are far smarter and more fair and balanced ways to approach our state's budget and our future. Please join me in voting no on this bill and forcing us to find another way to balance our budget, a way that more accurately reflects our shared values, our commitment to social and economic justice, and the way life should be here in Maine. Thank you, Mr. Speaker.

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 would like to add to the language that the Representative from Eagle Lake, Representative Martin, shared in connection with the legislative intent of the Appropriations Committee regarding the noncategoricals. I would like to add a couple of sentences for the record.

"Program expenditures must be maintained at \$40 M dollars in order to serve the maximum number of people that we can for that amount."

"Expenditures will be maintained at \$40 M. To maintain expenditures at \$40 M the Commissioner will continue the freeze on program enrollment, but will not eliminate coverage for those currently enrolled in the program.

If after October 1, 2012 it is estimated that annual expenditures for state fiscal year '13 will exceed that amount the commissioner is charged with achieving the needed savings through benefit redesign as the next course of action after consulting with the Committees on Health and Human Services and Appropriations and Financial Affairs instead of cutting enrollment or eligibility."

Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 27 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 633)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 21, 2012, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

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

On motion of Representative FREDETTE of Newport, the House adjourned at 9:15 p.m., until 10:00 a.m., Tuesday, February 21, 2012 pursuant to the Joint Order (S.P. 633).