

MAINE STATE LEGISLATURE

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LD 1894. Thank you.

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

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a few more points to make. This bill does not affect quality care at all. That's a goal that every person in this field should strive for. This bill is about consistency and restoring that consistency within our state. This bill takes no rights away, it takes no voice away. They have the same rights and the same voice as any other private business within the State of Maine. Child care providers currently are the only service group that are singled out at this time, the only service provider in statute in the State of Maine and the State of Maine is not their employer. That's what this bill is about. It's not anything to do with the quality of child care in the State of Maine. This is about the Maine State Employees Union being the collective bargaining agent for a group of people, employers – not their employees but child care providers – and that is where this problem exists. They are not their employees. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This would probably be the most interesting collective bargaining situation in history and you would feel like you'd been watching "Mrs. Doubtfire" when you were done. The owners would be negotiating with themselves. It's unheard of.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 305

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Kent, Pilon, Tuttle.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-515) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-515)** in concurrence.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-918)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reform Land Use Planning in the Unorganized Territory " (H.P. 1325) (L.D. 1798)

Which was **TABLED** by Representative CURTIS of Madison pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-918) was **READ** by the Clerk.

Representative McCABE of Skowhegan **PRESENTED House Amendment "A" (H-926) to Committee Amendment "A" (H-918)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I present this Committee Amendment today to address some issues within a bill that had been worked for quite an amount of time and I appreciate folks support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also support this amendment and I believe it will strengthen the bill that we have. Thank you.

Subsequently, **House Amendment "A" (H-926) to Committee Amendment "A" (H-918)** was **ADOPTED**.

Committee Amendment "A" (H-918) as Amended by House Amendment "A" (H-926) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-918) as Amended by House Amendment "A" (H-926)** thereto and sent for concurrence.

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

An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

(S.P. 252) (L.D. 849)

(S. "C" S-443 and S. "E" S-506 to C. "C" S-427)

Which was **TABLED** by Representative CURTIS of Madison pending **PASSAGE TO BE ENACTED**.

Representative CAIN of Orono **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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I call your attention to a green sheet that you should have on your desk. It provides the 2009 results from the last of the TABOR initiatives, which was rejected by every county in the State of Maine, and at the bottom is a link so that the members of this body can refer to the votes taken in their towns on that initiative. Statewide, the margin was greater than the margin for rejection of any other of the TABOR tax cap initiatives, 40 to 60 percent.

And I want to note that the ratchet effect which LD 849 shares with those TABOR measures is of particular concern to a growing number of groups. Because there was no hearing on the amended version of the bill, even before it was further amended in the other body, it's hard to say, Mr. Speaker, how many organizations would support or oppose this LD in its current form. But we know so far, and I would welcome any corrections, of one organization which supports it and that is the Maine Heritage Policy Center.

We know of at least 14, Mr. Speaker, 14 organizations which oppose LD 849 and share the concerns that were voiced by Maine people at the ballot box in 2009. The organizations include the Maine Municipal Association, the Maine Education Association, MSEA SEIU, our state and public workers, the AFL-CIO, the Maine Women's Lobby, the Maine Center for Economic Policy, the Maine Children's Alliance, Planned Parenthood of Northern New England, Maine Equal Justice Partners, Preble Street, and last but not least three different editorial boards. Those are the Maine Today Media, *Bangor Daily News*, and *The Times Record*.

Mr. Speaker, the third point which I have not yet shared with this body is that the impact on property taxes will constitute a net tax increase for the middle class and for working families. If this body proceeds without a plan to fund the tax reduction and right now in this bill there is no plan for funding it, there will be a small income tax benefit for the middle class but a very significant property tax increase. And in conversations with the chief economist at Maine Revenue Services, last Friday we established that the net increase to the middle class to the average Mainer, if we pass this bill and it goes fully into effect, and that increase is \$839.

Mr. Speaker, if we vote for this measure, we are voting for an \$839 net increase, total increase, for the average Maine citizen. If the bill takes effect part way, I'd say halfway, then it would be over \$400 in net tax increases. Mr. Speaker, I welcome politically the opportunity to make that known to the public and to make it known that there are some in this body who would increase taxes on the middle to give what would be close to \$20,000 in net tax decreases to the very, very wealthy.

But I think it would be a sad day for Maine's economy and a sad day for our middle class if we did in fact vote for that, and so I urge the members of this body to vote against it, to vote in favor

of our middle class, to listen to the people in your district – I hope you will – to look at the results of the TABOR II referendum, consider carefully what we are voting for here today and how it will impact property taxes if this bill goes forward as it's written. And if you think we cannot withstand it, then I would submit that that is a justification for passing just about anything in this body. That's not the way to make policy. I certainly hope that this institution is better than that. Thank you very much, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. At this point, you're probably as sick of hearing my voice as I am. The spin on this bill is that we're only skimming money left over after we've paid our bills. That's true, but it's also false. We're skimming money after we've paid our bills, but before we've paid our debts. Article 9, Section 18.B of the Maine Constitution, that is the clause that says we must fully fund the Maine State Retirement System by the year 2028. The citizens put that in the Constitution in 1997. We have used up half the deadline they gave us and now we're skimming off money that was to help pay that debt.

Two and a half billion dollars, that's how much debt we owe to the Maine State Retirement System right now. The parties worked together to get that down to two and a half billion, but it's still two and a half billion. Ten and a half billion dollars; that is how much total debt we had when this Legislature took office according to the Maine Heritage Policy Center, and it must be true because our current commissioner of Education wrote that. Now this Legislature leaves office reducing our ability to pay those debts. Which political spin is less accurate? That we actually had all of those high debts in the first place or that a surplus proves we've paid all of our bills?

Section 2, subsection 1. That's the part of this law that tells the bond market we are going to slow down payments of the UAL. That's also the part of the bill that says we are going to slow down repayments of the rainy day fund. The bond market. That is the group of people who lower bond ratings on states that have unfunded liabilities and don't sufficiently replenish their budget reserves and states that enact statutes that automatically ratchet down revenues.

Mr. Speaker, only the 125th Legislature would combat rising floor waters by lowering the dikes. Only the 125th Legislature would hear on March 28th from the U.S. Department of Commerce that this state has the lowest growth rate in America and then 12 days later pass a law that relies on growth to fund a tax cut. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Do no harm. When I first got to the Legislature six years ago, that was the piece of wisdom that someone gave me, that when voting on a particular bill always consider the ramifications.

I talked to my town manager in Kennebunkport about this particular bill. He was against it because he was afraid of what it was going to do to the budget of the local community. When I talked to the city manager of Biddeford, same issue. How does that affect our school funding that seems to be perpetually underfunded? How does it affect our sewers and infrastructure? Do no harm.

When I look at this bill, I am very concerned about the ramifications of the local property tax. Again, wearing two hats, I naturally would be more concerned. But I would beg you to reflect upon the hidden details of the bill itself. On the surface, it sounds like a wonderful thing to do. But again, when you look at

the potential ramifications, you have to come back to the basic do no harm. Thank you.

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.

ROLL CALL NO. 306

YEA - Bennett, Black, Burns DC, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Duchesne, Eberle, Eves, Flemings, Gilbert, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Goode, Hogan, Kent, Peterson, Pilon.

Yes, 72; No, 68; Absent, 10; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 10 being absent, 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**.

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

Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary (S.P. 659) (L.D. 1882) (C. "A" S-517)

Which was **TABLED** by Representative CURTIS of Madison pending **FINAL PASSAGE**.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 6, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-893)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-894)** - Committee on **LABOR, COMMERCE, RESEARCH**

AND ECONOMIC DEVELOPMENT on Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

(H.P. 1393) (L.D. 1885)

TABLED - April 5, 2012 (Till Later Today) by Representative **PRESCOTT** of Topsham.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would hope that you would oppose the pending motion. Our committee worked very hard on this to try to gain some consensus and I think that if we defeat this motion, the Majority Report would probably be the best way to go.

Currently, the University of Maine and the University of Southern Maine receive the majority of funds, while a large portion of the funds are used for direct matching grants. These universities are consistently writing more and large proposals. The demand for match continues to grow but with an average return of 4 to 1. The return of investment is significant. The University System recognized that individual or small team researchers at the small campuses may have need for more funds, by recognizing that it didn't make sense to make larger investments needed to convert a smaller campus to a research campus created by the small campus initiative. The original competition awarded \$100,000 of the funding to researchers at the five smaller campuses in the University of Maine System. In 2010, the University of Maine System increased that to \$200,000. This is deducted from the other portions of the money for the MEIF. There was no new money added.

The University of Maine System has a couple of concerns about the current Minority Report that we wanted to bring to the committee's attention and they did. The University of Maine System strongly supports the small campus initiative and feels it has and will continue to be a very successful component of the program. The initiative has support from the University of Maine System Board of Trustees and the chancellor. As a system, they feel that the program works best when given the maximum flexibility, which we feel that the other report does. The essential difference between the two reports, that the Minority Report now makes it effective July 2013 whereas the other report, the one I'm supporting, phases it in over a three-year period. We've worked hard on this bill. I'm sure many of us have received calls from the system. I really think that by implementing it on a quicker basis, it decreases the flexibility of the program and therefore I would hope that you would vote against the Minority Report.

Representative **CAIN** of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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 Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Labor, Commerce, Research and Economic Development Committee did work hard on this bill and I just wanted to highlight a few areas between the Minority Report, which is up here on the board, and the Majority Report. The Minority Report gives 3 percent of \$14.7 million that by statute is supposed to go to all seven of the University of Maine System, all seven campuses, not just two. Since the fund was established in 1997, until 2008, University of Maine at Orono and USM were the only two campuses to receive these funds. So in 2009, \$100,000 is now