

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Regular Session
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Pages 1 - 410

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
December 1, 2004

Pledge of Allegiance led by Senator-elect Dennis Damon of
Hancock County.

The Following Senate Communication: S.C. 1

STATE OF MAINE

Office of the Secretary of State

December 1, 2004

To Joy J. O'Brien, Secretary of the Senate in the One Hundred
and Twenty-first Legislature:

Pursuant to the Provisions of the Constitution and the laws of the
State of Maine, the Senators-elect of the One Hundred and
Twenty-Second Legislature convened in the Senate Chamber
and were called to order by JOY J. O'BRIEN, Secretary of the
Senate of the One Hundred and Twenty-First Legislature.

THE SECRETARY: Good morning. Before we start I'd just like
to welcome everybody here. I know it's cramped and I know it's
close, but it's a great opportunity for family and friends to take a
lot of photographs and to see some people. We have kind of let
the decorum of the Senate slide today. We only ask that you
respect each other's space and not step in front of somebody's
picture. Please don't hesitate to turn and watch the people you
know being sworn in and make it a family occasion. Enjoy.

I, DAN A. GWADOSKY, Secretary of State, pursuant to the
provisions of Title 3 MRSA, Section 1, hereby certify that the
following are the names and residences of the Senators-elect to
the One Hundred and Twenty-second Legislature, in accordance
with the tabulation submitted to the Governor on November 22,
2004:

Prayer by Reverend John Ward-Diorio, First Parish Church
Congregation UCC, in Freeport.

REVEREND WARD-DIORIO: Let us join our hearts and spirits in
prayer. Most Holy and Gracious God, we gather here together in
celebration and in anticipation this day. We celebrate the election
of these fine women and men as State Senators and the
instillation of their new officers. We look forward with hope to the
work they will do together.

On occasions such as these, God, we remember the words
of the prophets, words of hope used to describe how new leaders
might govern. The Hebrew prophet Isaiah used words such as
righteousness, adhering to the spirit of the law in judging and
working with the poor. He described leaders who would decide
with equity for the meek of the earth. These words and the words
of other prophets are important to remember, for leaders are not
called only to represent their constituents' concerns and vote their
own conscience but also to always bear in mind and serve the
poor, the meek, the outcast, the stranger in our midst.

God, we believe You share compassion and love for all Your
children, all people. May these elected representatives and all
leaders seek to serve first those most in need. May we find ways
to clothe, shelter, and feed people. May we heal the sick, grant
peace to those abused, and haven to the persecuted. These are
basic necessities, universal hopes, and still unmet dreams for
many. Let us do our part in creating a place, a state, in which
such necessities, hopes, and dreams are reality.

Gracious God, we understand that this is hard work. May
Your spirit, alive in all people, be alive in these elected officials
and especially in their leaders, providing the strength, wisdom,
courage, and love necessary to debate, compromise, and decide
for those most in need and for the common good. Amen.

- District 1 MARY A. ANDREWS, York
- District 2 RICHARD A. NASS, Acton
- District 3 JONATHAN T.E. COURTNEY, Sanford
- District 4 NANCY B. SULLIVAN, Biddeford
- District 5 BARRY J. HOBBS, Saco
- District 6 PHILIP L. BARTLETT II, Gorham
- District 7 LYNN BROMLEY, South Portland
- District 8 ETHAN KING STRIMLING, Portland
- District 9 MICHAEL F. BRENNAN, Portland
- District 10 BETHEDA EDMONDS, Freeport
- District 11 KARL W. TURNER, Cumberland
- District 12 G. WILLIAM DIAMOND, Windham
- District 13 DAVID R. HASTINGS III, Fryeburg
- District 14 BRUCE S. BRYANT, Dixfield
- District 15 LOIS A. SNOWE-MELLO, Poland
- District 16 MARGARET R. ROTUNDO, Lewiston
- District 17 JOHN M. NUTTING, Leeds
- District 18 CHANDLER E. WOODCOCK, Farmington
- District 19 ARTHUR F. MAYO III, Bath
- District 20 DANA L. DOW, Waldoboro
- District 21 SCOTT W. COWGER, Hallowell
- District 22 CHRISTINE R. SAVAGE, Union
- District 23 CAROL WESTON, Montville
- District 24 ELIZABETH H. MITCHELL, Vassalboro
- District 25 KENNETH T. GAGNON, Waterville
- District 26 S. PETER MILLS, Cornville
- District 27 PAUL T. DAVIS SR., Sangerville
- District 28 DENNIS S. DAMON, Trenton
- District 29 KEVIN L. RAYE, Perry
- District 30 ELIZABETH M. SCHNEIDER, Orono
- District 31 RICHARD W. ROSEN, Bucksport
- District 32 JOSEPH CHARLES PERRY, Bangor
- District 33 DEBRA D. PLOWMAN, Hampden
- District 34 DEAN F. CLUKEY, Houlton
- District 35 JOHN L. MARTIN, Eagle Lake

In Testimony Whereof, I have caused the Great Seal of the State
to be affixed, given under my hand at Augusta this first day of
December in the year Two Thousand and Four.

S/DAN A. GWADOSKY
Secretary of State

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Assistant Secretary called the roll with the following result:

ROLL CALL (#1)

PRESENT: Senators-elect: ANDREWS, BARTLETT,
BRENNAN, BROMLEY, BRYANT, CLUKEY,
COURTNEY, COWGER, DAMON, DAVIS,
DIAMOND, DOW, EDMONDS, GAGNON,
HASTINGS, HOBBS, MARTIN, MAYO, MILLS,
MITCHELL, NASS, NUTTING, PERRY,
PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE,
SCHNEIDER, SNOWE-MELLO, STRIMLING,
SULLIVAN, TURNER, WESTON, WOODCOCK

35 Senators-elect having answered to the Roll, the Secretary declared a quorum.

On motion by Senator-elect **BRENNAN** of Cumberland, the following Senate Order:

S.O. 1

ORDERED, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the constitution to qualify them to enter upon the discharge of their official duties.

READ and PASSED.

The Secretary appointed the Senator-elect from Cumberland, Senator-elect **BRENNAN** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator-elect to the Governor's Office.

Subsequently, the Senator-elect from Cumberland, Senator-elect **BRENNAN** reported that he had delivered the message with which he was charged.

Senate at Ease.

Senate called to order by the Secretary.

Off Record Remarks

ORGANIZATION OF THE SENATE

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

GOVERNOR BALDACCI: Let me just say, first of all, that this is an exciting day. I am reminded of when I was first elected to the State Senate back in 1982. I was fortunate enough to be here with my family. I know what a special day it was for the families and how proud they are of all of the elected Senators that are here and what a family affair it is because they are the ones who are at home answering the phones and being there with you even though they are not here as the session unwinds and moves forward. It is a day of celebration. What I really appreciate, in our state, is that when people do get here in the Legislature and are sworn into office, they focus on doing what's in the best interest of our citizens, all of our citizens in all parts of our state. We are truly blessed to live in the State of Maine.

Without any further ado I would ask them all to rise and raise their right hands and repeat after me.

The Senators-elect took and subscribed to the oaths of office required by the Constitution.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

ELECTION OF SENATE OFFICERS

THE SECRETARY: Nominations are now in order for the Office of President of the Senate of the 122nd Legislature. The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame Secretary. I wish to nominate the good Senator from Cumberland County, Senator Beth Edmonds, to serve as President of the Senate and ask to speak to my nomination.

THE SECRETARY: The Senator may proceed.

Senator **ROTUNDO:** Men and women of the Senate, it's a great honor to place Senator Edmonds' name in nomination to serve as President of the Senate. Senator Edmonds has demonstrated, in the years in which she has served in this legislature, those qualities which make her a great leader. She has the capacity to bring people together around a common vision and to mediate differences. She listens well. She is fair and respectful of differences of opinion. She is calm in times of crisis. Furthermore, and perhaps most importantly, Senator Edmonds has an internal moral compass that always points her in the right direction. Those of us who have had the pleasure of serving with her have vivid memories of the clarity and courage with which she debates issues of importance to her. Senator Edmonds helps serve as the conscience of this body. Her commitment to justice for all people in this state is deep, unwavering, and inspiring. Senator Edmonds embodies those qualities of honesty, humility, tough mindedness, perseverance, compassion, fairness, and

intelligence that the people of Maine look for in their elected leaders. She will preside over this chamber with wisdom and strength and will provide an example in which the members of this body and the people of Maine can take great pride. I am proud to place Senator Edmonds' name in nomination and ask that you all join me in supporting Senator Beth Edmonds as the next President of the Maine Senate. Thank you.

THE SECRETARY: The name of Beth Edmonds has been placed in nomination for the Office of President. Is there a second? The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Madame Secretary, with all the words that have been said by the good Senator from Androscoggin, Senator Rotundo, it is my pleasure to second the nomination of the Senator from Cumberland and to see her as the next President.

THE SECRETARY: The nomination of Beth Edmonds has been seconded. The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame Secretary. It is my pleasure to place in nomination Senator Paul Davis of Piscataquis for the position of Senate President. I wish to speak of my nominee.

THE SECRETARY: The member may proceed.

Senator **TURNER:** Some of you know Paul Davis well. Some of you, in fact, do not know him at all. I'm going to try to give you a little background on this man and why, in my judgment, he is imminently qualified to be our next Senate President.

Senator Davis is a native of Maine and his roots go deep into the heart of this state. He has served the people of Maine for 30 years, 23 of those years as a State Trooper and for the last 6 years as a State Senator representing Piscataquis County. He has been a member of leadership 4 of those last 6 years, in the 120th and 121st legislatures. I don't think there is anyone in this chamber, elected or otherwise, who better understands the wants, the needs, the desires, and the aspirations of the people of Maine.

When I consider Paul Davis as a person, I think of the qualities that are that of an ideal Mainer. Paul certainly has those. When you think of Paul Davis you think of integrity, you think of compassion, you think of friendliness, you think of respect for all from different walks of life. These characteristics make up this man's character and he wraps that very nicely with a wonderful sense of humor that allows him to deal with people in a very forthright and easy manner.

I would like you to consider this man as your next Senate President. He deserves your support. He will treat all of the members of this body, regardless of party, in a fair and forthright manner. Equally important, if not more so, he will represent this chamber well within the walls of the State House. As he goes forth across the state to represent this chamber, the people of Maine will see an elected official who is a straight talker, easy to deal with, and who, I think, embodies the best of what we want to have in our elected officials. I urge your support of his candidacy as our Senate President. Thank you.

THE SECRETARY: The name of Paul Davis has been placed in nomination for the Office of President. Is there a second? The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame Secretary. It is my pleasure to rise for the purpose of seconding the nomination of the Senator from Piscataquis, Senator Davis, who is the only member of the Senate who will be subject to term limits at the end of this legislature. This marks Senator Davis' third term of his four terms that he has been entrusted with a position of leadership by his colleagues. This is for a very good reason. He brings valuable experience and a positive, constructive, and fair approach. He has a keen understanding of the Senate and its procedures and a tremendous work ethic. All of which combine to make him ideally suited to serve as President of the Senate. I am proud that my first statement as a member of this esteemed body is to second the nomination of the Senator from Piscataquis, Senator Davis, to be President of the Senate. I hope you will join me in supporting him. Thank you.

Senator **GAGNON:** Thank you, Madame Chair. I move that nominations cease.

THE SECRETARY: The Senator from Kennebec, Senator Gagnon, has moved that nominations cease. Is this the pleasure of the Senate? It's a vote.

The nominees are Senator Betheda G. Edmonds of Cumberland and Senator Paul T. Davis, Sr. of Piscataquis for President of the Maine Senate for the 122nd Legislature. The Sergeant-At-Arms and the Chamber Staff will distribute ballots.

The Chair will appoint the Senator from Androscoggin, Senator Rotundo, the Senator from Aroostook, Senator Martin, the Senator from Cumberland, Senator Turner, and the Senator from Washington, Senator Raye, to receive, count, and sort votes for the President of the Senate. Will they please approach the rostrum.

Subsequently, the Committee formed in the well of the Senate to receive, sort, and count votes for the President of the Senate.

Senate at Ease.

Senate called to order by the Secretary.

35 ballots were cast. Necessary for choice 18.

Senator **EDMONDS** of Cumberland, having received a majority of the votes cast, was duly elected President of the Senate of the 122nd Legislature.

The Secretary requested the Senator from Androscoggin, Senator **ROTUNDO**, and the Senator from Aroostook, Senator **MARTIN**, escort the President-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of President. The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **ROTUNDO**,

the Senator from Aroostook, Senator **MARTIN**, and President-elect **EDMONDS** of Cumberland to the Governor's Office.

Senate at Ease

Senate called to order by the Secretary.

Off Record Remarks

Subsequently, the Senator from Androscoggin, Senator **ROTUNDO**, reported that they had attended to the duties with which they were charged and were pleased to report that Senator **BETHEDA G. EDMONDS** of Cumberland, had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Office of President of the Senate of the 122nd Legislature.

Thereupon, President **EDMONDS** of Cumberland was escorted to the rostrum by the Sergeant-At-Arms and addressed the Senate. (Amid applause, the Members rising).

THE PRESIDENT: Before I begin my remarks I first want to say that I am so honored to have been lead to the podium by Bob Crockett, who is going to be leaving us today to retire. I just want to thank him for his dedication and years of service to this chamber.

Good morning and welcome, Senators, to the First Regular Session of the 122nd Maine Legislature. I thank each of you for your commitment to the great State of Maine and I applaud your steadfast determination to serve. What an extraordinary group of people. We bring to this Senate Chamber an impressive and broad array of experience, unique talents, and an unbending desire to improve the quality of life for all Maine people. I am both honored and humbled to stand before you today as Senate President.

Thank you, Senator Rotundo for nominating me. Thank you, Senator Martin for seconding. I am grateful for the honor bestowed on me and the confidence placed in me and I intend to work very hard to achieve the confidence and trust of each member of this body.

I am particularly honored to be the second female Senate President in Maine history. My predecessor, Beverly Daggett, is a remarkable woman who has been a friend and a role model. I'd like to acknowledge the citizens of Senate District 10. Their support over the past four years has been a constant source of inspiration; and, I am particularly grateful to everyone at the Freeport Community Library.

Today, the first day of the 122nd Legislature, is a special day for each of us. Before we begin the important work ahead of us, we need to thank the people who have brought us to this moment, our friends and families. Please join me in welcoming and thanking all of these special people for their love, encouragement, and support.

I want to thank my husband, Dan Nickerson, for his unflinching love and support. Dan, more than I, placed confidence in me and knew what I was capable of. Dan has always said his greatest

contribution to humanity is that he can always get me to laugh. Thank you, Dan.

Senator Brennan helped me write this speech, and as you can imagine, kept saying "and one more thing".

Where did my journey to the State House begin? I come from a very small town, 500 people, in the most rural, mountainous part of northern New York State. Miss Frederica Mitchell, the minister of the Keene Valley Congregational Church, was the person who first inspired me to a life of public service. Seeing Miss Mitchell at the pulpit every Sunday morning gave me the idea that a woman could be a leader, that I could be a leader. More than that, however, were the lessons she taught me. Miss Mitchell always preached the gospel of love. "Blessed are the poor in spirit; for theirs is the kingdom of heaven. Blessed are the meek for they shall inherit the earth and Blessed are the peacemakers; for they shall be called the children of God." The message has always been clear, we have to look out for everyone. This is what we all want, in our hearts.

I challenge us to find and attend to the common ground between us. I challenge us to work together to create a vibrant economy, a healthy citizenry, a clean and protected environment, a fair tax structure, and good educational opportunities for our children. I challenge us to build bridges, not only across rivers but across regions, backgrounds, and political perspectives. And we can.

All of us know that we have been sent a clear message to provide reasonable property tax relief. Soon. That is why I hope this legislature will, later today, approve the creation of a Joint Select Committee on Property Tax Reform. Such a Committee will bring together some of the best minds of the Legislature, from both parties and from a variety of standing Committees, to fashion a bi-partisan proposal to provide Maine people with the tax reform they need and the tax relief they deserve. We will do this while meeting the commitment to increase funding to local schools. This is a challenge we must and will meet.

My Republican colleagues, the good Senator Davis and the good Senator Weston, and I have already met to begin the job of keeping the lines of communication open. We have to look out for everyone. We must keep our home districts in mind and simultaneously keep the well being of all of Maine in mind. That will require the generosity of spirit that the people of Maine deserve. Those of us who represent the more urban areas of Maine need to keep our friends and neighbors in the rural areas in mind as we deliberate. Conversely, those of us who live in the country will need to understand the pressures being faced by those of us who live in the cities.

As representatives of our districts we will need to model for our constituents the ability to think beyond ourselves and for our state as a whole. Our role as Senators is necessarily to understand the challenges that our state faces. We cannot build solutions to our state's challenges without a clear picture of our strengths and the good we have already done.

Many of our policies, such as making health care widely available for pregnant women and infants, are working. Maine is among the leaders nationally in preventing teenage pregnancy, with a rate less than half the national average. Our infant mortality rate of 5.7 per 1,000 births is among the nation's lowest. Our K-12 students continue to perform at levels that place them among the highest in the nation. Thanks to our investments in the Maine State Housing Authority; we have the highest rate of home ownership in the country. Our economy is showing signs of improvement, with the T-Mobile's commitment to First Park the

most significant recent evidence. Maine incomes rose faster than the national average last year. Our tax burden, which is a continual cause of complaint from some, is coming down.

Many Maine citizens are rightly concerned about the large number of talented young people leaving our state, but that should not blind us to the fact that Maine has a net in-migration of people. Our quality of life, with a gorgeous coastline and rugged mountains, is attractive to many. A recent study ranked Portland the 14th best place to live in the country. I know some won't agree. Our natural resources define Maine for most of us, and one of our obligations is to protect the best of Maine for future generations. This year we must pass a major bond issue for the Land for Maine's Future Program. We must also provide additional bond funding to protect drinking water and improve sewage treatment facilities. Our environment is too precious to be left to chance. We need to address the problems of rural Maine so that real opportunity is available to all Maine residents. Even in areas where the economy is strong, not all workers have access to jobs that pay a livable wage. In the long term, an educated workforce is the solution. That will require measures to expand access to higher education and support the Maine Community College System, Maine Maritime Academy, and the University of Maine System.

Another part of the solution is strengthening and expanding the creative economy. Bright, innovative people can work where they choose, and why not Maine? The rising cost of health care, including prescription drugs, continues to be a problem. Maine can be proud of the many steps we have taken to date, from Maine RX to Dirigo Health, but we cannot rest there. This is work that we must all do and we can. These are visions that we all share. This is what we all want. We must take the rich diversity we find among ourselves and craft solutions that satisfy the majority. Those of you who served with me on the Labor Committee or on any legislative study commission know that I always seek a consensus. The legislature is at its best when we set aside partisanship and strive, simply to do what is best for Maine people. In that spirit, my door is open to all of you. The voters have entrusted us with an important job. We can and we will rise to the occasion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President. Congratulations. Thank you again. I would also to thank my colleagues, the good Senator from Cumberland, Senator Turner, and the good Senator from Washington, Senator Raye, for their most kind remarks regarding my candidacy.

Madame President, again congratulations. You have made history today. You are the second woman to be President of the Maine Senate. However, Madame President, I must tell you that I, too, have made history. I certainly can't take your history making point away from you, but you can't take it away from me either. I am the only man that has served under two women Presidents in the Maine Senate.

Madame President, driving down here this morning from the tiny town of Sangerville in the rain and the foul weather gave me time to think and meditate a little bit about what I was going to say. People that know me well, and a lot of people who don't know me so well, would scratch their heads when they thought

that I was going to enter into a political race when I was already defeated and I knew it. However, as I told you earlier in your office, I felt that we needed to have a demonstration of freedom and what democracy and what our government and the heritage we have in this country, and in this state, is all about. Therefore, what you just saw was that demonstration.

We, Madame President, clearly understand that we are the minority. Be it only a heartbeat away, but we are the minority. We clearly understand that. As such, we will be the loyal opposition. No question about it. However, I want to tell you that we clearly understand, too, that being the loyal opposition does not give us the freedom to be obstructionists or to be troublemakers. In fact, if the election of 2004 showed anything to me it is that the people of Maine do not want us to do that. They want us to find solutions to the problems that they are facing.

I was most pleased yesterday to attend the news conference that our Governor had. I meant it sincerely when I said that I commended him for bringing tax reform and tax relief front and center. If I heard anything in these last several months it was the need for that. While I believe that Maine's people rejected an extreme measure because of the sensibility and the wisdom that they have, it in no way allows us to think that we should not address this severe problem.

With those thoughts in mind, Madame President, I pledge that we will seek common ground with you and the colleagues on the other side. We need to find common ground. We need to desperately.

I'm greatly honored this morning. My little granddaughter, Sadie Davis, from Guilford is here. My lovely daughter-in-law is holding her. We owe it to Sadie Davis to find common ground, people. We owe it to my little granddaughter so that 25 years from now she can sit at this desk, or wherever, and represent Piscataquis County. Perhaps at your desk, Madame President.

With that stated, Madame President, if by chance common ground cannot be found, it is for us to set an example, to make sure that clear and positive ideas, though they be different, are exchanged without the pettiness and the nastiness that is so common in American politics today. It serves nothing and nobody.

So, Madame President, I congratulate you again. We are the minority, but remember the heartbeat. Godspeed.

THE PRESIDENT: Nominations are now in order for the Office of Secretary of the Senate of the 122nd Legislature. The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President, I rise to nominate Joy O'Brien of Portland, in the County of Cumberland, for the Office of Secretary of the Senate of the 122nd Legislature pursuant to the rules of the Senate and I'd like to speak to my motion.

THE PRESIDENT: The Senator from Cumberland, Senator Brennan, has nominated Joy J. O'Brien of Portland for the office of Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. It is an honor and a privilege for me to place in nomination the name of Joy J. O'Brien for the position of

Secretary of the Senate. Her qualifications are impressive and well known by all who have served in this body over the past two-plus decades. She has served in the Maine Senate for 24 years, 19 of those as the Secretary of the Senate. During this time she has served 7 Senate Presidents and 5 Governors. Additionally, she has also served as a member of the American Society of Legislative Clerks and Secretaries.

She is well known for her command of the rules and her ability to get the job done. There can be no argument that Joy J. O'Brien has a resume unmatched for the position of Secretary of the Senate. More, to my mind, and which cannot be described in any resume, is Joy's commitment, her love actually, of this institution. She expresses it everyday. She has keen awareness of the role that this body plays in governing the state. She expresses it in how she serves the Senate as a body. Occasionally when there are questions or disputes about the role of the Senate, she is there to make it quite clear what that role is. She expresses it in her service to we, the members. If you don't already know, you will come to appreciate her on a very deep level. This is a difficult path sometimes to negotiate. With Joy at your side you won't make a misstep, I promise. She also expresses it in how she serves the public. Let's face it, that's our boss. This office has become accessible. I believe our words, right now, are being broadcast so that those who aren't able to be here can hear them. That's due to the work of Joy and her staff.

I asked her to tell me what's it like. 'What do you like about this job?' She said, and this is very Joy, 'a lot of history is made right here, a lot of good is done in this chamber, and I'm proud to serve the people of Maine in some small way.' Well, we all know it's not small. She is our champion. She protects the rights of the Senate. In the era of term limits, she holds the history of the Senate and she is, in my mind, the heart of the Senate.

It is with great enthusiasm and delight that I nominate Joy J. O'Brien and encourage all the members of the body to support her nomination. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBS:** Thank you very much, Madame President. I would like, with great honor, to second the nomination of Joy J. O'Brien to the position of Secretary of the Senate. I wish to speak to my motion.

THE PRESIDENT: The Senator from York, Senator Hobbins, has seconded the nomination of Joy J. O'Brien of Portland for the Office of Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **HOBBS:** Thank you, Madame President. It is hard to believe that 32 years ago, just about this time, I was sworn into the Maine Legislature in 1972, at the ripe age of 21. At that time, I also had the honor of serving with a fellow colleague, Jack O'Brien. It was 32 years ago, at that swearing in of Jack O'Brien and myself and other legislators, that I first met Joy O'Brien. I might say that the qualities that I saw in her then, having not known her but just from her appearance, are there today.

She has demonstrated to me in my years of service both in the House and the Senate that she exemplifies a sincere feeling of the right of our branch of government, the third branch of government, to function and co-exist with the other branches of government. She is an individual that respects the process. She

respects the process that we all abide by in our electoral system. She demonstrated something to me that was very important. As you know, she has served, as the good Senator from Cumberland, Senator Bromley, has said, with many Governors, many Senate Presidents, many Speakers of the House and with many legislators, hundreds of legislators. I think in the 120th Legislature she had her greatest challenge. Many in this chamber remember it. It was the experiment of sharing power with the other party. At that time I think she demonstrated an excellent example of putting the process before the individual or the party. She co-existed along with two very capable Presidents of the Senate, Rick Bennett and Michael Michaud. She co-existed and worked well with a former colleague of mine, Pam Cahill.

Joy O'Brien is resilient. She is reliable. She is smart. She understands the process. She is an excellent parliamentarian. She will tell you first hand, and I concur, that it was hard work and it was the tutelage of many Clerks of the House, Ed Pert, Debbie Bedard Wood, and Joe Mayo, and of course from the individual who taught them all, my fellow colleague, the Senator from Arostook, Senator Martin.

Joy is an excellent administrator. It doesn't make any difference if you are a Republican or a Democrat, you will get the same type of courtesy, respect, and service from her. She views the Senate and the Legislature as a family. You know we are a family. She treats us like that and she has shared with us our sorrows and our joys, for staff members and for Senators. She has seen our children grow up. She has seen our children go on to college and get married. She has shared the sorrows of loss of family, visited sick legislators and staff in hospitals, attended weddings, and kissed a lot of babies. She has a common bond that I feel strongly about, having served in the Legislature for 14 years. That is that we are family and we put the best interest of the people ahead of everything. So it is with great honor that I second the nomination of my good friend Joy J. O'Brien. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, and congratulations. I would like to place in nomination Pamela L. Cahill of Woolwich for the Office of Secretary of the Senate and wish to speak to my nomination.

THE PRESIDENT: The Senator from Sagadahoc, Senator Mayo, has nominated Pamela L. Cahill of Woolwich for the office of Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **MAYO:** Thank you, Madame President. It is a great honor this morning to place in nomination Pamela Cahill, better known as Pam to most of us. She has been very active in the Maine Legislature for a number of years. She served as State Representative from District 74 from 1980 to 1986. She was Maine State Senator in District 24 from 1986 to 1994. She was Assistant Secretary of this body from 1994 to 1996 and was Secretary for one year, the year 2001 to 2002, when, as many of us will remember, we changed after one year to due a tie in this particular body. Pam has excellent written and oral skills. She has been a highly professional person in everything that she has done throughout her life. She has good computer skills. She is

highly organized. She is a competent decision maker, and above all, has a wonderful and great sense of humor. Those of us who have known her over the years will remember that and have experienced that.

In making this nomination this morning, in no way do I wish to take anything away from the current Senate Secretary whom I have known for many years and known her family going back to 1963. As the good Senator from Piscataquis, Senator Davis, said earlier, this is a democracy and this is how the game is played. Thus, it gives me great honor to present in nomination the name of Pamela L. Cahill of Woolwich for Senate Secretary. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Good morning, Madame President. It is my pleasure and honor to second the nomination of Pam Cahill for the Office of Secretary of the Senate.

THE PRESIDENT: The Senator from York, Senator Nass, has seconded the nomination of Pamela L. Cahill of Woolwich for the Office of Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **NASS:** It was my pleasure and honor to know Pam when I was a member of the other body and to be able to work with her when she was a member of this body. I think that's important to remember.

This is a difficult job. It is a very detailed orientated job. We are all fortunate to have a choice at this point. The worse that could happen to all of us collectively is that we didn't have anybody with experience out there. It is my honor to second the nomination, realizing the benefit to all of us that we have somebody with experience as a member of this body and as an office holder in this office. Thank you.

Senator **GAGNON:** Thank you, Madame Chair. I move that nominations cease.

THE PRESIDENT: The Senator from Kennebec, Senator Gagnon, has moved that nominations cease. Is this the pleasure of the Senate? It's a vote.

The nominees for the Office of Secretary of the Senate are Joy J. O'Brien of Portland and Pamela L. Cahill of Woolwich. The Sergeant-At-Arms and the Chamber Staff will distribute ballots.

The Chair will appoint the Senator from Cumberland, Senator Bromley, the Senator from York, Senator Hobbins, the Senator from Sagadahoc, Senator Mayo, and the Senator from York, Senator Nass, to receive, count, and sort votes for the President of the Senate. Will they please approach the rostrum.

Subsequently, the Committee formed in the well of the Senate to receive, sort, and count votes for the Secretary of the Senate.

Senate at Ease.

Senate called to order by the President.

35 ballots were cast. Necessary for choice 18.

JOY J. O'BRIEN of Portland, having received a majority of the votes cast, was duly elected Secretary of the Senate of the 122nd Legislature.

The Chair requested the Senator from Cumberland, Senator **BROMLEY**, and the Senator from York, Senator **HOBBS**, escort the Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BROMLEY**, the Senator from York, Senator **HOBBS**, and Secretary-elect **JOY J. O'BRIEN** of Portland to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BROMLEY**, reported that they had attended to the duties with which they were charged and were pleased to report that **JOY J. O'BRIEN** of Portland, had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Secretary of the Senate of the 122nd Legislature.

THE PRESIDENT: Nominations are now in order for the Office of Assistant Secretary of the Senate of the 122nd Legislature. The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President. I wish to nominate Judi DelFranco to serve as Assistant Secretary of the Senate and I wish to speak to my nomination.

THE PRESIDENT: The Senator from Androscoggin, Senator Rotundo, has nominated Judith DelFranco of Fairfield for the office of Assistant Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **ROTUNDO:** Thank you, men and women of the Senate. It is an honor to place Judi DelFranco's name in nomination for Assistant Secretary of the Senate. No one works harder and more capably in the State House than Judi DelFranco. Over the past 20 years she has worked her way up through the ranks, holding every position that exists in the Secretary of the Senate's office and has become indispensable to the smooth working of that office and to this chamber. Judi's technological mastery has greatly benefited us all. She carefully considers the needs of the public as well as the needs of legislators in everything she does and is always available to anyone who might need her assistance. Judi DelFranco is 100% dependable in getting any job done, never complaining about any demand made upon her. She is a great treasure.

Please join me in supporting Judi DelFranco for Assistant Secretary of the Senate. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN**: Thank you, Madame President. I wish to second the nomination of Judi DelFranco and wish to speak to my motion.

THE PRESIDENT: The Senator from York, Senator Sullivan, has seconded the nomination of Judith DelFranco of Fairfield for the Office of Assistant Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **SULLIVAN**: Thank you, men and women of the Senate. Many of you would wonder why I would rise, as a new member of this chamber, to speak on behalf of someone who has served this chamber for many years. Six years ago, I took the oath of office at the other end of the hall in the other chamber. Prior to that, during the election, I had met a woman who designed for me my signs. I was able to work with her, all on her time. It was a member helping a member in the other end of the hall. I was pretty moved by that because, as I have learned in the 6 years I've served, there is not always a lot of friendly help offered to the chambers from the members within. I found that Judi gave me what I wanted, worked hard with no promise of anything except that she wanted to help a person. I think that she displays that when she offers to help the public, any member in this chamber, or any member in any chamber. She epitomizes the idea of what we are here for, people working together. No D's, no R's, just people, all working for the good of Maine people.

Her technology experience certainly has worked for me. Yes, I still use that design. There is a word different now, Senate rather than House. I want you to know that she is dedicated. I am privileged to stand here and to offer to second that nomination. I hope you will join me in supporting Judi DelFranco. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you, Madame President, and congratulations. I stand to place in nomination the name of the Honorable Mary E. Small as Assistant Secretary of the Senate.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman, has nominated Mary E. Small of Bath for the office of Assistant Secretary of the Senate of the 122nd Legislature. The Senator may proceed.

Senator **PLOWMAN**: Mary has served 24 years in the legislature, 8 terms in the House and 4 terms here in the Senate, including leadership. Mary had the distinct honor of being appointed my mentor my first year in the other body. If there is anything you like about me, it's because of Mary. If there is anything you don't like about me, it's not because of Mary. Mary is a hard working person. Her public service to the State of Maine is unquestioned. Her love for Maine and its people is evident. Her work ethic, when she served here, was consistent and strong. She has a wonderful personality. She had the opportunity to Chair the Education Committee for 2 years and did an incredible job as the Chair, working with all the party members. She has shown that she can do that. I am very proud that she was my mentor and my friend. I think that she would be an incredible asset to us as we go about our business every day here. I would ask you to join me in supporting the Honorable Mary E. Small for Assistant Secretary of the Senate. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON**: Thank you, Madame President. It's an honor to second the nomination for Mary Small as Assistant Secretary of the Senate. For those of you who know Mary, what I am going to say will be old hat. For those of you who don't, you just need to know that she will bring skill, knowledge, and a great background to this job, and without question, an unusual wit. Thank you.

THE PRESIDENT: The Senator from Waldo, Senator Weston, has seconded the nomination of Mary E. Small of Bath for the Office of Assistant Secretary of the Senate of the 122nd Legislature. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON**: Thank you, Madame Chair. I move that nominations cease.

THE PRESIDENT: The Senator from Kennebec, Senator Gagnon, has moved that nominations cease. Is this the pleasure of the Senate? It's a vote.

The nominees for the Office of Assistant Secretary of the Senate are Judi DelFranco of Fairfield and Mary E. Small of Bath. The Sergeant-At-Arms and the Chamber Staff will distribute ballots.

The Chair will appoint the Senator from Androscoggin, Senator Rotundo, the Senator from York, Senator Sullivan, the Senator from Penobscot, Senator Plowman, and the Senator from Waldo, Senator Weston, to receive, count, and sort votes for the President of the Senate. Will they please approach the rostrum.

Subsequently, the Committee formed in the well of the Senate to receive, sort, and count votes for the Secretary of the Senate.

Senate at Ease.

Senate called to order by the President.

35 ballots were cast. Necessary for choice 18.

JUDITH DELFRANCO of Fairfield, having received a majority of the votes cast, was duly elected Assistant Secretary of the Senate of the 122nd Legislature.

The Chair requested the Senator from Androscoggin, Senator **ROTUNDO**, and the Senator from York, Senator **SULLIVAN**, escort the Assistant Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of Assistant Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **ROTUNDO**, and the Senator from York, Senator **SULLIVAN**, escort the Assistant Secretary-elect **JUDITH DELFRANCO** of Fairfield to the Governor's Office.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Subsequently, the Senator from Androscoggin, Senator **ROTUNDO**, reported that they had attended to the duties with which they were charged and were pleased to report that **JUDITH DELFRANCO** of Fairfield, had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate of the 122nd Legislature.

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

ORDERS

Senate Order

On motion by Senator **BRENNAN** of Cumberland, the following Senate Order:

S.O. 9

ORDERED, that a message be sent to the House of Representatives, informing that Body that the Senate has organized by the choice of Betheda G. Edmonds of Cumberland County as President; Joy J. O'Brien of Portland as Secretary of the Senate; and Judith DelFranco of Fairfield as Assistant Secretary of the 122nd Legislature and is ready to transact such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BRENNAN**, to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BRENNAN**, to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **BRENNAN**, reported that he had delivered the message with which he was charged.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 2

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 2005 and 2006 shall be referred for examination and report.

READ and PASSED.

COMMUNICATIONS

The Following Communication: S.C. 2

STATE OF MAINE

Office of the Secretary of State

December 1, 2004

To the President of the Senate in the One Hundred and Twenty-second Legislature:

I, DAN A. GWADOSKY, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Senators at the General Election held on the second day of November in the year two thousand;

REPORT AS FOLLOWS; that the following named persons having received a plurality of the votes cast, appear to have been elected:

District 1

ANDREWS, MARY A., York	12,384
O'BRIEN, JOHN P., Kittery	9,532

District 2

CILLUFFO, ANTHONY V., Wells	9,421
NASS, RICHARD A., Acton	11,246

District 3

COURTNEY, JONATHAN T.E., Sanford	10,112
HANSLIP, JOSEPH ROBERT, Sanford	8,783

District 4

DROUIN, RONALD, Biddeford	8,212
KUBIAK, WLADISLAV DAVID, Kennebunkport	2,351
SULLIVAN, NANCY B., Biddeford	10,064

District 5

HOBBS, BARRY J., Saco	11,984
THROUMOULOS, PETER P., Saco	6,720
WEAVER, JOHN R., Old Orchard Beach	2,286

District 6

BARTLETT, PHILIP L. II, Gorham	11,085
GILMAN, CAROLYN M., Westbrook	9,917

District 7

BROMLEY, LYNN, South Portland	13,893
MCKENNEY, PAUL J., Cape Elizabeth	8,452

District 8

BABON, DAVID J., Portland	4,487
STRIMLING, ETHAN KING, Portland	14,329

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 1, 2004

<u>District 9</u> BRENNAN, MICHAEL F., Portland	17,329	<u>District 24</u> MITCHELL, ELIZABETH H., Vassalboro O'BRIEN, JULIE ANN, Augusta	10,427 9,447
<u>District 10</u> AUSTIN, ALFRED L., Harpswell EDMONDS, BETHEDA, Freeport	8,427 12,306	<u>District 25</u> GAGNON, KENNETH T., Waterville STAFFORD, BRUCE A., Winslow	9,892 8,316
<u>District 11</u> MASTROPAOLO, DAVID V., Falmouth TURNER, KARL W., Cumberland	10,193 13,479	<u>District 26</u> HATCH, PAMELA H., Skowhegan MILLS, S. PETER, Cornville	8,944 10,331
<u>District 12</u> BRUNO, JOSEPHY, Raymond DIAMOND, G. WILLIAM, Windham	9,366 11,632	<u>District 27</u> DAVIS, PAUL T. SR., Sangerville STANLEY, STEPHEN S., Medway	11,803 8,259
<u>District 13</u> HASTINGS, DAVID R. III, Fryeburg MEDD, MARJORIE M., Norway	10,798 10,305	<u>District 28</u> DAMON, DENNIS S., Trenton LINNEHAN, JOHN D. JR., Ellsworth	14,941 8,474
<u>District 14</u> BRYANT, BRUCE S., Dixfield CAMERON, ROBERT A., Rumford ST. JAMES, JULIA JUSTINE, Hartford	10,687 9,157 834	<u>District 29</u> RAYE, KEVIN L., Perry	14,410
<u>District 15</u> DOUGLASS, NERIA R., Auburn SNOWE-MELLO, LOIS A., Poland	9,611 10,641	<u>District 30</u> PEAVEY-HASKELL, ANITA, Greenbush SCHNEIDER, ELIZABETH M., Orono	7,813 11,444
<u>District 16</u> MENDROS, STAVROS J., Lewiston ROTUNDO, MARGARET R., Lewiston	5,374 12,271	<u>District 31</u> ROSEN, RICHARD W., Bucksport SHERWOOD, EARL G., Brewer	12,313 9,032
<u>District 17</u> NUTTING, JOHN M., Leeds SIMONES, JAMES G., Greene	11,045 9,026	<u>District 32</u> PERRY, JOSEPH CHARLES, Bangor SAWYER, W. TOM, Bangor	9,636 9,356
<u>District 18</u> CAREY, RICHARD J., Belgrade DYAR, CLYDE E., Mount Vernon WOODCOCK, CHANDLER E., Farmington	7,146 2,570 11,978	<u>District 33</u> CRONK, JANE C., Hampden PLOWMAN, DEBRA D., Hampden	8,138 12,537
<u>District 19</u> KNAPP, ALICE E., Richmond LORING, DONNA MARIE, Richmond MAYO, ARTHUR F. III, Bath	3,003 6,847 11,472	<u>District 34</u> BUCKLEY, EDWARD POWELL, Presque Isle CLUKEY, DEAN F., Houlton	8,894 9,394
<u>District 20</u> DOW, DANA L., Waldoboro HALL, CHRISTOPHER G., Bristol	13,228 10,421	<u>District 35</u> MARTIN, CATHY A., Caribou MARTIN, JOHN L., Eagle Lake	8,246 11,027
<u>District 21</u> COWGER, SCOTT W., Hallowell NEWMAN, F. DOUGLAS, Hallowell	11,165 10,544	I, DAN A. GWADOSKY, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.	
<u>District 22</u> SAVAGE, CHRISTINE R., Union SWAN, MARIAN M., Rockland	11,642 9,408	S/DAN A. GWADOSKY Secretary of State	
<u>District 23</u> MISLUK, PETER P. JR., Searsmont WESTON, CAROL, Monteville	9,579 11,768	READ and REFERRED to the Committee on SENATORIAL VOTE .	

The Following Communication: S.C. 3

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

December 1, 2004

Honorable Beverly C. Daggett
President of the Senate
3 State House Station
Augusta, ME 04333
Dear President Daggett:

The following is a summary of the results of the November 2, 2004, Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Citizen Initiative
Number of Votes in Favor 271,636
Number of Votes Opposed 458,369

Question 2: Citizen Initiative
Number of Votes in Favor 344,322
Number of Votes Opposed 389,455

Sincerely,

S/Dan A. Gwadosky
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 4

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

Senator Beverly C. Daggett
President of the Senate

Representative Patrick Colwell
Speaker of the House of Representatives

The Honorable John E. Baldacci
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2003. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.2 billion in federal funds. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget

Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

This document contains the following:

- Independent Auditor's Report
- Basic Financial Statements and Notes to the Financial Statements
- Management's Discussion and Analysis
- Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report on Compliance with Requirements Applicable to each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings, Questioned Costs and Corrective Action Plans
- Summary Schedule of Prior Audit Findings

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2003 Single Audit of the State of Maine.

Respectfully submitted,

S/Gail M. Chase, CIA
State Auditor

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

**STATE OF MAINE
DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT
59 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0059**

October 1, 2004

President Beverly Daggett
3 State House Station
Augusta, ME 04333-0003

Dear President Daggett:

Pursuant to Title 5 §13070-J sub §4, attached is the Department of Economic and Development's agency report on the amount of public funds spent for the direct benefit of businesses in the State under municipal tax increment financing, and employment tax increment financing.

As required by statute, the report identifies the amount of economic development incentives under the jurisdiction of the department received by each employer and the public benefit resulting from those economic development incentives. The report also includes the statutorily required information on the Maine Seed Capital Tax Credit program provided to the department by the Finance Authority of Maine.

Sincerely,

S/Peggy Schaffer
Policy Specialist

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 6

**STATE OF MAINE
MAINE REVENUE SERVICES
24 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0024**

October 1, 2004

Senate President Daggett
Speaker of the House Colwell
Members of the 121st Maine Legislature:

Pursuant to 5 M.R.S.A. Section 13070-J, the State Tax Assessor is required to submit a report to the legislature identifying the amount of revenues foregone as the result of the Jobs and Investment Tax Credit (JITC), the Research Expense Tax Credit (R&D), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, and public funds on the Business Property Tax Reimbursement Program (BETR). Attached are four reports providing you with this information.

The first table lists corporations that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2002, as well as the value of the credits. Table II lists the number of individual filers that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2002. Tax year 2002 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits.

The third attachment explains the Shipbuilding Facility credit. As required by statute the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of

employment has been such that the annual cost to the state treasury has exceeded the base credit amount of \$3 million per year.

The fourth attachment is a computer printout of BETR recipients. For purposes of this report, businesses that filed for reimbursements during calendar year 2003 are listed. BETR recipients filed between August 1, 2003 and December 31, 2003 for eligible property taxes paid during calendar year 2002.

Of the 1,912 businesses that received a BETR reimbursement, 279 received a reimbursement of \$10,000 or more, requiring them to file an Economic Development Incentive Report with DECD. Firms receiving a BETR reimbursement greater than or equal to \$10,000 represent 15% of recipients and 78% of the total BETR expenditure in calendar year 2002.

If you have any questions on this report please do not hesitate to contact me.

Sincerely,

S/Jerome W. Gerard

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 7

**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION #58
AUGUSTA, MAINE 04333**

Date: October 15, 2004

To: Honorable John Elias Baldacci, Governor
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
Honorable Mary R. Cathcart, Senate Chair
Honorable Joseph C. Brannigan, House Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

From: Ryan Low, State Budget Officer

Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 04-05 biennium and the FY 06-07 biennium in accordance with Title 5 § 1665.

The Bureau of Budget is pleased to present its budget forecast for the General Fund and the Highway Fund for the FY 04-05 biennium and the FY 06-07 biennium in accordance with Title 5 § 1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This budget forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund as required by Title 5 § 1665, subsection 7. This budget forecast should provide the most consistent review of revenue and expenditure trends over the long term as a basis for financial planning and decision making.

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

ORDERS

Senate Orders

On motion by Senator **BRENNAN** of Cumberland, the following Senate Order:

S.O. 3

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the political years 2005 and 2006, a State Treasurer for the political years 2005 and 2006, an Attorney General for the political years 2005 and 2006, and a State Auditor for the political years 2005 through 2008 at 2:00 in the afternoon.

READ and **PASSED**.

The Chair appointed the Senator from Cumberland, Senator **BRENNAN**, to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BRENNAN**, to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **BRENNAN**, reported that he had delivered the message with which he was charged.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 4

ORDERED, that the Rules of Senate of the 121st Legislature shall be the Rules of the Senate of the 122nd Legislature. Amendments to the Senate Rules may be adopted by a majority vote on or before the third Friday in January of 2005.

READ and **PASSED**.

On motion by Senator **BRENNAN** of Cumberland, the following Senate Order:

S.O. 5

ORDERED, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

ORDERED, that all clergy acting as Chaplains of the Senate shall receive \$25 for each officiation. The same is to be approved by the Secretary of the Senate.

READ and **PASSED**.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 6

ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of the Committee.

READ and **PASSED**.

On motion by Senator **BRENNAN** of Cumberland, the following Senate Order:

S.O. 7

ORDERED, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of the Committee.

READ and **PASSED**.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 8

ORDERED, that the President of the Senate is authorized, at his or her discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate.

READ and **PASSED**.

Joint Orders

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 1

ORDERED, the House concurring, that the Joint Rules of the 121st Maine Legislature shall be the Joint Rules of the 122nd Maine Legislature. Joint Rules may be amended by a majority vote, in each chamber, on or before the third Friday in January, 2005.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 2

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 4, 2005, at 10:00 in the morning.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 3

ORDERED, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 11 payments on a biweekly basis commencing January 5, 2005, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 4

ORDERED, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

ORDERED, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 5

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House of Representatives and Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members or representatives, that each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, may be provided with a prepaid phone card under the direction of the Secretary of the Senate and Clerk of the House, respectively; and be it further

ORDERED, that the President of the Senate or Speaker of the House, may upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 6

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 7

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and House, respectively.

READ and PASSED.

Sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 8

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 122nd Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and the Clerk of the House. The remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

At this point, a message was received from the House of Representatives borne by Representative DUPLESSIE of Westbrook, informing the Senate that the House had organized by the choice of JOHN RICHARDSON, of Brunswick, as Speaker of the House, MILLICENT MACFARLAND, of Augusta, as Clerk of the House, and MICHAEL J. COTE, of Windsor, as Assistant Clerk of the House of the 122nd Legislature and was ready to transact such business as might come before the House.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 5

WHEREAS, the citizens of the State have made clear their desire for property tax reform, having placed 2 separate Citizen's Initiatives before the Legislature on property tax policy in the past 2 years; and

WHEREAS, one of these initiatives, the School Finance Act of 2003, was approved by voters in June 2004 and must be implemented by the 122nd Legislature; and

WHEREAS, Governor John E. Baldacci is expected to introduce legislation entitled "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels," H.P. 6, L.D. 1 and "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Rate of Change in Taxable Value of Homestead Land," H.P. 7, L.D. 2; and

WHEREAS, that legislation raises issues that are normally placed before several different joint standing committees of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Property Tax Reform, referred to in this order as "the committee," is established and consists of 4 members of the Senate appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of House. The first-named Senate and House members shall serve as cochairs of the committee. The committee shall consider and make recommendations by the end of business on January 14, 2005 on legislation referred to it by the bodies.

Comes from the House, **READ and PASSED.**

READ and PASSED, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels" (EMERGENCY)

H.P. 6 L.D. 1

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land

H.P. 7 L.D. 2

Come from the House, **REFERRED** to the Joint Select Committee on **PROPERTY TAX REFORM** and ordered printed.

REFERRED to the Joint Select Committee on **PROPERTY TAX REFORM** and ordered printed, in concurrence.

At this point a message was received from the House of Representatives, borne by Representative CUMMINGS of Portland informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 2:00 in the afternoon for the purpose of electing a Secretary of State for the political years 2005 and 2006, a State Treasurer for the political years 2005 and 2006, an Attorney General for the political years 2005 and 2006, and a State Auditor for the political years 2005 through 2008.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1

ORDERED, the Senate concurring, that the Speaker of the House is authorized, at his discretion, to permit radio or television in the Hall of the House of Representatives during joint conventions of the Legislature.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 2

ORDERED, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written

request to the Clerk of the House, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

ORDERED, that any tax supported public library may upon written request to the Clerk of the House receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 3

ORDERED, the Senate concurring, that the rooms in the State House and State Office Building occupied by the Legislature be reserved for hearing rooms for the One Hundred and Twenty-second and succeeding Legislatures and be released for other purposes only upon approval by the Chair of the Legislative Council.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 4

ORDERED, the Senate concurring, that there be prepared by the Legislative Information Office, under the direction of the Secretary of the Senate and the Clerk of the House, after adjournment of the present session, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed sufficient copies to meet the needs of the Legislature. A copy shall be mailed to each member and officer of the Legislature and the State Law and Legislative Reference Library.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 4, 2005, at 10:00 in the morning.