

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Special Session  
July 29, 2005

Pages 1351 - 1381

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND SPECIAL SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Friday  
July 29, 2005

In compliance with a proclamation of Governor **JOHN E. BALDACCI**, the Senators convened in the Senate Chamber at 10:00 o'clock in the morning and were called to order by President **BETH EDMONDS** of Cumberland County.

Prayer by Senator Debra D. Plowman of Penobscot County.

**SENATOR PLOWMAN:** Good morning. Let us be in the spirit of prayer.

Dear Lord, thank You for bringing us all safely back together again. Today would You please bless us with Your grace and bring us wisdom. As we work through the day, please help us remember the words in David's psalm. 'Be still and know that I am God.' Amen.

Pledge of Allegiance led by Senator Arthur F. Mayo, III of Sagadahoc County.

S.C. 404

**OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

**PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve legislative matters limited to bond authorizations for expenditures related to transportation, pollution control, research and development, land acquisition, and public facilities, as well as the confirmation of judicial appointments; and

WHEREAS, the public health, safety, and welfare requires that the Legislature resolve those pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 122nd Legislature:

NOW THEREFORE, I, JOHN E. BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part First, Section Thirteen of the Constitution of Maine, convene the Legislature of this State, hereby requesting the Representatives to assemble at eleven o'clock and the Senators to assemble at ten o'clock in the morning in their respective chambers at the Capitol in Augusta on July 29, 2005, in order to receive communications, enact bond authorizations and confirm judicial appointees as may properly be

brought before this special session of the Legislature. In testimony whereof I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 27th day of July in the Year of our Lord Two Thousand and Five.

Attested:

S/Matthew Dunlap  
Secretary of State

S/John E. Baldacci  
Governor

**READ and ORDERED PLACED ON FILE.**

**QUORUM CALL**

The Chair noted the absence of the Senator from Cumberland, Senator **STRIMLING** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#282)**

**PRESENT:** Senators: **ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

**EXCUSED:** Senator: **STRIMLING**

32 Senators having answered the Roll with 1 Senator being excused, the Chair declared a quorum present.

**Off Record Remarks**

Senator **SAVAGE** of Knox requested and received leave of the Senate that all members and staff be allowed to remove their jackets for the remainder of the Session.

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Senate Order:  
S.O. 23

ORDERED, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of 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 Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

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Senate at Ease.

Senate called to order by the President.

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

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Out of order and under suspension of the Rules, on motion by Senator **GAGNON** of Kennebec, the following Senate Order:  
S.O. 24

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

**READ and PASSED.**

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

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

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#### ORDERS OF THE DAY

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

H.P. 869 L.D. 1272  
(C "A" H-195)

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195)**, in concurrence.)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-195), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-413) to Committee Amendment "A" (H-195) **READ and ADOPTED.**

Committee Amendment "A" (H-195) as Amended by Senate Amendment "A" (S-413) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195) AS AMENDED BY SENATE AMENDMENT "A" (S-413) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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#### COMMUNICATIONS

The Following Communication: S.P. 639

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Jeffrey Hjelm of Dixmont for reappointment as a Superior Court Justice.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 641

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 19, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Carl Bradford of Yarmouth for reappointment as a Superior Court Active Retired Justice.

Pursuant to Title 4 M.R.S.A. § 104, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 642

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 19, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Michael Westcott of Damariscotta for appointment as a District Court Active Retired Judge.

Pursuant to Title 4 M.R.S.A. § 157-B, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 643

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 19, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Ralph Tucker of Brunswick for appointment as a District Court Judge.

Pursuant to Title 4 M.R.S.A. § 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 644

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 19, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Keith Powers of Cape Elizabeth for reappointment as a District Court Judge.

Pursuant to Title 4 M.R.S.A. § 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds S/John Richardson  
President of the Senate Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 645

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 19, 2005

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Pelletier-Simpson  
House Chair, Joint Standing Committee on Judiciary  
122<sup>nd</sup> Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Marilyn Stavros of Kennebunkport for appointment as a District Court Judge.

Pursuant to Title 4 M.R.S.A. § 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds S/John Richardson  
President of the Senate Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.C. 402

**STATE OF MAINE  
DEPARTMENT OF AUDIT  
66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066**

**Letter of Transmittal**

Senator Beth Edmonds  
President of the Senate

Representative John Richardson  
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, 2004. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.6 billion in federal financial assistance. 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 reports and schedules;

- 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

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

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 2004 Single Audit of the State of Maine.

Respectfully Submitted,

S/Neria R. Douglass, JD  
State Auditor  
June 30, 2005

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

The Following Communication: S.C. 403

**AMERICAN HEART ASSOCIATION  
NORTHEAST AFFILIATE  
343 GORHAM ROAD  
SOUTH PORTLAND, MAINE 04268**

May 3, 2005

President Beth Edmonds  
Office of the President  
3 State House Station  
Augusta, Maine 04333

Dear President Edmonds:

As chair of the Maine's Tobacco Prevention and Control Advisory Council, I respectfully submit the enclosed Advisory Council Report for the calendar year 2004.

Thank you for giving the Council the opportunity to report on the important work being done by the Partnership For A Tobacco-Free Maine to improve the health of the citizens of Maine.

Sincerely,

S/Dennise D. Whitley, MHA  
Director of Health Initiatives and Advocacy

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 405

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Michael N. Westcott of Damariscotta, for appointment as an Active Retired District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier- Simpson of Auburn, Sherman of Hodgdon
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Bryant-Deschenes of Turner, Rep. Dunn of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Michael N. Westcott of Damariscotta, for appointment as an Active Retired District Court Judge, be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ** and **ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
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The Secretary opened the vote.

Representatives	6	Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Nass of Acton, Pelletier-Simpson of Auburn, Sherman of Hodgdon
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**ROLL CALL (#283)**

YEAS: Senators: None

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

NAYS 0

ABSENT 5 Sen. Bromley of Cumberland,  
Rep. Bryant of Windham,  
Rep. Bryant-Deschenes of  
Turner, Rep. Dunn of Bangor,  
Rep. Gerzofsky of Brunswick

EXCUSED: Senator: STRIMLING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Michael N. Westcott** of Damariscotta, for appointment as an Active Retired District Court Judge was **CONFIRMED**.

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Jeffrey L. Hjelm of Dixmont, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Secretary has so informed the Speaker of the House of Representatives.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

The Following Communication: S.C. 406

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#284)**

YEAS: Senators: None

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Jeffrey L. Hjelm of Dixmont, for reappointment as a Superior Court Justice.

EXCUSED: Senator: STRIMLING

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:



No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Jeffrey L. Hjelm** of Dixmont, for reappointment as a Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 407

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Carl O. Bradford of Yarmouth, for reappointment as an Active Retired Superior Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	7	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Nass of Acton, Pelletier-Simpson of Auburn, Sherman of Hodgdon
NAYS		0	
ABSENT		4	Sen. Bromley of Cumberland, Rep. Bryant-Deschenes of Turner, Rep. Dunn of Bangor, Rep. Gerzofsky of Brunswick

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Carl O. Bradford of Yarmouth, for reappointment as an Active Retired Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#285)**

YEAS: Senators: None

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

EXCUSED: Senator: STRIMLING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Carl O. Bradford** of Yarmouth, for reappointment as an Active Retired Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 408

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Keith A. Powers of Cape Elizabeth, for reappointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier- Simpson of Auburn, Sherman of Hodgdon
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Bryant-Deschenes of Turner, Rep. Dunn of Bangor,

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Keith A. Powers of Cape Elizabeth, for reappointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#286)**

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBSINS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK, The PRESIDENT - BETH G. EDMONDS

EXCUSED: Senator: STRIMLING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Keith A. Powers** of Cape Elizabeth, for reappointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 409

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Ralph L. Tucker of Brunswick, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier- Simpson of Auburn, Sherman of Hodgdon

**MAINE STATE LEGISLATURE  
COMMITTEE ON JUDICIARY  
AUGUSTA, MAINE 04333**

NAYS 0

ABSENT 3 Sen. Bromley of Cumberland,  
Rep. Bryant-Deschenes of  
Turner, Rep. Dunn of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ralph L. Tucker of Brunswick, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#287)**

YEAS: Senators: None

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

EXCUSED: Senator: STRIMLING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ralph L. Tucker** of Brunswick, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 410

July 28, 2005

The Honorable Beth Edmonds  
President of the Senate of Maine  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003  
Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Marilyn E. Stavros of Kennebunkport, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Cumberland, Hobbins of York
	Representatives	8	Bryant of Windham, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier- Simpson of Auburn, Sherman of Hodgdon

NAYS 0

ABSENT 3 Sen. Bromley of Cumberland,  
Rep. Bryant-Deschenes of  
Turner, Rep. Dunn of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marilyn E. Stavros of Kennebunkport, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122<sup>nd</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#288)**

YEAS: Senators: None

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

EXCUSED: Senator: STRIMLING

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Marilyn E. Stavros** of Kennebunkport, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 1:30 in the afternoon.

After Recess

Senate called to order by the President.

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **ROTUNDO** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements"  
S.P. 338 L.D. 998

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

Report **READ** and **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-406) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. At approximately 1 o'clock last Wednesday morning the Appropriations Committee unanimously voted out the bond package that is before you now. We worked hard to balance competing interests and needs and to include in the package those projects that will provide the best return in terms of leveraging additional money, improving Maine's infrastructure, and creating good paying jobs in the state. The task was not an easy one and I want to publicly thank the good Senator from Aroostook, Senator Martin, and the good Senator from York, Senator Nass, as well as the rest of the members of the committee whose willingness to work through the frustrations has brought us to the point that we're at now. The package before you will leverage \$225 million for an \$83 million investment for a total investment of over \$300 million in Maine's roads and bridges, colleges and universities, and environment and economy. It's a fair and responsible package and I ask for your support of it. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I want to just briefly again thank the Democratic members and the Chairman of the Appropriations Committee for their help and especially want to recognize the role that leadership played in this event because they worked longer and harder, I think, and ought to share in the success.

I do think it's time to realize how much money is involved here and what it's going to be used for. These are infrastructure needs we can't walk away from. This is a substantial amount of money, both money we are putting out through bonding and money we are going to get from other sources. It's time we make use of that and it's time to vote for this package and get it out to the voters. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President. I would just like to echo the comments that I've heard from both sides of the aisle with respect to this package. I think it's testimony to the good work that has been done by the members of the Appropriations Committee as well as members of leadership. I would hasten to add that I don't think it's a perfect package, but it's probably as close as we're going to get and I commend those who have worked so hard on it.

To follow up on my comments, I would like to offer at least two, possibly more, amendments that, in my judgment, could further strengthen this excellent package. Thank you.

On further motion by same Senator, Senate Amendment "F" (S-412) to Committee Amendment "A" (S-406) **READ**.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I think you are all aware that, in bringing the package before us, a good deal of energy focused on trying to strengthen research and development and perhaps further strengthen education. I think that the package has done that. My amendment that is before you now would channel additional monies into research and development but do it within the confines of the \$83 million that had been agreed to earlier. Specifically, what I would suggest we do is take the \$2 million that is earmarked for Lewiston/Auburn College Career Center and reallocate that money within the University of Southern Maine but apply it to the science building that we have been gradually building out on the Portland campus of the University of Southern Maine. This money, if you chose to earmark it, would go to building out the bioscience and bio-medical wing of that science building. I think when you consider the work that is being done in the research and development standpoint, whether it is with the University of New England, Maine Medical Center, the Blood Research Institute, the Gulf of Maine Research Institute, and is currently going on at the University of Southern Maine's Portland Campus, applying additional monies for the purpose of building this wing out is in our best strategic interest from a job growth standpoint. I would like your consideration for the motion before us. Thank you.

Senator **NASS** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-412) to Committee Amendment "A" (S-406).

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. As we just got done saying to each other a few minutes ago, this was a difficult negotiation. It's a package that, hopefully, everybody can find something good in, but almost everybody on the other side is going to find something they don't like in it. Certainly I'm no different.

This is a matter of choices and priorities. Is one better than the other? We all have our regional needs and desires. It's more than that. We're representatives for a lot of people and we have the desire to bring home the bacon. That always looks good. However, as we deal with the budget package, in my opinion, we cannot deviate because once we start deviating from what's

agreed upon this thing falls apart. I am concerned that if it goes any higher than this drops to zero. I don't think that is good for anybody, especially the citizens of Maine. Thank you, Madame President.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT**: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. Let me first say that I support the pending motion. I am not one of those who decided what went in what category. I suspect that the issue of where the \$2 million for Lewiston/Auburn was probably more appropriate in the education piece, but it ended up going into what now would be money shifted within that category. We did not have the ability, in the committee, so shift money from one category to another. That was sort of predestined. If this amendment were in addition to the bond package I would consider that. I cannot consider simply removing it from something we believe is absolutely needed. I was one of the original supporters of the Lewiston/Auburn campus of the University of Maine System because so many of those students would come to the University of Fort Kent because they wanted to go to an area that spoke French. They now have a facility that they can go to and be close to. If you look at the percentage of increase that has incurred there in student body you will quickly realize that it has almost doubled. It's at 86% of where they were in just a ten-year period. The amount of people who have gone through the facility has subsequently gone there and then moved on to either a four-year program at USM or to Orono or to another, whether it is Fort Kent or Presque Isle. It's made a tremendous difference for those individuals and I cannot think of a worse thing to have happen. That building was purchased, if you want a little history and perhaps you may not, and it is to be completed in order to provide space for the increased enrollment at Lewiston/Auburn. I can't think of a better need, in terms of the long run and the ability to move people forward, than putting that money there.

Like I said, if there were the ability to add to the package, which would be another issue. I will simply conclude, to the good Senator from Cumberland, Senator Turner, about his comments to me on the floor when I tried to do something for the University that I should not be doing and about micromanagement, that is exactly what the good Senator is doing today.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. There are so many things to comment on that I don't think that we have enough time left in the day, but let me try. First, to the good Senator from York, Senator Nass; as the good Senator from Aroostook, Senator Martin, points out, this is not an increase in the dollar amount. It stays at \$83 million. I think there is a need at the Lewiston/Auburn Community College. I happen to think it's a lower need than what's being offered to you versus this amendment.

To the Senator from Aroostook, Senator Martin, specifically; on the micromanagement piece, I would simply point out to the

chamber that if you go back and look at the papers put forward by the University System and the University of Southern Maine you will see nothing in there with respect to the Lewiston/Auburn College being a top priority for them. A priority but not a top priority.

I think when we consider that we have very scarce dollars, research and development is incredibly important to us. If we are going to be successful on a strategic basis, continuing to put money into research and development is particularly viable. Let's create the jobs and then create the community centers, from a career standpoint, that can help supply those jobs. Let's get the jobs first.

If I look at the BRED Committee, we have three Senators here today all of whom pushed very hard to increase the research capacity of this bond package. I think this is coincident with their thinking. I know in the work we did in the Education Committee, when we decided what our top priority was it was for funding research and development not enhancing career centers. Again, I think when we consider that we have a finite amount of money we are adhering to, putting this money into research and development is a far better long term use of our resources than what is currently being considered in this amendment as a change. I would urge that you support the amendment that is before us. Thank you very much, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President, ladies and gentlemen of the Senate. It behooves me to have to stand here today to ask you to not support the current amendment to the bond bill as proposed and to please vote for the current motion on the table. Figures show that since 1994 the Lewiston/Auburn College has and is the fastest growing college in Maine and I am very proud of that. They have grown by 86.8%. I think the career center is very deceiving because in actuality what the money is appropriated for is to create necessary space for the college to offer courses there that are desperately needed at this time. This new space will allow for science labs, which is an area they have maxed out. We have many students that have applied for Lewiston/Auburn and cannot attend because we don't have the necessary openings for them. Students want to study at this college because of its fine reputation and it's convenient locality. The Lewiston/Auburn College, which is a branch of USM, lives up to its reputation in providing quality and excellence in its mission in offering a great education for students of all ages. The Lewiston/Auburn College, which I'm very proud of and have worked very closely with through the years, is very fiscally responsible. They had a gym a few years ago and they needed classrooms. Instead of coming to the state and asking to add more space they decided to turn this gym into more classroom space, which I think was very appropriate. I hope that you will support the current motion. I understand, we all have to fight for the needs of our districts and I certainly have to do this by speaking on behalf of Lewiston/Auburn. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to rise just once today to address all the amendments. I do support the original

appropriation bond package and I'm going to vote for that package and I'm going to vote against all the amendments. Before I do that, I want to let people know where I stand, both in my own party and across the aisle, because it is probably no secret that I'll have to speak, as I do quite often, as a businessperson. I believe in economic bonds and packages. I do not think that they are corporate welfare and I think that put in the right places they can do a lot for the economy in stimulating the economy for the State of Maine. We do have some problems that we're going to face shortly in this state and we all know that, with the BRAC Commission and the possible downsizing of Bath Iron Works. We don't know what's going to happen with the International Paper Mill sales or the sale of MBNA and the possible loss of jobs there. It's a little bit too early right now to know exactly what is going to happen, although the smoke signals are pretty clear. I do favor bond packages that would result in increasing the jobs and welfare of the State of Maine.

I want to talk about what the future can be after we get this bond package under our belt. I firmly believe that we can affect the future of this state, not only through bond packages but by tying them in with some other things as well that I consider also to be an economic stimulus. Part of that has to do with some tax reforms. When I talk about tax reforms, make no mistake, I always believe in tax cuts. Tax cuts that will help businesses stimulate their own economies because they will be able to invest some of their own money in their own businesses and stop the bleeding off of businesses that are leaving the state and also create an atmosphere in the state that will encourage businesses to come in.

I believe that with the makeup that we have now and all the talk that we had through the last election cycle that people wanted us to work together, across the aisle, to accomplish things. I think we have some of that in place. I look forward to the future, after this bond package is put to bed and voted on. I believe that we can tie some future bond packages and economic research and development to the following ideas. I'll just mention those briefly. I have one already. I believe that we can have some meaningful tax reform in this state that will help businesses and help individuals in this state. There is plenty of research and plenty of information out there that helps support that.

I'm in a unique position, in Lincoln County, because we're right in the middle of nowhere so we have to read both the Portland paper and the Bangor paper to see what's going on. We get kind of left out there. I was kind of intrigued this week to read, in the Bangor paper in the Wednesday edition, about Kids Count. I came across a very interesting article right on the front page that talked about how well the kids' health program is in the State of Maine. We came up with the number that I guess we were seventh in the nation in kids' health. I thought to myself, 'Well, that's going to give my colleagues on the other side of the aisle a reason to crow.' It does in a sense because spending money on that program has worked. That's one thing that it has accomplished. It has brought the kids' health up. In Thursday's paper, in the Portland paper, it made the argument even more interesting because it turns out that New Hampshire wasn't seventh, they were number one in the nation. They were number one because they didn't spend the amount of money that we did. They are number one for another reason.

We are always spouting statistics all the time in here on whatever fits our argument. There are all kinds of economic statistics that we've spouted in here. Some of us have said that we're first in the nation in taxes. Well, we are when you figure for

a \$1,000 of income that maybe we are. Some have said we're eleventh or we're twelfth, we're getting better. All kinds of statistics. I found one statistic that is true. When we are making comparisons between Maine and some of the other states in the country, Maine and New Hampshire comparisons have been rampant lately. We had the excellent article in the paper about Manchester, New Hampshire. It talked about a comparison with Portland, Maine. We know that Portland has been doing good, but the comparisons pale beside some of the figures that were in the paper about Manchester, New Hampshire. There was always one common statistic in everything that we looked at and in everything that we do, whether it is health, economics, or whatever. It happens to be the income comparisons between people in the State of Maine and the rest of New England or in New Hampshire. Those income comparisons are sometimes startling. The household income for a family in Manchester, New Hampshire was \$10,000 more than in Portland, Maine. The income for the State of Maine is about \$10,000 less than the best state in New England. These are all interesting. What does that have to do with health? We all know that the better incomes you make, the better health your family is going to be in.

I just want to finish up briefly and say that I'm looking forward to some economic bonds in the future that will really stimulate this economy. I'm looking forward to tying it into some real health reform, some real tax reform, and moving this state forward in the right direction. I believe, I thoroughly do, that if we can decrease taxes in this state that we will provide an opportunity for businesses to move forward. I believe that if we can take a step or two backwards on our health insurance and lower the cost and be a benefit to businesses more people will be insured and therefore our numbers for kids' health will rise up even further. I just believe this and the statistics have come out of the other states prove this. When you've got a good business climate that brings good businesses in, that bring good salaries, that up the median incomes for people in the State of Maine, a rising tide rising all ships up. I think that is possible.

Health insurance. Why can't we just go back and undo some of the things we did that caused all the insurance companies in the State of Maine to leave?

**THE PRESIDENT:** Senator, I would remind you to keep your remarks focused on the bond package before us.

Senator **DOW:** All right, I will. I will.

**THE PRESIDENT:** I appreciate all your good words.

Senator **DOW:** Just to finish up then, I'm going to support the bond package as it lies on the table now. I'm going to vote against all the amendments. I'm still looking forward to the future. I think we have a good future here and we need to work hard to do what we've got to do in the future. I just want you to know why I am going to vote for the original appropriation bond package and against all the amendments. I will see you later. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. I'm trying to remember what I was going to say.

It is difficult for me to be carrying the water for the Senator from Cumberland, Senator Brennan, and the Senator from

Cumberland, Senator Strimling, on this particular matter since it would sit at the junction of their two Senate districts, as I recall the boundaries. I do think the comments with respect to the growth that we have seen at the Lewiston/Auburn College are valid numbers. It has grown rapidly over the last decade. I also think it's accurate to say that the University of Southern Maine administration recognizes that and has a plan in place to deal with it without spending this \$2 million to upgrade these particular buildings. Again, I would think taking this \$2 million and putting it into the research and development capacity that we have partly built out on the University of Southern Maine Portland Campus is a higher and better use of our money. I would ask you to defeat the pending motion so we can adopt the amendment before us. Thank you very much, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. If the fine Senator from Cumberland feels like he is carrying my water, please, you can put down your burden. I am fine with the money going to Lewiston.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Nass to Indefinitely Postpone Senate Amendment "F" (S-412) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#289)

**YEAS:** Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: COURTNEY, DAMON, MILLS, ROSEN, TURNER

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-412) to Committee Amendment "A" (S-406), **PREVAILED**.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I, too, want to add to the course of people thanking everybody in this chamber, members of the Appropriations Committee, and members of leadership for their hard work on this package. However, after much reflection and discussion with other members of the Agriculture and Conservation Committee, I am offering this amendment to the package today. The Farms for the Future program was the number one priority of the Agriculture, Conservation and Forestry Committee and yet other agricultural priorities that are important but ranked by our committee lower than Farms for the Future are in the package. Farms for the Future is not in the package at all. The programs we've had so far have helped 108 farms. It has, on average, doubled their profit margin, through a combination of business planning assistance and small grants, to really reconfigure these farms, change the direction in which they are heading, to make them more diversified, and to increase their year-round income. The program, so far, has kept almost 16,000 acres of farmland open and being farmed. For instance, to have six dairy farms on the edge in southern Maine go together and form a co-op and bottle their own milk and sell it directly to the public. That's really increased their profitability. That wouldn't have happened without the business planning assistance in the Farms for the Future program. A sheep farm in Knox County added a pick-your-own blueberry operation that has turned that farm around. These are changes that require careful planning. Of the over 200 farms that have applied for this program, in a recent survey 99% of the farms polled said that this is a great program. Keep in mind that 50% of their applications have been turned down and yet people support it.

I believe this amendment really broadens the economic development package in this bond package to include economic development in rural Maine. That is very important. For instance, 92% of the open space left in Androscoggin County is there because of agriculture. That percentage is going up every year. The Maine Farm Bureau and the Agriculture Council of Maine, this program has been their number one priority to try to attempt to get into this bond package. It has been the single most successful agricultural development program in the State of Maine. I urge your support of this amendment to add \$1 million to this package, which draws down over \$4 million in federal money, for aggressive business planning assistance and small grants to increase the economic vitality on Maine farms. This program, which draws down this federal match, is being done in all the other New England states to a much higher level than we're doing. Without Farms for the Future in this bond package at all, it means the end of this program in total. Thank you for listening. Thank you for your consideration. I think this is a good, reasonable, narrowly crafted amendment.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406).

On motion by Senator **NASS** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406), A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#290)**

**YEAS:** Senators: ANDREWS, BRENNAN, DAVIS, GAGNON, HASTINGS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SNOWE-MELLO, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DIAMOND, DOW, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, PERRY, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406), **FAILED**.

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

Senator **NASS**: Thank you, Madame President. I think it is important to remind the body that this is a proposal that will increase the total package. If that's what you want to do, but I am going to vote against it. This is going to go to zero, I think. If that is what you are about and that is what you want to have happen, that's the outcome that I predict. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN**: Thank you, Madame President, men and women of the Senate. Just to bring to you a piece of history around this program, in the 121<sup>st</sup> session of the Maine Legislature a bond issue was developed and put before the voters in June of 2003. Prior to that time the Land for Maine's Future program was funded by appropriation. This is from memory, it was at a level of approximately \$200,000 a year and ran very close to that amount until the June 2003 bond. At that time the legislature chose to put in that economic development package a \$4 million proposal to fund and dramatically ramp up the support of Lands for Maine's Future. That bond was passed by the voters. I haven't looked at the program recently to determine whether all of that money has been issued and utilized, but I suspect, considering the restrictions and the requirements around that program for applicants and the strict application process, that there is probably still significant funding left. I just wanted to give you that little bit of history, that the legislature has, in fact, stepped up and dramatically increased support for this in recent memory.



**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. Just a point of clarification. I recall exactly the things that the Senator from Hancock, Senator Rosen, mentioned except it wasn't the Lands for Maine's Future, I believe it was Farms for the Future.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Adopt Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#291)**

**YEAS:** Senators: BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN

**NAYS:** Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ADOPT** Senate Amendment "G" (S-414) to Committee Amendment "A" (S-406), **FAILED**.

On motion by Senator **SULLIVAN** of York, Senate Amendment "J" (S-417) to Committee Amendment "A" (S-406) **READ**.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. This is not one of the best days for me. We have crafted a plan that at one point, maybe four weeks ago, looked good. We have left major pieces out and forgotten something that I think my parents taught me a long time ago, in order to make money you need to spend money and you need to invest money. I have put forth an amendment that would take the research and development and add \$10,000 to that. Yes, it would increase it. I would have agreed with the good Senator from Lincoln, Senator Dow, who has graced my lunch table many times during the session, especially towards the end, and I would say if we were going to come back then this could wait. Everybody knows that the press knows more than we do here. Unfortunately, yesterday, before I got here, a member of the other body had been quoted that there will be no bonds in 2006. We will not be back, regardless of the BRAC Commission.

Let me just tell you a little bit about the economic bond that I've put forth; \$1 million for the economic recovery loan program in the Finance Authority of Maine. FAME is a shining example of

help for our colleges and for our businesses, right straight through the line. It would replace \$1 million for the New Century Community Program; \$2 million to furnish and outfit the new bio-science building at the University of Southern Maine; \$2 million for applied technology development centers; and \$2 million for the unmanned vehicle research and development center that, quite frankly, I knew nothing about until the Senator from York, Senator Courtney, began to have some press on that and I read and I believe many of his statements make sense except we shouldn't pit one against the other. It reminds me of Hawaii's base and Portsmouth's base. Why take from one person or one area or one region? It puts \$1 million in the Municipal Investment Trust Fund, pretty important for our local communities, and \$1 million for the Maine Economic Improvement Fund.

I believe, seeing we have been told that we will not be back and it does take two-thirds for bonds and reading in the papers quotes from the powers that be that there will be no bonds, we need to look and we need to carefully place our votes. \$10 million on a bond package. We had no bonds last year and we're hearing there will be no bonds in 2006. I'm sorry people, you can't run a business that way. If you decide it's going to take \$100,000 to build a house and then all of a sudden you say, 'Opps, we only have \$50,000' do you stop building? Do you not put walls on? Do you not use insulation? Do you not put a roof on? What do you not do? In this case, this is what is going to keep our economic engine going. I'm sorry. When I read in the paper, from powers that be, that there will be no bonds in 2006, it doesn't give me much hope that there will be. We need to be prepared to do something about Portsmouth, Brunswick, and Limestone. The good Senator from Lincoln, Senator Dow, mentioned the paper mills and everything else. This is strictly bonds everywhere. I'm not afraid to go to the people and say, 'Yes, I voted to increase this \$10 million more.' This is not for entitlement programs, this is not for health insurance, these are things that move us ahead. You want to talk about bringing in funds for research? Take a look at the University of New England. Take a look at our doctoral programs. See the money they bring in for research. They get grants. NIH grants, NASA grants. You cannot grow if you do not invest. Those of you who have gardens, if you don't tend those gardens and you do what I do, plant the bulbs in the middle of the fall and say, 'There, I can't wait until this looks pretty.' Then you are up here until June or whenever we get out and it comes through but the weeds grow and before long, with no care of it, you've lost the investment in the bulbs and everything else and you never got to enjoy it. \$83 million is a lot of money, especially when it won't do what it needs to do given the times that Maine's history is about enter. I'm not a doomsayer. Maybe we'll luck out and all three places will be saved. Maybe the mills won't go. Maybe things will happen. Maybes do not grow the state economy. We need this on the bond. We need it now. We need it here for November. I would ask you to support this \$10 million bond and remember why it is that 187 people can speak for 1.3 million. This is going to the people. If they say, 'Senator Sullivan, you are out of your mind. Why did you ever increase this \$10 million?' they will vote no. In my district I know the people want this. They want us to invest money in reasonable things and the two things they want us to invest in, in particular, are research and development and transportation. Our infrastructure. I will cast this vote.

I am well aware of the pledge. People have often said to me, 'What is the difference between this chamber and the other end of the hall?' Until last week I used to always answer that I represent

43,000 instead of 8,000. However, in the last week I have found out the difference. Here, when there is an agreement made, it's nine votes that will stand up and move to indefinitely postpone and I become nothing but a pawn to be one of the two-thirds. It bothers me that this is true, that there will be people that have given their pledge to indefinitely postpone this. I know one member of my side will stand up and indefinitely postpone this. Unfortunately, 1.3 million people never get a chance to vote on a bond and to say, 'Yes, this is how I want my tax money spent' or no. I maintain that at least the people in my district are very bright. After all, they elected me to be here, so therefore I have to figure they are very bright. I want them to have their opportunity. All I am saying is to give the people a chance to vote. \$10 million for what could be a very tough time in the state's history. We need to be bold. We need to move forward. I would ask your support for this, knowing full well that it probably is fruitless. However, I can go back and at least say to my people, 'You have the opportunity to decide how to spend your money.' It should go to the vote. It's only fair. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I'll be voting against this proposal for one reason and one reason only. This proposal exceeds the \$83 million that was agreed to by the majority in the Appropriations Committee. I fear that if we exceed that we will not exceed it by \$10 million but will exceed by \$190 million, which I think would truly be irresponsible to the people of Maine. I'm one of the ones, and most of you have received e-mails from me in the last week or so, that think that this bond package needs to be adjusted. I actually have submitted amendments that I do not plan to offer today. I think the outcome is pretty obvious on this.

I do want to make a point here. My point is that this bond package, as it sits now, does nothing to address the BRAC decision. I believe that the people of Maine have sent us up here to lead. Part of leading is anticipating things before they happen and not waiting until you get hit in the head or put your head in the sand and look the other way before you react. I think that we need to become a proactive legislature and a proactive government. I understand the politics of this as good as anybody here. I will defer and there will be another time to address this.

As far as exceeding the \$83 million, I believe that this is not responsible in the long term. One thing that you can't do is borrow your way to prosperity. Economic development isn't created by a grant from the government. Economic development is created from people creating jobs and producing things. Until we can change that mindset in this state, I don't believe that we can ultimately have a successful economy. Ultimately I am going to support this bond package even though there are parts of it I think are distasteful, at best. I think when you compare the things that were put forward in the amendment offered by the Senator from York, Senator Sullivan, compared to some of the things that are actually in there, I'd bet on the Senator from York, Senator Sullivan' amendment just like that because there are things in there that will create jobs and help foster the economy and improve private enterprise in the state. We need to acknowledge this. This legislature will pass this bond and they will not have acknowledged that we potentially face a loss of 12,000 jobs in southern and central Maine.

I believe that ultimately the people are going to think that this is irresponsible. If they think it is irresponsible enough, maybe what they need to do is reject these bonds ultimately in November and have us come back and put together a real, true economic development bond. If you look at the breakdown of the bond package, and I apologize if I get too far off, Madame President. You look at it and it's such a small portion going to economic development. I respect the process and I realize that everybody is at the table and they all have to get something that they like, but I think that it's time that we led in this state. I hope that the next time we have a bond package that we put more to economic development and start anticipating how to create jobs and problems that face this state. Thank you, Madame President.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-417) to Committee Amendment "A" (S-406).

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "J" (S-417) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#292)

**YEAS:** Senators: ANDREWS, BRENNAN, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, COWGER, DAMON, HOBBS, NUTTING, SCHNEIDER, STRIMLING, SULLIVAN

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-417) to Committee Amendment "A" (S-406), **PREVAILED.**

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "N" (S-421) to Committee Amendment "A" (S-406) **READ.**

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

Senator **SCHNEIDER:** Thank you, Madame President. I'd like to speak to the good men and women of the Senate about fiscal responsibility. I think, based on all the amendments that have

come forward, though I want to extend my appreciation for the tremendous amount of hours and effort that was put in by the Appropriations Committee, this bond package is simply too low. I say fiscal responsibility because bonding makes good sense. Financially it makes good sense. Why? Because when we put off things like capital needs things become worse and it costs more to fix them. When we delay projects we eliminate jobs, we eliminate the drawdown from federal funds. Other states are taking advantage of federal funds in billions from bonding. We can't even get a \$100 million bond package. Do we need to be able to pay the bond back? Obviously we need to be able to pay our debts. That's a given. When we turn our nose up at a tremendous amount of federal funds and private matching funds, I have a really difficult time not seeing that this is a political football rather than fiscal responsibility.

The most incredible disheartening thing as a citizen before I became a Senator was the last proposal of a bond package that came forward. I think it started at \$120 million. I was out there as just a regular citizen like everybody else. The Republican Party said that they would not take a bond package for what I think was \$40 million. Supposedly negotiations started taking place and that bond package kept coming down, down, down. It finally met the \$40 million and the deal was off. To me that was the worst in politics. Why is it the worst in politics? Because I knew that this would create multiple thousands of jobs. It is one of the reasons why I ran, I was so absolutely sick to my stomach that people would forfeit that to make others look bad at the expense of the Maine economy and Maine people. I have no doubt that there is absolutely an element to that here. I have a problem with that. I don't do that. I won't do that if the flip side, if the Republican Party, is in the majority. I would never forfeit that kind of opportunity. I think we need to start being a little bit more honest with the Maine people about what goes on down here. This is the saddest part about being a Senator. When people ask me, 'Are you having fun down there, Elizabeth?' I say that is not exactly the way I would talk about what is going on.

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

Senator **PLOWMAN:** Point of order, Madame President. Is this germane to the amendment that she is putting forward?

**THE PRESIDENT:** I will determine that, thank you. The Senator from Penobscot, Senator Schneider, may proceed. Keep your remarks to the amendment.

Senator **SCHNEIDER:** Thank you, Madame President. I think it is very germane because we are talking about what's acceptable, about whether or not we should even offer amendments because the Appropriations Committee has already aired these issues. I think we all need to have a voice in this process. I don't think that it should be left up to just leadership. I don't think it should be left up to the Appropriations Committee. I acknowledge that much work and effort has been put into this process and I appreciate that, I think all of us here represent a good part of Maine. In fact, I always feel that, even though I represent a specific district, it is for the benefit of the entire state that I am here. When we thumb our noses up and we say, 'Well, we can't spend more than \$83 million because of some convoluted way of formulating some cap,' I have a problem with that. Fiscal responsibility is very important. If I say to one of our Senators, 'You give me a dollar

and I'll give you seven back,' will you turn your noses up at that? That's what we are doing by limiting the amount of money we put into this bond package because we all know the federal funds are multipliers. Those are jobs and there is a linking and connecting here. Jobs mean people have the income to go out and spend on restaurants or cars or houses. The multiplier effect not only comes from drawdowns from federal matching funds or local funds or private funds but it also comes from investments in businesses, small and large. That's why it creates so many jobs. When we talk about \$83 million leveraging \$280 million, if we doubled that we'd double that amount. If it creates 4,000 jobs, we're talking about 8,000 jobs. These stacks of amendments scream out that this is too small of a bond package.

That being said, this particular amendment does three things. It's incredibly modest. The FAME Economic Loan Recovery piece is \$1 million. I want to tell you a story on how this benefited my district. I'm not doing this for my district. In fact, the good Senator from York, Senator Courtney, is saying we should plan for the future. Well, my friends, this piece is planning for the future in a big way. I'll tell you why. This has actually happened with this money. \$1 million was put in, loaned, to the Lincoln Pulp and Tissue Mill. Without it I don't think it would be here today. That loan is almost finished being paid off. On top of that, the projection is that this loan, listen very carefully, is projected to leverage roughly \$70 million. Somebody says to me, 'Elizabeth, give me a buck and I'll give you seventy bucks back.' That's a good deal for Maine. Even if they said, 'Give me a buck and I'll give you thirty bucks back.' That's a good deal for Maine. That mill would not be here today if it wasn't for that \$1 million. We've put nothing into this bond package for that program. Let's just say that BRAC does happen. I'm not banking on this package, based on the negotiations that have taken place and the heels being dug in on the amount. I'm not real optimistic about the good Senator from Lincoln, Senator Dow's comments about sweeping changes to insurance and tax reform and additional bond packages. I would love to see that happen. I don't trust it. I don't think we can wait. The good Senator from York, Senator Courtney, says we should be planning and we should be leaders. Yes, that's what I'm doing here by offering this \$1 million back into this bond package. Yes, it's going to increase it, but \$70 million generated, even if it was \$20 million, even if the projection is way over, let's be conservative. This is important, especially given the BRAC situation.

There are two other pieces to this. The University of Maine System has \$400 million of capital needs. The Community College System has \$100 million. It is very modest to put back into this bond package \$5 million for the University of Maine System and \$2 million to the Community College System. This is modest. Fiscal responsibility, my friends. Why? This creates jobs. This saves infrastructure from getting so poor that we have to tear down and start over. It saves money. Fiscal responsibility. Saving money. I believe that is what this is going to achieve. To say that we can't spend it, we can't afford not to spend this money. We've got to send a message out to the people of Maine that if we only go with the \$83 million as proposed that we are really doing the State of Maine a poor turn. In fact, what I wanted to do was have two different bond packages sent out to the people and let them chose. Do you want 4,000 jobs over here or do you want 8,000 jobs? Do you want to drawdown nearly \$300 million from the federal government or do you want to drawdown \$600 million from the federal government or from a variety of sources? I think the

Maine people are smart enough to make the financially correct response and they would probably vote for the more jobs and planning and leadership, as the good Senator from York, Senator Courtney, said. That's what I'm trying to do here. This is a very modest addition.

There will be a couple of other pieces that I hope will add in to this bond package that will be offered by another Senator. If they are not, I will offer them separately. They all link together. Education is supposed to be the cornerstone to the future success of the economy of the State of Maine. I don't know how many people I've heard that from, from both sides of the aisle. If that is true, we've got to put in money for infrastructure. We've just got to do it. We can't wait. We've waited so long that infrastructure is decaying.

I implore the good Senator from Lincoln, Senator Dow, to reconsider his decision to not vote for any amendments because we may not have another opportunity based on what I am hearing through the grapevine and through the media. If people dig in their heels and are stubborn, based on job losses of 12,000 for the future, that scares me tremendously that anybody would ever say that, would ever plan on the future like that for the Maine's people. That's really putting Maine in jeopardy. I don't believe in doing that. I don't care what side of the aisle you are on. We have got to start planning for the future. This takes one additional step for that. It will likely not necessarily benefit my district, it could benefit any one of yours. It's a great investment. I know Republicans and Democrats who believe that these are great investments and create a tremendous amount of jobs and opportunities. I implore you to please vote in favor of this amendment. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just rise to make a couple of comments on some of the things we have heard from the good Senator from Penobscot, Senator Schneider. With reference to last year's bond issue that was brought forward by the good Senator, in questioning the motives of members, I will do my best to refrain the motives of members on that side of the aisle as well. I will just reiterate that you cannot bond your way to prosperity. If you think that you can and if the people of Maine think that we can, we're not going to. I believe the people of Maine think that we need to create economic development and not try to borrow our way out of this mess.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "N" (S-421) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "N" (S-421) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#293)**

**YEAS:** Senators: ANDREWS, BARTLETT, BRENNAN, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BROMLEY, COWGER, DAMON, NUTTING, SCHNEIDER, STRIMLING, SULLIVAN

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "N" (S-421) to Committee Amendment "A" (S-406), **PREVAILED.**

On motion by Senator **COWGER** of Kennebec, Senate Amendment "Q" (S-424) to Committee Amendment "A" (S-406) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Cowger.

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I was going to start off by saying that the environmental bond over many years has been the cornerstone of our environmental package. The good Senator that preceded me used the word already, so I'll have to say that it is another cornerstone as well as education. It's been a strong part of the overall bond package for the better part of the last 20 years. Historically, the environmental bond has been about 18% of our bond package, and that includes several years where we've had zero for the environment. In this package it is less than 10%. To throw out more statistics, the average environmental bond since 1981, when we've had an environmental bond, has been \$16 million. The portion in this bond, as I calculate it, is only \$7.1 million for the environment. I believe we have drastically lowered our commitment to cleaning up our ground water, our rivers, and our ocean. I believe we have drastically lowered our commitment to helping our communities grow and create jobs by supporting the basic infrastructure of an adequate sewerage treatment system, among other things. This is the backbone of what we need to have adequate economic development. I would ask you to look at the environmental portion of the bond as part of the economic development bond as well.

In this amendment, the largest part of it is asking for \$15 million for wastewater control facility grants. We're not talking about anything very glamorous here. We're not talking about new initiatives; we're talking about basic sewer pipes and sewerage treatment plants. These are public facilities that we, in the State of Maine, have made a commitment to for decades, to construct and maintain these facilities, to clean up our waterways, and to allow our communities to grow and have economic development. I have provided earlier today a list that showed \$367 million in

current needs in wastewater infrastructure. The immediate need, which I say would be in the next five years, has \$268 million of sewerage infrastructure. Again, it's not very glamorous but it is something that we have to do.

In the current bond package there is a wastewater revolving loan fund that, when you include the federal match, will do slightly more than \$15 million worth of work on these projects. That's less than 5% of the total needs, less than 5%. With the \$15 million proposed in this amendment in grant funding we will leverage over an additional \$22 million in federal funds and maybe we'll get to the next 5% of the work that needs to be done. Maybe we'll tackle 10% of the current needs in our wastewater facilities across the State of Maine.

I also passed out a hand-out of a press release that just came out, I believe it was yesterday, regarding beach closings across the state, in great part due to combined sewer over flows that are polluting our ocean. There were 56 closing and health advisory days in 2004. Historically we've had 15 closures a year. We're talking a 370% increase in beach closures that happened last year. I believe some of this is a direct result of us not investing over the last couple of years in our sewerage plant infrastructure.

Let me list some of the municipalities we would get to with \$15 million that are not being touched at all in the current package. A very important project up in Limestone at the Loring Development Authority that would increase the development potential not only for Loring but also for Limestone and would also improve the water quality in the Little Madawaska River. The infrastructure at the Loring Air Force Base is no longer functional. It's out of date and we're going to have big problems if we don't address that soon. There is a project in Machias that would reopen 700 acres of high value shellfish beds and puts 80 clambers back to work. That's economic development. You might think it's part of the environmental bond, but that's economic development. We have projects in Presque Isle, Windham, Bingham, Calais, Ellsworth, and Frenchville. There is another project up in Passamaquoddy Indian Township where there is untreated septic waste flowing onto the surface of the ground today and the capacity is needed today to have housing and economic development in Indian Township. There is nothing currently in this bond package. We have projects in Northport that would move an outfall pipe from the existing treatment plant away from a dock in a swimming area. That's something that we need to do for public health, for the environment, and for economic development. There are projects in Searsport and Washburn. That's the top \$15 million of the list of \$367 million in needs. This is a win for environmental protection and it's a win for economic development.

That's the largest part of this amendment. The second part is the uncontrolled sites fund. That sounds technical, but what it really is is cleaning up hazardous waste sites in the State of Maine. Guess what? We're almost out of money. We don't have enough money to even complete our current commitments. We used the money in this fund to take care of Lincoln Pulp and Paper and the Eastern Fine Paper Mill in Bangor to secure them so they wouldn't continue to pollute the environment and secure them for future owners. We used this money and we need to pay it back. There is a super fund site in Corinna, the Eastland Woolen Mill. The federal government is likely going to obligate \$14 million to clean up a hazardous waste site in the State of Maine, but the state must obligate at least a 10% cost share to get that money. We're already going to owe \$1.4 million to

continue the clean up of the Corinna site. Guess what? The government is going to take that \$14 million and go somewhere else. It's not going to come to Maine. It's not going to clean up Corinna. I've only asked for \$1 million in this amendment. That gets us part way to making a commitment to this one project in Corinna. It doesn't touch the rest of the hazardous waste sites that are all over the State of Maine. The state has a very significant backlog of these sites and there is very little money to do anything with them unless we take this seriously. Our groundwater is being threatened daily.

There is also \$300,000 in this amendment to help 28 municipalities across the State of Maine that have to address new federal storm water mandates. We are being told by the federal government to clean up our storm water. If we don't help these communities, which are mostly our service center communities, they will be raising property taxes. What have we been trying to do this year? Lower property taxes. If we don't come up with that \$300,000 we're telling 28 municipalities in the state to raise their taxes to meet the federal mandates.

Most of these items were unanimous recommendations, by the way, of the Natural Resources Committee. The fourth item is a minor item, \$150,000 to replace air quality monitoring equipment in the State of Maine. This equipment is so old that it doesn't function reliably and we have an obligation to keep the public informed of air quality emergencies like O<sub>3</sub>-zone alerts. Without keeping this equipment up to date, we may not know if we have an O<sub>3</sub>-zone alert.

Finally, the last part of the amendment is \$1 million for lead paint remediation. The Natural Resources Committee unanimously recommended \$3 million in the days of trying to negotiate and come up with a reasonable package. I'm suggesting \$1 million. This is a match for up to \$4 million for a grant the Maine State Housing Authority would apply for to remediate lead paint exposure in low-income households throughout the State of Maine. It will help anywhere from 280 to 342 households. Maine, as you probably know, has one of the oldest housing stocks in the country and lead exposure is the number one public health hazard facing our state today.

I urge you to support this amendment. It's good for the environment. It's good for our economy. It's good for economic development. Thank you, Madame President.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "Q" (S-424) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. I urge you to approve this amendment. Notwithstanding our respect for leadership and the Appropriations Committee and all that has been done, I wouldn't be doing my job if I didn't stand and encourage you to vote for this because of the treatment sewerage problems we are having at the Gorham and Windham town line, which is added to by the Maine Correctional Center. All their sewerage is going into the Presumpscot River. Amongst all these downeast and northern

sites that would be helped is a \$1 million piece for Gorham Little Falls. Again, I do respect all that has been done with the negotiations, but I need to encourage you to vote for this, as I would expect any of you to do the same thing if the situation were the same. It's a little unique in that we are dealing with a state facility that is dealing with the sewerage problem into the Presumpscot River, which is one of the prettiest rivers, to that point, that you might ever want to see. I will encourage you to consider that. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. The piece that I would like to speak about is the uncontrolled hazardous substance sites. I let you know that if it hadn't been for this piece of a bond, along with the economic recovery loan that was given to the Lincoln Pulp and Tissue Mill, that was able to be given to the mill, before it was the Lincoln Pulp and Tissue Mill, to hold that mill in stasis, to keep it warm, that mill would not be here today. I agree with the good Senator from York, Senator Courtney. You cannot expect to live on bonds or any such thing. We're just talking about what's good economic sense. We're talking about the future of Maine. What is fiscally responsible? This has been left out of this bond package so there is virtually no project of this magnitude that could be done. Let's just say the Lincoln Pulp and Tissue Mill were to go down for bankruptcy or some other mill would go down for a bankruptcy reason. The state would not be able to draw from funds to hold the mill in stasis, to keep that mill running. That mill would not have been saleable without those funds. Hundreds of jobs would be lost and the town of Lincoln would be very changed. People wouldn't have been able to buy cars because they wouldn't have had jobs. They wouldn't have been able to go buy things at restaurants and so on. We are talking economic development. If this is partisan, so be it. Let's call it what it is. I'm not afraid of that. I just want fiscal responsibility to take over partisanship. Does this draw down money, this particular piece? No, but the fact is that you have to make the linking and connecting piece. If it hadn't been for this particular \$1.3 million that they had to keep that mill in stasis, it would be closed. It wouldn't have gotten the FAME loan for \$1 million that generated \$70 million. They all link together. This is job creation and we should be talking about if we are gaining more from bonding more or are we going to lose more if we bond less? That's what this is about. That's what my frustration is. This is not a fiscally responsible bond package because we didn't have one in the last biennium. I wish you would check out what other states are doing because they are no dummies. They are taking advantage of all this money from federal, local, and private match money. There is a lot said about less is more. In this case less is really a lot less. I don't have any illusions about the way people are going to vote, but I want people on record about this so I will request a roll call and I would hope that you would vote against the indefinite postponement of this particular amendment. We're talking about big bucks here and we are not even giving the people of Maine the opportunity to decide for themselves whether or not they want a big bond package or a small one. We're turning our noses up at thousands of jobs and many millions of dollars funneled in to the Maine economy. That's what we are doing here by this bond package.

**THE PRESIDENT:** Please keep your remarks to the amendment.

Senator **SCHNEIDER:** I hope you will vote in favor of some of these amendments. I do agree with the work that has been done in the Appropriations Committee, but the fact of the matter is that this bond is too low. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "Q" (S-424) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#294)**

**YEAS:** Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MAYO, MILLS, NASS, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, RAYE, SCHNEIDER, STRIMLING, SULLIVAN

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "Q" (S-424) to Committee Amendment "A" (S-406), **PREVAILED.**

On motion by Senator **DAMON** of Hancock, Senate Amendment "M" (S-420) to Committee Amendment "A" (S-406) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. There has been a lot of discussion and talk today about the need to keep the bond package at its negotiated level of \$83 million. There has been much talk about the needs of the State of Maine that would go beyond the \$83 million that has been negotiated. I would support, and have supported, by my vote many of those other needs. I offer this particular amendment dealing with the economic development portion of our bond package, specifically that of the bio-medical research facilities and that community and that growing segment of our Maine economy.

I look back at Maine and its economy over the past 200 years and it's true that we had a natural resource based economy. Farming, fishing, and forestry is portrayed on that seal, it's portrayed on our flag, and it's lived in our lives across the breadth and width of this state. Those natural resource based economies, those three in particular, are changing and we must change with them if we are going to continue to compete and have those natural resource bases be a strong and viable and continual part of our economy. I think we need to do that and I hope that you

will support our efforts to do that as we find new technologies in pulp and paper manufacturing and as we find new ways to use the fiber that grows on the greatest percentage of the acreage of our state than any other state in this nation. We need to find ways to do that. We need to find ways to adapt so that our fishing communities are not just hunters and gatherers but are, in fact, farmers. We need to supplement our farmers and their ability to raise and produce the crops and feed the world that they do.

We also must recognize another economy. Some might call it an emerging economy. I call it a long standing one. It's bio-medical research and development. It happens to be, and I even hate to use this phrase, that in my district because it's also in your state. In my district there is a laboratory, a research laboratory, which is celebrating its 100<sup>th</sup> anniversary this year. Not far down the road from it is another one, which is celebrating its 75<sup>th</sup> anniversary. To call them emerging parts of our economy may be a bit of a misnomer. What is true is that about 10 years or so ago this legislature, working in this building, agreed to put some money into that infrastructure so it could put bricks and mortar in place so that there would be laboratories, so that there would be opportunities for people to come to those facilities and to continue their research and to continue their science. At that time at the Jackson Laboratory, which also is in my district, there were thirteen research-based scientists on faculty. Each one of those is an individual business in-and-on itself. Each one of those has a research staff. Each one of those generates its own funding from all of the sources we've heard talked about today, whether they be the National Institute of Health, the National Science Foundation, the Howard Hughes Foundation, or any of the other foundations that fund science and research. Because they do that and because they hire their staff and because that staff needs support staff, that Jackson Laboratory is now the largest single employer in Hancock County. It's displaced the mill in my good friend and colleague, the Senator from Hancock, Senator Rosen's hometown of Bucksport, which in the natural resource based economy used to be the largest single employer in Hancock County. That example I give to you because I see that example and that paradigm changing over the entire state. We need to continue the investment into an emerging or new or growing economy. Because of the investment we made, and the thirteen scientist on that staff, that thirteen went to twenty-four. That twenty-four then went to thirty-nine and the projected number is to be fifty-five. National acclaimed, world acclaimed, Nobel Prize winning acclaimed scientists who bring their science, their research, and their collected money to Maine.

What is going to allow them to continue at that laboratory and the other laboratories in Maine? Information technology infrastructure. They refer to it as the big pipe. I don't know much more about it than to try to explain it that way myself. I do know that there are files, the data that they develop from the science that they produce. Produce is key here, ladies and gentlemen, because our production in Maine, our manufacturing, has all but vanished with our shoes and our textiles shipped abroad because of policies that were not our doing. We are producing something. That's the new technology and that's the new manufacturing and that's the new science. The data that they are developing takes as many as five hours to transmit via the capabilities we have to transmit through out internet or whatever the name of that facility is that allows that information to go from me to you without any wire there. Five hours. Likewise it takes a similar amount of time to download. If you are going to be linked up with the laboratories around the world, to be part of this global economy that Maine

must be part of as we move forward, we must be part of that global economy. If that is going to happen we must have this vine, this big pipe, this infrastructure that will allow us to do that or those flowers that we have been growing, those laboratories, two of which I have mentioned but there are others, will wither and they will die.

I look at this portion and that's why I have submitted this amendment to supplement this portion, to provide the infrastructure to continue to compete on the global economy of the world. It's very much like I-95, the four-lane that runs through Maine. Fifty years ago when it was started and now complete, we look at the development and the prosperity that has taken place close to it. Nobody here can deny that. Look on the map. Look at the settlements. The same thing is true in the 21<sup>st</sup> Century with an information infrastructure of a big pipe. The proposal for the Jackson Laboratories, and the money that may come its way if this bond is passed, is to put something called a gigapop, if anybody knows what a gigapop is I'll be happy to relinquish some of my time for them to explain it to the body. A gigapop is an opportunity for that big pipe to come to Maine. It is to be located in Bangor, which is going to be close enough in proximity so that the laboratories that I have talked about may access it and use it. The university that has been talked about before, which is also a backbone to our economic development, may access and use it. Other businesses, which will locate on or near the present I-95 or the proposed big pipe, will access it and use it. They will come to Maine and we can start to move ourselves out of the malaise that some think we are in. That's not borrowing our way to prosperity, that's investing in the future of Maine. It is investing in the future of Maine. That's what my proposal, the \$8 million, is asking you to do. I know you have taken a pledge in many instances. I know you have strong conviction in others. This bond package is short of putting real economic impetus and oomph behind the development of our economy in Maine. I have referred to it sometimes as a mile wide and an inch deep. It puts salve on a number of things without putting any real impetus into anything. I am asking, with this, that we put an impetus into our emerging economy, to our new economy, the economy that will help take Maine forward as we move forward in the 21<sup>st</sup> Century. I would ask your support. Thank you, ladies and gentlemen.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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Off Record Remarks

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Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "M" (S-420) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.



**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "M" (S-420) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

**YEAS:** Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "M" (S-420) to Committee Amendment "A" (S-406), **PREVAILED**.

On motion by Senator **BROMLEY** of Cumberland, Senate Amendment "R" (S-425) to Committee Amendment "A" (S-406) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President and colleagues in the Senate. It has been affirming to sit here and listen to the amendments being offered almost exclusively going to economic development. The kind of conversation that we are having in here today is very similar to what we hear and do in the Joint Standing Committee on Business, Research, and Economic Development on an almost daily basis. Right up front let me be clear that this amendment, and if you want to follow along with me I would be honored, does add \$4 million to the package. Before I give you some information about the specifics let me add my voice to the chorus that suggests that in the times that we are in right now this is the time for investment, this is the time for a larger economic stimulus. When the Executive delivered to us a package of \$197 million some months ago that was before the BRAC Committee hearings. It was before the threatened downsizing at BIW. It was before the pending sale of MBNA. It was before the pending sale of IP and before the second wave of the red tide. I would suggest that the news is not better now than it was then and for us to look at a robust balanced economic stimulus is what we ought to be doing. However, I also respect the work that has got to the place we are at today. Instead of offering a \$300 million package, which I would be honored to do, I'll offer a modest, I would say, improvement on the existing committee amendment.

What you see in Senate Amendment "R" (S-425) is no new initiatives, nothing new, it's all items that were at one time negotiated but fell off the table for one reason or another. I have a particular couple of favorites that I really wanted to trade. I wanted to put my thing in there and take something out so that I would stay within the \$20 million. I figured anything that was in there was hard fought and important and I didn't want to dishonor the item or the work by trading it for what I thought was more important. What you are going to see in the additions to this package, which I will describe shortly, are what I considered, what I will call, good investments but it really should be described in a much more flowery way. I say they are impossible for us not to support. Let's just walk through the amendment, if you wouldn't mind.

There is \$4 million for the Maine Bio-Medical Research Fund, which is smaller than what they deserve and my colleague from Hancock, Senator Damon, outlined the potential in the future. The reduction is in part because of the existing collaborative that has a history that will stay together and this Senator believes could wait, though it should not wait too long. The next \$4 million is for the Marine Infrastructure and Technology Fund. This is a new and emerging and exciting and important coalition that I know we all pretty much support. I want to use this opportunity because we are all busy in our committees, doing the work of our particular policy committees, we sometimes don't have the option of understanding and knowing with any depth what some of the other committee work is. I'm going to read to you the participants in this coalition. Cobscook Bay Resource Center in Eastport; Peacock Canning Company in Lubec; University of Maine in Machias; Downeast Institute for Applied Marine Research and Education in Beals Island; Mt. Desert Island Biological Laboratory in Bar Harbor; University of Maine Aquaculture Research Center in Franklin; University of Maine School of Marine Sciences in Orono; Maine Aquaculture Innovation Center in Orono; Maine Department of Marine Resources, Marine Patrol, and Water Quality Laboratory in Lamoine; Colby College in Waterville; Maine Maritime Academy in Castine; Penobscot East Resource Center in Stonington; Maine Department of Marine Resources, Headquarters in Hallowell; Pemaquid Oyster Company in Waldoboro; University of Maine Darling Marine Center in Walpole; Bates College in Lewiston; Maine Department of Marine Resources, Bureau of Research Management Laboratory in West Boothbay; Bigelow Laboratory for Ocean Sciences in Boothbay; Bowdoin College in Brunswick; Sea Run Holdings Incorporated in Freeport; Gulf of Maine Research Institute in Portland; Gulf of Maine Ocean Observing System in Portland; MariCal Inc. in Portland; University of Southern Maine in Portland, Gorham, Lewiston and Auburn; University of New England in Biddeford; Wells National Estuary Research Reserve in Wells; and the recent addition to the coalition is the College of the Atlantic in Bar Harbor. Thank you for hanging in there as I read those. The point here is that we have a unique resource in the Gulf of Maine. As you have heard before me, our traditional industries are absolutely threatened unless we add a knowledge-based perspective to doing the old industries in a new way. That is what research and development does. That is what this coalition is about. The awards will be made competitively. It is the very best of what we do in Maine, which is collaborating, sharing information, sharing science, and being very frugal. Though I think that is in there already, and we all agree how important and appropriate it is, I think it's very



important that we all know, with some depth, what that is all about.

There is \$2 million for the Applied Technology Development Centers to be competitively awarded. The business incubators, which we love them and we hate them. We all think there are too many but we all would like to have one in our district. As it happens, currently, the oldest business incubator in the state, which is located on the Southern Maine Community College campus, has graduated more companies, pulled in more federal match, they have a 9 to 1 ratio in terms of leverage money, and do exactly what we ask them to do, which is take entrepreneurs with ideas and give them the technical business savvy that they need to get their product to the market. There is \$1 million that is not earmarked because the incubator will have to compete for it but hopefully it will compete satisfactorily in order to move this incubator because, I hate to use the term evicted, it's no longer going to be welcome on the Southern Maine Community College campus. It has a capital investment plan and it has location but simply needs money to continue. There is an additional \$1 million in this line because there are other needs with the applied technology development centers, and through a competitive process, the center that qualifies for this money will get it. Just last week, in Limestone, the applied technology development center board met and scored the competitive proposals because the BRED committee has been very clear that we want scarce resources awarded on a competitive basis. The Center for Enterprise Development in South Portland scored the highest. I don't know the other scores yet. What I will tell you is that if we can't find the funds to move this particular incubator it will disappear. Since this is the most successful incubator in the system, I suspect that the rest will follow shortly after.

The next item is \$1 million for the Finance Authority of Maine. You heard the good Senator from Penobscot, Senator Schneider, describe the economic recovery loan program. This is probably the most flexible and the best economic survival tool that we have at our disposal. I'll give you an example from the good Senator from Hancock, Senator Rosen's district, which is Hart Trucking Company. They called FAME on a Monday and said that Eastern Fine was going down and it was their major client. They were not going to meet payroll. We were at the ready with the emergency recovery loan program to meet payroll. Since then Hart Trucking has found another market and they are in business. Were it not for that program, there would be all kinds of people out of work.

The Maine State Cultural Affairs Counsel, a modest amount for the very popular and very widely reaching New Century program. The next item is the Sunrise Business and Career Center in the town of Jonesport. I think we all know the needs in that area. Again, I'm not wanting to trade things that are important to me for other things. It's important that this remain in there. We're getting close to the end, two more. The \$4 million for the Laboratory for Surface Science and Technology. There is currently \$2 million in the existing committee amendment for what is called the clean room. I understood this morning that it was hard fought to get in there. I think it was only hard fought probably because, other than members on the BRED committee and perhaps people who live in the district, you might not know what it does and how important it is to the state. We've embarked on an economic development program in Maine that hinges research and development with higher education and the support structure to keep that all together. The clean room, as it is called, at the University of Maine is the poster child of how this is supposed to work. For me, hard fought \$2 million is like hard to

understand when this is exactly what we should be doing. The clean room is a clean room that we built but it is not equipped. What it is supposed to do, and what it will do, is interdisciplinary funded research, education, and this is the part I know you all will find really important and worthy of funding, industrial outreach. There is basic research, which is the people in white coats and labs working on things that to us might not seem important but are ultimately important. When you talk about applied research and industrial research we're talking about a knowledge-based economy, about learning how to do old things in new ways so that we keep our economy on track or get it on track. What is critical about this clean room is its impact on the whole state, not just Orono, not just the university. The industry partnerships and the collaborations are so critical to this knowledge-based economy. The partnerships will be on-campus researchers. There will be spin-off companies. In fact there have already been six spin-off companies. This is the most successful tech transfer in our state. Federal laboratories, other high tech businesses, and even not-for-profit research institutes. Let me give you a list of the companies who will use this lab for their own research and development so they don't have to build their own. All of these companies are going to be adding to the wealth of Maine and they are going to be using this clean room, if we equip it. Applied Thermal Sciences in Sanford; Fairchild Semi-Conductor in South Portland will use this facility; Flexplay from Saco; Jackson Laboratory from Bar Harbor will use this clean room; Maine Medical Center Research Institute in Scarborough; Mainely Sensors in Orono, which is one of the spin-off companies; Stillwater Scientific Instruments in Orono, another of the spin-off companies; Binex in Portland; Idex in Westbrook; CAPE Technologies in Cape Elizabeth; Knox Semi-Conductor in Rockport; Pepin Associates in Greenville; National Semi-Conductor in South Portland; Solaris in Biddeford; Brims Ness in Millinocket, I might add that Brims Ness was born in the incubator in South Portland and is now up and running in Millinocket; BAE Systems in Nashua, New Hampshire, so we're even getting money from out-of-state into the clean room; Vectron from Nashua; Sensor Research and Development from Orono; Micro Strain from Williston, Vermont; Angel Secure Networks from Cambridge, Massachusetts; and Orono Spectral Solutions from Orono, another spin-off. The more equipment that we put in this clean room, which is pretty much empty at this point, the better. I have to say the people at the university were excellent to work with because what they will help us do is scale our package so that we could put enough in to buy some things but not more than enough to have money being wasted. It's critical to equip this. This will be a linchpin in our knowledge-based economy.

Moving from there, funds for Camden Hall. I think this is in the package too, but I'll say a couple of words about it. A very creative partnership with the excellence that we have in Jackson Labs and the other private and non-profit labs. We need a connection to a PhD granting entity in order to draw down more NIH and NSF funds. This collaborative, by having a school of bio-science in that mix, will help us do just that. It is an important part of the process. Funds for the Lewiston/Auburn College; this is a career center, it's in the package, and we should continue to support it. This last piece, \$2 million to furnish and outfit the bio-science building at the University of Southern Maine with laboratories and equipment. This is very much like the clean room. It's important for us to note that there are lots of bio-science that goes on that is not part of the bio-medical coalition and at the University of Southern Maine we, our predecessors the

legislature, built a bio-science building there. We are outfitting it floor by floor. It takes \$2 million a floor for lab equipment and what is necessary for outfitting the lab. Ironically, as many of us were negotiating this package on Monday, there were six researchers from out-of-state touring that building, picturing where their equipment would be, and thinking that it'd only be a matter of time before they could move their families here. John Wise, who is a world-renowned toxicologist, has his lab on one of those floors. He came here with himself and one other, and then added a couple of students. Now there are 30 people employed in that lab. He draws down a boatload of federal money. He is researching things that we really care about like arsenic, mercury, and lead. He's looking at medicines from the sea, again, partnering with the Marine coalition. All good stuff that deserves our support.

I guess, in summary, and I appreciate your hanging in, I would say we're New Englanders and penny wise and pound foolish is not what we are about. I come from farmers and I recall my Grandmother saying to me, 'We're too poor to afford cheap.' We have to invest carefully and strategically. At USM we need \$2 million a floor, so don't give them \$3 million, give them \$4 million or give them \$2 million. We have to be very careful. Again, echoing the statements of the good Senator from Hancock, Senator Rosen, we have put a lot of salve on a lot of wounds. We have really good ideas here in Maine and we put many of them, most of them, in play but then we fund them on an inadequate basis. At best things don't work as well as they could and at worse they don't work at all. When the BRED Committee was asked to keep paring down its request we said, 'Well, okay. We've got to have roughly \$40 million rock bottom just for research and development.' We really do have to have \$40 million. If you look at the states that are clipping at our heels, if we can't perform, others can. I think I've quoted Will Rogers in this chamber before. He said, 'Even if you are on the right track, if you are standing still you'll get run over.' That's what I fear, that all these investments that we've made are for not if we can't keep them going. Our traditional industries are threatened. How dare we not help them out? How dare we not invest in a knowledge-based economy? This is \$24 million, it's \$4 million more than some of us want to spend, it's \$100 million less than some of us want to spend. I would submit that it's the least we can do. Thank you, Madame President.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **SCHNEIDER:** Thank you, Madame President. I will be brief. I have recently been up to the Lincoln Pulp and Tissue Mill. I know you've heard a lot about the Lincoln Pulp and Tissue Mill. I think it is really important because it is prime example of how these sorts of loans and these sorts of bonds have ultimately impacted an entire area. I was at the Lincoln Pulp and Tissue Mill and somebody pointed to one of the trucks. It was a Hart truck that had delivered to the Lincoln Pulp and Tissue Mill. Two businesses, different areas, both surviving because of that FAME fund. If it wasn't there those businesses wouldn't be alive today. That's what they say. Once again, I think we're being shortsighted if we don't invest in this way. This is a good

investment and I think \$4 million more is worthy of our support. I hope you will support this for a host of reasons. Thank you, Madame President.

Senator **ROTUNDO** of Androscooggin moved to **INDEFINITELY POSTPONE** Senate Amendment "R" (S-425) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. I hadn't intended to speak at all today but wanted to get up as we move into the issues of economic development and the importance of making sound investments in economic development in our state. As the good Senator from York, Senator Courtney, pointed out earlier, we're certainly not in a position where we can simply borrow our way into prosperity. Borrowing alone isn't going to create jobs. Borrowing alone isn't going to solve all our problems. It is an important step down that road of making Maine a strong competitor in the global economy.

I come from the small town of Gorham that once was a very thriving farming community, particularly dairy farms. As I've gone around and talked to all sorts of farmers, and those who are former farmers, about the town of Gorham and what it used to be like. I have tried to figure out why it was that Gorham was so successful as a dairy farm community. What was it that made Gorham such a good place to do business or to farm? I discovered that the big reason was that there was not one set of railroad tracks but two sets of railroad tracks that went through the town.

That's economic development. It's making the investments in the infrastructure that will enable communities to thrive and to take advantage of their natural competitive advantages. We seem to understand that with highways, bridges, train tracks, and airports. There is strong support every single year for strong highway packages and transportation bonds. For some reason we have a hard time making the jump from those kinds of physical structures to some of the other economic development pieces. The reality is that if you want to be a strong bio-med and bio-tech state you need to make the investments in the research and development to get there. If you want to build upon, through universities, you are going to have to make the investments in the programs that are needed in your communities and that will provide the bases from which companies can thrive. As we think about this bond package and future bond packages we've got to remember what it is that we are trying to do. We're not trying to solve all of the state's problems. We don't think we are simply going to buy ourselves an economy. We must try to put all of the variables in place; those include bonding, tax policies, and all of the other things that we do to make sure that we can be competitive. Right now we are not as competitive as we ought to be. We have a lot of challenges confronting us. By turning our backs on these solid economic development proposals we are moving in the wrong direction and slowing down our economic recovery instead of hastening it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "R" (S-425) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

**YEAS:** Senators: ANDREWS, BRENNAN, CLUKEY, DAMON, DAVIS, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, BRYANT, COURTNEY, COWGER, DIAMOND, HOBBSINS, NUTTING, SCHNEIDER, STRIMLING, SULLIVAN

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "R" (S-425) to Committee Amendment "A" (S-406), **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "P" (S-423) to Committee Amendment "A" (S-406) **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. Lead paint abatement is very important. We don't have money in there for lead paint abatement. Why is it important and why does it save the state a lot of money? We talk about fiscal responsibility. Once again we're talking about that it will not only create jobs and draw down from federal match in the multiple millions of dollars but on top of that, having been a member of the Education Committee that last year, I know that child development is often impacted by environmental contaminations, such as lead paint. Children put lead paint in their mouths and they become developmentally disabled. That translates into huge amounts of dollars. Child development services are an incredible drain. If we can save on developmental services, not to mention the sadness of families that come from having children who aren't able to learn or function because of exposure to lead paint, I'd say it's an incredibly good investment. I don't know how many millions of

dollars we will save over the long haul, but this is important. Lead paint abatement is hugely important. We'll not only save on education costs but my guess is that in the long run some of those students who were exposed to lead paint and have problems in learning could end up in the criminal justice system. Once again, another cost to Maine people, Maine taxpayers.

We talk often about fiscal responsibility and planning for the future. Once again I say to you this is leadership. This is planning for the future. It is something that should have been attended to long ago. It's a spit in the bucket compared to what we really need towards lead paint abatement, but it's a start. Thank you, Madame President.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "P" (S-423) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "P" (S-423) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#297)**

**YEAS:** Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBSINS, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "P" (S-423) to Committee Amendment "A" (S-406), **PREVAILED**.

On motion by Senator **SULLIVAN** of York, Senate Amendment "I" (S-416) to Committee Amendment "A" (S-406) **READ**.

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

Senator **SULLIVAN**: Thank you, Madame President. Madame President, you will be happy to know that I'm going to only offer this amendment and not the second or third one. I've offered more amendments today, men and women of the Senate, than I have in my seven years here. I've chosen not to offer the other ones because it's really not a need; it's a want. I believe the first one I offered, which was research and development, was a need. I believe this one on education is also. It's very straightforward. It adds another \$9 million into higher education. Not to show favoritism, I divided equally \$4.5 for both the Community Colleges and the University System. I made that decision that I would be remiss not to stand up here, although it will be fruitless, to at least tell you what I think we have talked about for seven years, about the brain drain and getting good jobs and having people come here and want to stay here. We have a crumbling system with buildings that are literally falling apart. We talk about the importance of roads and bridges and not to have them falling apart, yet we seem to allow our university system and our community colleges to fall apart while all the time we profess to say we believe in higher education, we want to keep our kids here. I remember, passionately, Washington County saying, 'Please allow our people a chance for our families to come home.' I believe this amendment does it.

Once again I will remind you that this is not \$9 million that you and I are just spending. This is a chance for the people to decide if they want better schools for their children. Go up and take a look at the University of Maine's Orono campus. The buildings are falling down. Some of those buildings like Oxford Hall and Knox Hall were there when I was on a sister campus in southern Maine. They are pathetic. We need to keep up our infrastructure. We are being penny wise and dollar foolish. This is simply a chance to go out and say to the Maine people, 'Do you want to spend another additional \$9 million?' I believe those Maine people, as I said earlier, would probably say, in fact I know they would say, they want buildings that are safe for their children. They want their children to have a chance to stay here, in Maine. I believe the grandparents will say the same thing. They want their families to stay here.

Although it is fruitless and I won't ask for a roll call although I know there will be a request for a roll call and it saves us a lot of time. I need to be on record. I needed to say that as a public school teacher, as an official, and as a State of Maine person, we must support education, keep people here, and at least allow the Maine people to decide how they feel about their university system and their community college. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-416) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "I" (S-416) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#298)**

**YEAS:** Senators: ANDREWS, BRENNAN, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: BARTLETT, BROMLEY, COWGER, DAMON, HOBBS, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-416) to Committee Amendment "A" (S-406), **PREVAILED**.

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "O" (S-422) to Committee Amendment "A" (S-406) **READ**.

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

Senator **SCHNEIDER**: Thank you, Madame President. This is an opportunity to vote for \$1.5 million to the Department of Environmental Protection's uncontrolled hazardous substance program to abate cleanups and remediate threats to public health and environment from uncontrolled hazardous substance sites to match \$2 million in federal funds. I will be brief. I simply want to say that this is the fund that was drawn from to keep the mill in Lincoln in stasis. We often talk about oh woe is me; we are so unfriendly to business. I hope I don't hear that from those who chose to vote against this come the next election cycle. We don't have anything in there for this program. We could lose businesses if we don't fund this in our bond. I hope you will take the time and thought and give this an opportunity to be added on to this bond package. Thank you very much.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-422) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "O" (S-422) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#299)**

YEAS: Senators: ANDREWS, BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MITCHELL, NUTTING, PERRY, SCHNEIDER, STRIMLING, SULLIVAN

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-422) to Committee Amendment "A" (S-406), **PREVAILED**.

On motion by Senator **TURNER** of Cumberland, Senate Amendment "D" (S-410) to Committee Amendment "A" (S-406) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you very much, Madame President, ladies and gentlemen of the Senate. I think as you listen to the various amendments that have come forward this afternoon, I think many of us ought to be encouraged by the propositions that have sought support. The lions' share of those has been focused on research and development. I think that is a good thing. It is a topic we will be able to visit again, I hope, after this day is concluded.

The amendment before you seeks to increase the marine competitive fund from \$4 million to \$5 million. The \$4 million, I will say right at the outset, is a very good start. If you go back just a few years, many of us know our marine research facilities were not even communicating with each other, and at the behest of the legislature and the Administration, we have said to this group to collaborate and work together to come forward as a team and the chance of getting research funding will go up accordingly in our collective judgment. We've made a very good start by putting \$4 million into the committee amendment. This seeks to increase that by \$1 million. The good Senator from Cumberland, Senator Bromley, spoke earlier about the breadth of institutions that could benefit from this fund, ranging from several in Cobbs Cook Bay in Washington County down all the way to the coast of York County. That is the good news; it seeks to increase this by \$1 million. The way I chose to fund this is by keeping the total package at \$83 million and leave for funding at a future time the Western Washington County Career Center portion that is part of the current package. It seeks to supplant that with that \$1 million being moved from the Washington County Career Center to the marine resources collaborative fund to be administered competitively by the Maine Technology Institute.

Some of this money, invariably, would go to protecting and helping rebuild our marine resources fishery. Some of it also could be applied appropriately to nanotechnology or to bio-medical activity, all research ventures undertaken by some, if not in some cases all, of our marine resource entities along the Maine coast. I would encourage your support of this motion. Thank you very much, ladies and gentlemen of the Senate.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-410) to Committee Amendment "A" (S-406).

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise, briefly, to speak to the pending motion. The amendment beneath it targets for elimination funding for the Western Washington County Vocational/technical Education Center. I'd like to point out to my colleagues in the Senate that Western Washington County currently is the only region in Maine, in all 35 Senate districts, that does not have a vocational/technical education center for its high school students. It also happens to be located in the county with the lowest level of high school completion in the State of Maine and the highest poverty rate. This amendment would remove funding that is the culmination of seven years of work, effort, and planning across western Washington County among educators, business leaders, and economic development officials who have worked towards making it a reality. Establishing this facility is one of the bills that I introduced when I came to this body. The funding in this amendment would take away what we gained over the past seven years of cooperative effort. We're talking about a facility that is high on the list of the Department of Education's construction priorities. This \$1 million that the Chief Executive included in his State of the State speech earlier this year is critically important in making it come a reality a full year sooner by allowing the critical engineering and architectural work to get underway so we can get the ground running to put this facility in place and level the playing field for our students and local workforce in western Washington County. I'd like to close by paraphrasing something that my good friend from Aroostook County, Senator Clukey, said to me this morning when he learned of this amendment. He said it put him in mind of a Bible verse; those that have will get more and those that have not even what they have will be taken away. With those words in mind, I would bear in mind that we have already increased the marine research in this package, which I support entirely. I urge you to support the pending motion and turn back the amendment. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "D" (S-410) to Committee Amendment "A" (S-406). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#300)**

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: DAMON, TURNER

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-410) to Committee Amendment "A" (S-406), **PREVAILED**.

Committee Amendment "A" (S-406) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406)**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

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

**ORDERS**

**Joint Order**

On motion by Senator **ROTUNDO** of Androscoggin, the following Joint Order:

S.P. 647

ORDERED, the House concurring, that any matter held over on the Special Appropriations Table pursuant to Joint Order 2005, Senate Paper 640, and not disposed of, is hereby held over to any special or regular session of the 122nd Legislature.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to explain that this Joint Order carries over the bills that are currently on the Special Appropriations Table so they do not die.

On motion by Senator **ROTUNDO** of Androscoggin, **PASSED**.

Sent down for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, Reauthorizing the Balance of the 1999 Land for Maine's Future Bond Issue

H.P. 1204 L.D. 1693

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Act**

An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

H.P. 869 L.D. 1272  
(S "A" S-413 to C "A" H-195)

**PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Bond Issue**

An Act To Authorize Bond Issues for Ratification by the Voters at the November 2005 Election

S.P. 338 L.D. 998  
(C "A" S-406)

On motion by Senator **NASS** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise to ask for your support of this bond package as I did earlier. I particularly want to note in my comments this evening the bi-partisan nature of the work that has been done in the past few weeks and in the past few days. I think this is very important and I thank the leadership of both parties for their hard work together as well as the Appropriations Committee and other members of the legislature that have been working on this. I think that our ability to come together on this bond package demonstrates to the people of Maine our capacity to work well as a legislature, to work through our differences and to be able to do the job that we were sent here to do. With this bond package we are providing voters with the opportunity to invest \$300 million to move the state forward in areas of transportation, job creation, the environment, and education. This is a significant investment and one that will help to assure the wonderful quality of life here in Maine that is so important to the people of this state. I hope you will be able to join me in support of this motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. I also join with the good Senator from Androscoggin, Senator Rotundo. I will simply add, however, that I think this bond issue is the beginning, not the end. I will also say that I wish we could have done more, but with the restraints given to us, this was all we could accomplish. I will finally say that I feel a little bit embarrassed that we are leaving about a quarter of a billion dollars in federal monies on the table that we cannot access.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Brennan.

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I want to join with the Senator from Androscoggin, Senator Rotundo, and the Senator from Aroostook, Senator Martin, in asking for your support for this bond issue and also acknowledge the fact that there was an incredible amount of hard work that was done by the Appropriations Committee and by leadership on both sides of the aisle. At the beginning of every legislative session there are high aspirations and we have many dreams about what we can accomplish. In January we see limitless possibilities of what might happen for the state in terms of education, economic development, jobs, and what we might do with health care. As the session gets a little bit more towards the end some of those aspirations and some of those dreams become a different form of reality. I think for many of us, when this session started we had very big ideas about what we might be able to do in terms of investing in the future for economic development, for education, for health care, and in particular what we might be able to do for a bond package. I think those aspirations, I think those dreams that we had, were worthy and the debate earlier today reflected what those dreams and aspirations might be. I think it was a good debate and I think, as the good Senator from Aroostook, Senator Martin, already pointed out, it was the beginning of an outline of where we might go as a state and where we could continue to go as a state. The reality is that we are here today. We have an \$83 million bond package that will leverage in match \$220 million of additional money, \$300 million of investment into the state for very worthy projects. For the first time in two years we will have money into the Lands For Maine's Future to protect the environment. For the first time in two years we will make significant investments in research and development. We will continue with investments in the environment and education. That's the reality of what we have before us. I think that is a reality that can be supported and I hope that everybody here will support that reality. At the same time that we support that reality, we should not give up on the dreams and aspirations that we had in January or were debated earlier today. While I'm very pleased to have the opportunity to support this bond package, I look forward to working with everybody here to pursue those dreams and aspirations that we have talked about since January. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#301)**

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

NAYS: Senator: BROMLEY

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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At this point a message was received from the House of Representatives, borne by Representative CUMMINGS of Portland, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Resolve**

Resolve, Reauthorizing the Balance of the 1999 Land for Maine's Future Bond Issue

H.P. 1204 L.D. 1693

**FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

**ORDERS**

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

S.O. 25

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate had transacted all business which had come before it and was ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

**READ and PASSED.**

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

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

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

**ORDERS**

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

S.O. 26

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate had transacted all business which had come before it and was ready to Adjourn Without Day.

**READ and PASSED.**

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



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

On motion by Knox, Senator **SAVAGE**, the Honorable **BETH G. EDMONDS**, President of the Senate, declared the Second Special Session of the 122nd Legislature, **ADJOURNED SINE DIE** at 8:15 in the evening.

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Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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Senate at Ease.

Senate called to order by the President.

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The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

**GOVERNOR BALDACCI:** Thank you very much. I had extended remarks but the Senate President said keep it brief and succinct, and as always, she's right.

I'm here to first of all congratulate all of you. Your leadership, on both sides of the aisle, has demonstrated how successfully we can negotiate investments in economic growth, investments in jobs, and investments in Maine's future. I think that round of applause is in order for Senate President Beth Edmonds, Minority Leader Paul Davis, Majority Leader Mike Brennan, Senator Ken Gagnon, and Senator Carol Weston. Thank you very much for what you have done. Together they have proved that with hard work and compromise, with everyone giving a little, the Maine Legislature invests in the people and families of Maine.

I'm also indebted to the members of the Joint Standing Committee on Appropriations. Senator Peggy Rotundo has been a patient and level force of reason. Thank you, Peggy, for your patience and vision. Also, thank you Senator Martin and Senator Nass for your leadership on the Committee.

In the dog days of summer it is easy to remind ourselves why we are Mainers, it is easy to remember why we are proud to call Maine our home, and easy to remember why so many out-of-state friends make Maine their summer destination. On this beautiful day, you have assembled in this great chamber and you have performed your duty for the people of this state, the people who have entrusted you with their confidence in you. We have, collectively, so much more to do in the coming months and years and I look forward to working with all of you. On behalf of the citizens of Maine I thank you and ask you to enjoy the rest of this beautiful Maine summer. Congratulations.

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