

MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
May 24, 2006

Senate called to order by President Beth Edmonds of Cumberland County.

Prayer by Senator Christine R. Savage of Knox County.

SENATOR SAVAGE: Let us pray. Heavenly Father, we ask Your blessing on this Body today. While difficult decisions have been made You know they've been made with good intentions, doing what we felt was best for Your people. Father, we're not perfect but You have lovingly accepted us with all our flaws. Lord, our time here together is coming to a close. We've made many lasting friendships and ask that You take their hands and walk with these legislators until we meet again. We ask this in Your name. Amen.

Reading of the Journal of Tuesday, May 23, 2006.

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

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Stephen Diamond, of Gardiner, on his retirement as a Commissioner of the Maine Public Utilities Commission. Mr. Diamond began his service as a Commissioner in October 1998. In his more than 7 years of service, he actively participated in the evolution of utility regulation in Maine, including the restructuring of the State's electric industry and the accelerated introduction of competition into the telecommunications sector. Commissioner Diamond brought a rare ability to see and understand both the big picture and the minute details regarding complex issues. He consistently demonstrated a willingness to deal with difficult issues and do what he believed to be the right thing. Commissioner Diamond is known for his superb communications skills, which include a quick wit and a fine sense of humor. During his tenure at the Public Utilities Commission,

Commissioner Diamond was a valuable resource to the Maine State Legislature, the Commission and its staff and to Maine's utility ratepayers. We extend our sincere appreciation to Commissioner Diamond for the high standards he set and for his dedication and hard work and we send him our best wishes on his future endeavors;

SLS 1189

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Senators: COWGER of Kennebec, WESTON of Waldo, Representatives: HANLEY of Gardiner, ADAMS of Portland, BABBIDGE of Kennebunk, BLISS of South Portland, BRAUTIGAM of Falmouth, CURTIS of Madison, FITTS of Pittsfield, FLETCHER of Winslow, McLEOD of Lee, RICHARDSON of Skowhegan, RINES of Wiscasset.

READ.

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

Senator **BARTLETT:** Thank you, Madame President. It's a great honor to have the opportunity to recognize Commissioner Diamond. I've only been on the Utilities and Energy Committee for one term, but I was quickly very impressed with Commissioner Diamond's knowledge, his quick wit, and his insight that have been gleaned from his experience through his extensive public service. He's always been willing to come to our committee to answer our questions, to provide his wisdom, and most recently to provide the perfect words as we went through a very complex language review of the Governor's energy bill. He was able to come up with the words that none of us could on several occasions. We want to thank him for his outstanding service at the Public Utilities Commission and to the legislature. We wish him all the best in retirement and certainly let him and everyone know how difficult it will be to find a replacement that will meet such high standards.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Stephen Diamond of Gardiner. Would he please stand and receive the greetings of the Maine Senate.

HELD MATTER

Bill "An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint"

S.P. 341 L.D. 1001

(Received by the Secretary of the Senate on May 23, 2006 pursuant to Joint Rule 309. On motion by Senator **MARTIN** of Aroostook, **READ ONCE**. Motion by Senator **NASS** of York to **INDEFINITELY POSTPONE FAILED**. Under suspension of the Rules, **READ A SECOND TIME**. **PASSED TO BE ENGROSSED**.)

On motion by Senator **BRENNAN** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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 Provide Protection for Victims of Domestic Violence
S.P. 860 L.D. 2116

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

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:

Emergency Measure

An Act To Increase Funding for Meals on Wheels Program
H.P. 931 L.D. 1348
(S "A" S-684 to C "A" H-279)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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:

Mandate

An Act To Exempt Trail-grooming Equipment from the Personal Property Tax

S.P. 716 L.D. 1799
(S "A" S-685 to C "A" S-452)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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:

Acts

An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

H.P. 131 L.D. 180
(S "A" S-678 to C "A" H-206)

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

S.P. 81 L.D. 228
(S "A" S-679)

An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

H.P. 187 L.D. 248
(S "A" S-680)

An Act To Create the Maine Asthma and Lung Disease Research Fund

S.P. 312 L.D. 904
(S "A" S-681 to C "A" S-294)

An Act To Fund Youth Mentoring Programs
H.P. 689 L.D. 979
(C "A" H-332; S "A" S-682)

An Act To Provide Funds for Online Reference Materials
S.P. 360 L.D. 1043
(S "A" S-691)

An Act To Reestablish the Maine Coast Environmental Trust
Fund within the Department of Marine Resources
H.P. 852 L.D. 1234
(S "A" S-683 to C "A" H-218)

An Act To Increase Wheelchair Van Services Reimbursement
Rates
H.P. 1355 L.D. 1914
(S "A" S-687 to C "A" H-871)

An Act To Implement Certain Recommendations of the
Washington County Economic Development Task Force
S.P. 743 L.D. 1944
(S "A" S-692 to C "A" S-597)

An Act To Save the Marine Technology Center and Strengthen
Maine's Boatbuilding Workforce
S.P. 746 L.D. 1948
(C "A" S-637; S "A" S-694)

An Act To Assist Visually Impaired Persons and Persons with
Disabilities in Obtaining Information Regarding Current Events
H.P. 1376 L.D. 1964
(C "A" H-788; S "A" S-689)

An Act To Allow a Second Opportunity for Retired Teachers To
Elect To Rejoin the Teacher Group Accident and Sickness and
Health Insurance Plan
H.P. 1484 L.D. 2092
(S "A" S-690 to C "A" H-986)

An Act Relating to the Handling of Firearms Confiscated by Law
Enforcement Officers Pursuant to a Court Order
H.P. 1507 L.D. 2118
(S "A" S-695)

An Act To Comply with the Federal Commercial Motor Vehicle
Safety Act of 1986
S.P. 864 L.D. 2119

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

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 685

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

May 22, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed
before the Joint Standing Committee on Taxation during the
Second Regular Session of the 122nd Legislature has been
completed. The breakdown of bills and papers before our
committee follows:

Total Number of Bills and Papers		52
Unanimous Reports	31	
Ought to Pass	1	
Ought to Pass as Amended	13	
Ought Not to Pass	17	
Divided Reports	21	

Respectfully submitted,

S/Joseph C. Perry
Senate Chair

S/Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** on Bill "An Act To Authorize a General Fund Bond
Issue To Stimulate Economic Growth and Job Creation through
Investments in the Maine Economy"

H.P. 704 L.D. 1020

Received by the Clerk of the House on May 23, 2006, pursuant to
Joint Rule 309.

Comes from the House with the Bill and accompanying papers
INDEFINITELY POSTPONED.

On motion by Senator **ROTUNDO** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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 Amend the Maine Wind Energy Act
S.P. 477 L.D. 1379
(H "A" H-1108 to
S "A" S-365)

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Definition of a Liveable Wage"

H.P. 1424 L.D. 2023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-939)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Allagash
TUTTLE of Sanford
CLARK of Millinocket

HUTTON of Bowdoinham

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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. I am asking you to oppose L.D. 2023. Although my seatmate on the committee, the Senator from Cumberland, Senator Bartlett, did a fairly good job at trying to make a very bad report into a little bit better report, I could not support L.D. 2023 or the report that is before us. The reason why is because I believe it sets up a slippery slope. I don't think we've heard that one this year. We ask the department to look for ways to develop a liveable wage. Is that what our department is supposed to do or should we be leaving this up to the economy and the free market? Should we allow this process to go the natural way? To me, liveable wage creates a vicious cycle. The higher you go with the wages, the higher the cost of living becomes. The higher everything costs us. Then you get to the point that life is not liveable and our goods, products, and services are so costly and so high that people certainly could not afford to live. I'm asking you, ladies and gentlemen of the Senate, to think very carefully when you think about voting for this. It seems quite innocent. It seems quite reasonable. I say that in the end it is not. I'm asking you to oppose L.D. 2023. Thank you.

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 Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. I had the honor of chairing the Study Commission on Liveable Wages over the last end of session. One of the things that we felt was important is not to rush forward to implement a living wage but to begin to develop the methodology for understanding what a liveable wage might mean, what it was, and use it as a yardstick

for saying are people, or families, making enough both in terms of what they get at work and any other potential benefits they may receive through the government or otherwise. All this bill does is has somebody track a liveable wage according to the methodology that was accepted by everybody on the committee. We spent the first couple of meetings just talking about what would be an appropriate methodology for measuring it so we would have a yardstick, not that anything needed to be done with it, but just a matter of understanding what a liveable wage is in Maine. All we're trying to do with this legislation is answer that question. It's a methodology that is accepted members of both Parties as well as a number of stakeholders who were involved in this process. I would urge you to support this measure.

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

Senator **STRIMLING:** Thank you, Madame President. It always just amazes me how much ado we can have about something that is so simple, which is just to put into law how we can track what a liveable wage would be. It doesn't say anybody's wage is going to change. This is not about trying to dump a whole bunch of costs on the state government or any kind of business. This is simple. All we're doing is putting into law how we can define it. It amazes me that people get scared of just being willing to even see what the truth might be, see what it actually costs to live. The Task Force agreed to how they should come up with it, bi-partisan. They agreed this is how you should come up with this. We disagree whether you should implement it. We disagree whether it should be mandatory. We disagree how it should go about using the information from there. They agreed to put it in place so we can see it because the truth is a good thing. Information is a good thing. Data is a good thing. That's all this does, Madame President. I strongly encourage my colleagues to support it.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. Yesterday we debated the TABOR bill and on this floor someone talked about Maine being number one in taxes. I didn't stand up at the time, but that is an incorrect statement. We're not the highest in taxes or even number two or number three. What we are is one of the highest in tax burden. The difference is the highest in taxes is actually a high rate. We find that Maine is somewhere in the middle of taxes and what we collect from our citizens in comparison to other states. We're closer to the middle. In terms of tax burden we're very high. What's wrong with this equation? The equation is that our people are poor. We don't make a lot of money in this state. Wages are low. It's what economic development people call productive workers. Productive workers. I always got a kick out of that comment, Maine has productive workers. There are two sides to the equation. As people get poorer and need more resources, we need more taxes for those resources. They need more services. If can somehow get wages up we'll no longer be a higher tax state, if we can keep our rates the same. There are two sides to that equation. Let's bring our people up and we won't be a high tax burden state. Let's bring our people up. They won't require so many services, and then we can make the cuts that people desperately want to make. This is just the beginning. We can't

continually talk about one side of the equation and never even give the other side of the equation the glimmer of any hope whatsoever. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept the Majority Ought to Pass as Amended Report. 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 (#494)

YEAS: Senators: BARTLETT, BRENNAN, COWGER, DAMON, GAGNON, HOBBS, MAYO, MITCHELL, PERRY, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senators: BROMLEY, BRYANT, MARTIN, SCHNEIDER

EXCUSED: Senator: TURNER

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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:

Resolves

Resolve, To Facilitate Implementation of the Sports Done Right Program

S.P. 26 L.D. 84
(S "A" S-677 to C "A" S-438)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta and To Determine the Feasibility of Acquiring a Parcel of Land for Use as a Parking Lot by the Maine Criminal Justice Academy

H.P. 1311 L.D. 1871
(S "A" S-686 to S "A" S-576)

Resolve, To Collect Information about Employer-based Health Coverage

S.P. 727 L.D. 1927
(S "B" S-688 to C "A" S-580)

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

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 Provide for an Advisory Referendum on Tax Restructuring

H.P. 359 L.D. 484
(C "A" H-812)

Comes from the House, **FAILED ENACTMENT**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#495)

YEAS: Senators: BARTLETT, BRENNAN, COWGER, DAMON, GAGNON, MITCHELL, NUTTING, PERRY, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MAYO, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senators: BROMLEY, BRYANT, MARTIN, SCHNEIDER

EXCUSED: Senator: TURNER

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, **FAILED ENACTMENT**, in concurrence.

ORDERS OF THE DAY

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

An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

S.P. 658 L.D. 1741
(H "C" H-1081 to
C "A" S-543)

Tabled - May 22, 2006, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-543) AS AMENDED BY HOUSE AMENDMENT "C" (H-1081)** thereto.)

(In House, May 22, 2006, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

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 Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

H.P. 706 L.D. 1021
(S "G" S-660 to
C "B" H-1007)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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 Recapitalize the Maine Downtown Center
H.P. 1370 L.D. 1956
(S "A" S-699)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Increase Access to Health Insurance Products"

H.P. 1285 L.D. 1845

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1012)**.

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc

Representatives:

PERRY of Calais

BRAUTIGAM of Falmouth
PILON of Saco
MARRACHÉ of Waterville
HARLOW of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-1013)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

McKANE of Newcastle
LINDELL of Frankfort
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1012)** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-1012) **READ** and **FAILED ADOPTION**. The Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1012)** Report, in concurrence.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I ask you to support. Even though I'm an English teacher and a history teacher, I can count heads and I'm still going to ask you to support this. I think it's important. We have over 10,000 people insured now under Dirigo. I think it's a shame if this should fail. I'm hoping it won't. I'm hoping that our obligation to the 10,000 people will stand. I ask you to take a serious look at this and vote for the Ought to Pass as Amended by Committee Amendment A report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. This is a bill that I think is truly unnecessary. The original bill very simply gave authority to the Dirigo Board to set up whatever organization or mechanism they might chose in order to deal with the unlikely situation of their being unable to find a contractor to continue Dirigo coverage beyond December 31, 2006. The Majority Report that now lies before you incorporates an extensive Committee Amendment that restructures the Dirigo Board, in large measure, and sets up a whole set of procedures by which the Dirigo Board can go on to create an insuring entity to take over and basically substitute for Anthem's role in the event that they are not able to renew a contract with Anthem or find another contractor to do the

underwriting effective January 1, 2007. None of this is necessary. The original authorizing language in the statute that we passed a couple of years ago adequately deals with and encounters these contingencies and this problem. First of all, we haven't seen any evidence that the Dirigo Board is not going to be able to find a carrier at some reasonable price to substitute for the role that Anthem now plays or indeed we have no evidence that Anthem itself won't bid for an extension of the contract.

One thing needs to be borne in mind, even if Anthem doesn't renew and even if the Board can't find an alternative carrier, and I suggest to you that they can if they try, to serve the underwriting role for Dirigo Insurance the folks who are presently enrolled in Dirigo do not lose their coverage. There is an obligation under Maine law for Anthem to continue to extend coverage to these folks and for those who are in the program whose household incomes are above 300% of poverty their coverage will continue, they will continue paying as they are now, and nothing will shift or change because they have a right to guaranteed renewal under Maine law. For those folks who are presently receiving a subsidy, those folks whose household incomes are below 300% of poverty, the subsidized product would no longer be available but the product itself would be available. That is the coverage would be available. It is the question of the subsidy that would be open for discussion on the part of the Dirigo Board. I'm not convinced that the Board doesn't already have authority within the current law to extend subsidies to people on those extended contracts if the so desire or need to.

In any case, none of this is an occasion to authorize this Dirigo Board to go out and create their own insuring entity. To me this is an overreaction to what might well be a non-problem and to me the bill itself is utterly unnecessary. It seems to me that we can proceed right along with the authority that exists and the statutes that many of us voted for two years ago. We should leave it alone. The idea of giving this Board such extraordinary authority to go out and set up some sort of State-backed insurance entity, to go into the health insurance field, just strikes me that the cost and the complexity and the confusion that would be created by that effort is completely unwarranted by the situation at hand. It will mean an enormous State bureaucracy, perhaps larger than what now exists over there in the State Office Building. All for what? The Dirigo Plan has sometimes said there are as many as 10,000 people in Dirigo. My understanding is that there are actually several thousand of those, 3,000 or 4,000, are actually CHIP parents who basically have come in through Medicaid and that the real enrollment of Dirigo, when last I checked, was down around 7,000. Of those only about 2,000, or a few over 2,000, had been previously uninsured. We have a tiny number of people who are participating in the real Dirigo Program. The program is under revision and under reconsideration by the Dirigo Board because of its inability to serve a useful function in the marketplace. To go out and suggest this Dirigo Board should be given the rather extraordinary power of pledging the underwriting capacity of the State of Maine, basically, to start a whole new insurance company when there is no occasion for declaring the existing system a failure just seems to be an extraordinary over reaction to a relatively minor problem and perhaps a problem that is nonexistent. For those reasons I ask for a roll call on the pending question and ask that you vote red on the motion.

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 Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm always somewhat leery to rise to speak against the words of the good Senator from Somerset, Senator Mills, since I am not a lawyer and don't profess to be one. However, I think you have to hear both sides of the story as you move forward and hopefully vote green on the motion before us. We have heard the words not necessary, I lost count but I think it was about nine times the words not necessary were used by the previous speaker. If it wasn't necessary to pass L.D. 1845 as amended by Committee Amendment A it wouldn't be before you. There is a question, and there has been a question, as to whether or not the Dirigo Board can in fact self-administer what it is currently entered into with Anthem Blue Cross and Blue Shield. This does not necessarily indicate that the Dirigo Board will, and I would emphasize the word will, self-administer. It gives that board the authority to do that if no one bids on the Dirigo product. There would be a period of time, but it is not an indefinite period of time, when the people currently within Dirigo are, in fact, being able to be covered. The issue of subsidy if we do not move forward is certainly in question. I think what we have in front of us today gives the board the authority if necessary, if Anthem, for whatever reason, chooses not to renew its bid which take effect on January 1, 2007, if they choose not to do that, and if no one else comes forward to bid on that product. Anthem was the only one that chose to bid currently. If those things happen this legislation that you have in front of you, L.D. 1845 as amended by Committee Amendment A, give the board the authority to self-administer.

The good Senator from Aroostook, Senator Martin, has mentioned on more than one occasion in this Chamber this year that what has been established has some parallels with what we did with Workers' Compensation back in 1991 and 1992. I would say to an extent he is, in fact, correct. I take some exception to the words of the good Senator from Somerset, Senator Mills, in that this is going to lead to a bloated, unnecessary, costly, and confusing bureaucracy. I think that this program can be administered rather easily if it is necessary to administer it. I would hope that this does not necessarily come forward. I would hope that we would see more than Anthem Blue Cross and Blue Shield bid on this particular product because we all know, those of us in this room this afternoon, that competition can, and normally does, lead to a reduced cost. Competition would be good and hopefully as the bids are solicited there will be more than one company coming forward for this particular product. I would repeat, ladies and gentlemen, that I urge your acceptance of the Majority Report on L.D. 1845 because it is the thing to do as this session of the legislation moves, hopefully, towards its end. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I'd like to go over a few of the concerns that I have. I'm not a lawyer. I served on the Judiciary

Committee for eight years. The good Senator from Somerset, Senator Mills, was my Chair. Some of the issues that I have to raise here are issues that I learned about on the Judiciary Committee.

With this amendment we are going to exempt this new bureau from the protections of the Maine Tort Claims Act. This means this new bureau will be subject to suits and the government, with its full faith and credit behind judgments found against them, will have to pay those judgments. Be aware that you have raised as high a bar as you can raise in the state of Maine because once you take the Maine Tort Claims Act off the jury can have a field day and there will be opportunities to go before a jury because that's provided for in another section of the bill.

The paragraph above that, on page 16, talks about capitalizing this reserve account. Well, I was here when MEMIC was started and I remember paying fresh start charges. My company had never even contributed to the losses but they were two-digits of fresh start tax that was added to the bottom of my premium to capitalize this new insurance company. It was very difficult to manage that. It was easy to manage keeping my people safe. My fresh start charge was set by someone else in order to maintain the amount of money you need. We're going to have to do that, one way or another. It's either going to be on a policy or all policies or it's going to come out of our budget.

The other thing that is going to happen when we do this is this fund has to also be guaranteed with the full faith and credit of the State of Maine. A bad year means the bond market starts to take a nice close look at what we're doing.

Then to get into some of the other pages, we've offered to indemnify all the costs associated with any employees' wrongdoing when they work for Dirigo. There is another cost that we're assuming. That may actually be brought before a court of law as well.

Then if you are actually appointed to the board and you are a trustee, bear with me but Title 18B, Section 1010 says that while they are not personally responsible for the contents of the contract they are personally liable for torts that they may or may not have done and may or may not have been personally liable for. I would love to be one of the nine trustees that you get to appoint because there is very little control, as we've seen, and very little accountability to this Body but there will be accountability before a court of law.

When all is said and done, I think that we've opened a trial lawyer's dream, which is wonderful if I had a job as a trial lawyer. We've opened up the State to a lot of risk. Even if you could convince me that this program would pay for itself on its merits I really think that you need to think twice about how much risk you have opened up the State of Maine to. You've read the judgments yourselves in the newspapers. We will be responsible for those judgments and we will have to pay them. If they start coming out of our reserves or our State budget, I think that you are going to have a lot of explaining to do. I think if there was going to be something done it might have been something a little better. I ask you to take all of those things into account when you are weighing it because when you are weighing it and it comes up where justice needs to be mediated out justice can be very expensive. Thank you.

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. First of all let me just express some of my concerns. The Dirigo Choice program, think about it. It's barely left the ground and the case for changing how the program is administered has not been made adequately. Let's look into administrative costs. The most commonly made argument in favor of self-insuring Dirigo is that it will save money because the State will no longer have to pay administrative costs, including profit margin of an insurance carrier. However, that argument ignores the realities of the ongoing administrative and consulting costs Dirigo will face in self-administering its own plan. Consulting and in-house actuaries; a third-party administrator, whose fee includes a profit margin, to enroll and bill participants and administer claims; stop loss catastrophic insurance; broker fees to producers to sell the Dirigo products; and a consultant to perform disease management unless Dirigo intends to let the costs of this program run out of control and reserves to pay claims.

Now let's go on to up-front funding. Ladies and gentlemen, even before January 1, 2007, it will need up-front funding to pay claims. Where will that money come from? If it comes in part from savings off-set payments where will Dirigo obtain revenues for subsidies to the insurers in this program? Dirigo has established the SOP only to provide subsidies and to fund the quality forum. Using this SOP for any other reason is stretching the credibility of this program.

Now what about reserves? The amendment states that Dirigo will only maintain two months of the reserves. I can't believe that. I just can't believe only two months of reserves. The primary reason for reserves is to pay incurred but unpaid claims. If an insurance program shuts down at any particular time, which happens, is two months really sufficient? No, it is not, ladies and gentlemen. On an ongoing basis, I ask, where will these reserves come from? Our tax dollars?

Since no carrier will be involved in this program Dirigo will not be required to pay hospitals and physicians at commercial rates. Ladies and gentlemen, where are we going here? How much debt do we owe our providers and hospitals all over the state? I just had two doctors, general practitioners who don't make a whole lot of money, not the wealthy doctors everybody thinks doctors are, just regular people that perform service to their people, who are each owed \$50,000 in unpaid Medicaid claims. The amendment also only requires the policy to have the same benefits that are required by Title 24A. It says nothing about other requirements such as continuity of coverage or community rating.

I ask you to be extremely careful where we go here. I don't think it's time to even look into this. If Dirigo is going to work at all you need to give it time. Please oppose this Majority Report on L.D. 1845. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. It would be fair to say that Dirigo has consumed my life for the last two years that I have been here. I have managed to upset everybody; the left, the right, the middle, the behind, the front end, everything. I am not sorry for that. At least there had been some dialogue the first year. The second year all of a sudden we all took positions. Very definite positions. It was all win or not win. I have never said, even when I voted for

the original Dirigo bill in the other Chamber, that it was perfect. It is not perfect now and won't be perfect even if this were to be passed. However, it is a living document. I will remind you that the Constitution of the United States was written and immediately had ten amendments added to it. We know those as the Bill of Rights. If you look around and read the papers and know that there is a world beyond Augusta, Maine. You will know that we are not the only state. Massachusetts has tried something. Tennessee tried and it did not work. There are several that are now working. Unfortunately, we over-predicted how successful Dirigo would be. We said 32,000 people the first year. You know that was a shame because there is one thing I've learned teaching, you never over-predict. You always under-predict because no one will get mad at you if you are more successful. We made a mistake. It was a real mistake. Every time we have a success we go back to say, 'Well, there is not 32,000 people.' It does remind me of the little boy who's trying to throw back starfish into the ocean after a storm. Somebody came along and it was just scattered with starfish. A knowing-all adult comes along to the child and says, 'What are you doing?' He said, 'I'm trying to save the starfish.' 'But look, there are so many here. You can't do that. You can't save these starfish.' He looked and said, 'But you know what, I can save everyone I throw back in.' We can't save every person. It wasn't 32,000, but I don't think that is a failure.

First of all I would tell you the Public Law 24 is Chapter 850. Chapter 850 is the Bill of Rights and all those things are guaranteed. I would also tell you that Dirigo, this particular bill that was amended by a long committee amendment, is set up after something that has been very successful for the State of Maine. I suggest that you go home and ask your constituents who happens to be a Maine State employee and they will tell you about their self-administered fund and their insurance. They will tell you how they save money and they will tell you how they are very happy with that. Yes, administrative costs were cut down. No CEOs to pay. This amendment was fashioned after and with the help of the State Employees Association and their health benefits people. We were very careful to do that.

As far as the reserve, the reserve was what the Commissioner of Insurance, Superintendent of Insurance Bureau, suggested. It is a level that is set up. There are laws. You just can't come in and set up insurance. I would remind you that we are only going to administer it. The vendors are the people who will be responsible. They are the insurance company. We're simply administering it.

It is an absolute shame that this program has become a political football. The second floor wants it for their Administration. Those that would like to be on the second floor want it to show how it doesn't work. I have watched a committee totally dissolve over this issue. Good work gone and it's the fault of both sides. I want you to know that. No one is perfect in this. The plan is not perfect. Democrats are not perfect. Republicans are not perfect. We stopped talking. When we stopped talking, and we sneak around and try to make agreements here and there, bad things happen.

I shall go home and say I tried. I gave it the college try. Maybe I'll be back to work on it and maybe I won't. This is an important bill and before you condemn it too much I would ask you to ask your State workers in your districts if they were pleased when they became their own administrative health fund. I think you will hear a resounding yes. That's what this is modeled after. We took a successful program and we modeled it.

It was a successful program for Maine people and we are developing one for Maine people. It wasn't Massachusetts or Tennessee or South Dakota or North Dakota, it was a Maine product that was working and we wanted to do it for our Maine people. We can stand here until the cows come home, I'm glad the Senator from Androscoggin, Senator Nutting, wasn't in the Chamber to hear that. However, the fact remains it is a good piece of legislation. It is necessary. I hope that it survives. I would ask you to vote yes. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. To anyone who might answer, I understand that this new program will not be under the purview of the Superintendent of Insurance. Can you tell me if the Maine State Health Insurance program is under the purview of the Superintendent of Insurance?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. Just briefly. The basic problem with Dirigo Insurance has been that it was set up in a way that was, quite frankly, more complicated than it needed to be. Part of the original complexity arose from this fond hope that we would have people who would otherwise be eligible for Medicaid enrolling in Dirigo Health and we would be able to use private contributions from their employers as a way of converting that money into State funds and then drawing down some federal assistance to run this program for the benefit of Maine people. That vision failed utterly. There is hardly anyone in the Dirigo Health Plan that would otherwise be eligible for Medicaid subsidies. Virtually all of the people that have come into Medicaid on the Medicaid expansion went directly to State office and signed up on the one-page form that we have for Medicaid eligibility and by-passed Dirigo completely and their employers are under no obligation to contribute. That, in a nutshell, is the failure of the original vision of this program. What do we have left? We have a State subsidized program which at last count was 55% funded by employers and by individuals paying their own premiums, or a portion of them, and 45% funded from State funds, through taxation. Why don't we just look at Dirigo for what it is? It's a program that represents, at this point, a 45% State subsidy to enable people to buy commercial insurance. Why not do the simple thing and allocate some money to the Dirigo Board and tell them to go out and create a voucher system for the purchasing of commercial insurance, whether it be Anthem, Etna, or any other carrier that might be in the market, help people pay their premiums, and be done with it? Oh no, because the original complex vision of Dirigo almost failed of its own weight because of its complexity, we now are going to enter through the looking glass and make it far more complex than it presently is by authorizing this poor board to go out and create a massive

underwriting structure for the benefit of a few thousand people. Worse yet, they do have underwriting risk and responsibility. If they fail, if their costs exceed what they project, they have the power of taxation, the power to go out through the SOP, the Saving Of-set Payment, and impose a sales tax on the other 700,000 people in Maine who are struggling to pay their own health bills so they can make up their losses by taxing. We are delegating the power of taxation to nine people who have the power to cover up their own failures by taxing everybody else in the system. My Lord, ladies and gentlemen, let's back away from this thing. There is an alternative report. Let's go with something sensible, quick, efficient, and easy to help these folks that need assistance with their premiums. Let's reject this Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-1012) Report. 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 (#496)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, ROTUNDO, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BROMLEY, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: NUTTING

EXCUSED: Senator: TURNER

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1012)** Report, in concurrence, **FAILED**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report"

S.P. 744 L.D. 1946
(S "A" S-693)

In Senate, May 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693) AS AMENDED BY HOUSE AMENDMENT "A" (H-1114)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 1508

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES AND THE UNITED STATES DEPARTMENT OF JUSTICE TO ESTABLISH SATELLITE VOTING FOR DISPLACED VICTIMS OF HURRICANE KATRINA

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States, the Congress of the United States and the United States Department of Justice as follows:

WHEREAS, 9 months ago Hurricane Katrina unleashed its fury on New Orleans and the Gulf Coast and was one of the cruelest disasters in history; and

WHEREAS, Hurricane Katrina dispersed and displaced people to over 40 states across the country; and

WHEREAS, many people are still living in states other than their home states, which will prevent them from being able to participate in elections in their home states; and

WHEREAS, it is imperative to protect the voting rights of these citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President, the Congress of the United States and the United States Department of Justice establish satellite voting places in cities and states where Hurricane Katrina survivors now reside; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Department of Justice and each member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1509

**JOINT RESOLUTION COMMEMORATING THE 75TH
ANNIVERSARY OF THE ESTABLISHMENT OF BAXTER
STATE PARK**

WHEREAS, on March 3, 1931, the former governor of the State of Maine, Percival Proctor Baxter of Portland, deeded to the people of the State of Maine some 5,760 acres of land, including Mount Katahdin, the highest mountain in Maine, known to Native Americans, Maine's first peoples, as the "Greatest Mountain"; and

WHEREAS, over the following 31 years, Governor Baxter presented to the people of Maine 28 further parcels of public park land, totaling some 195,058 acres, acquired through his own perseverance and at his own personal expense, to "show to the people of my native state my appreciation of the honors they conferred upon me in the years gone by"; and

WHEREAS, in 1962, Governor Baxter's final donation of public park lands brought to some 200,000 acres in total those he personally presented to the people of Maine, which, he wrote, "shall forever be retained and used for state forest, public park and public recreational purposes ... shall forever be kept and remain in the natural wild state ... shall forever be kept and remain as a sanctuary for beasts and birds"; and

WHEREAS, in acknowledgement of the enduring spirit of these gifts and deeds of trust thus established, in 1931 the 85th Maine State Legislature named the highest peak of Mount Katahdin "Baxter Peak," and the 105th Maine State Legislature's 1971 statement of purpose proudly established Baxter State Park with the words: "Seldom has a more generous gift been presented to a people than has been given by Percival Proctor Baxter to the people of the State of Maine ..., to preserve the trust impressed upon them, to ensure for themselves and for future generations the fullest use of Baxter State Park consistent with the desires of the donor"; and

WHEREAS, following subsequent gifts and purchases, including the Togue Pond purchase, the Bowater purchase and the Katahdin Lake acquisition, today Baxter State Park comprises some 205,000 acres, making it one of the largest state parks in the United States and the very largest ever given by an individual; and

WHEREAS, enduring world wars, forest fires and storms natural and political, enhanced by the youthful work of the Civilian Conservation Corps, embraced by generations of visitors from around the world and weathering the world's ever-changing expectations of wilderness, Mount Katahdin and Baxter State Park still stand as symbols of the solitude, steadfastness and independence that is the spirit of the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to recognize and commemorate the determination, foresight and perseverance of Governor Percival Proctor Baxter on this, the 75th Anniversary of his original magnificent and enduring gift to the people of his native State of Maine; and be it further

RESOLVED: That We do reaffirm for the 21st century our gratitude for and dedication to the spirit and generosity of the deeds of gift of Governor Percival Proctor Baxter that endure in Mount Katahdin and Baxter State Park and are expressed for all future generations in his assertion that: "Buildings crumble, Monuments decay, Wealth vanishes, but Katahdin in all its glory, Forever shall remain The Mountain Of the People of Maine"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Governor Percival Proctor Baxter, to the former and current directors of Baxter State Park and to Baxter State Park Authority headquarters in Millinocket, Maine for display on behalf of the people of Maine, "the Pine Tree State."

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

READ and **ADOPTED**, in concurrence.

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Arthur Cleaves, of Wayne, Director of the Maine Emergency Management Agency since 1999, who is going to become the New England director of the Federal Emergency Management Agency. Mr. Cleaves, a graduate of Caribou High School, received his bachelor's degree from the University of Maine System and completed the Command and General Staff College at Fort Leavenworth, Kansas and the Joint Services Military Planning College at the Naval War College in Norfolk, Virginia.

He retired as a Colonel in the Army National Guard in 1999. Among his many awards are the Army Commendation Medal, the Meritorious Service Medal and the Legion of Merit. We acknowledge his exemplary service to the State of Maine and to the Nation, and we send him our best wishes as he assumes his new position;

SLS 1190

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Senators: WOODCOCK of Franklin, HASTINGS of Oxford, GAGNON of Kennebec, MITCHELL of Kennebec, PLOWMAN of Penobscot, CLUKEY of Aroostook, DIAMOND of Cumberland, NUTTING of Androscoggin, MARTIN of Aroostook, Representatives: JENNINGS of Leeds, GERZOFKY of Brunswick, BROWN of South Berwick, CARR of Lincoln, GROSE of Woolwich, FISHER of Brewer, HOTHAM of Dixfield, MOORE of the Passamaquoddy Tribe, NASS of Acton, OTT of York, PATRICK of Rumford, PINKHAM of Lexington Township, TUTTLE of Sanford, VALENTINO of Saco, BLANCHETTE of Bangor, CHURCHILL of Washburn, DAVIS of Augusta, GREELEY of Levant, HANLEY of Gardiner, PARADIS of Frenchville, PLUMMER of Windham, SYKES of Harrison.

READ.

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

Senator **STRIMLING:** Thank you, Madame President. I rise in honor of my good friend Director Cleaves who you should know is here because I made up the ruse of saying we needed to speak to him about whether the disaster relief fund would be available for York County and I told him he must come over right at 2 o'clock. He was not wearing a tie and tried to send a couple of his workers instead of him. I insisted that it be him. He even tried to send the General instead of him, but I insisted that it be him because he really does not like being celebrated in things like this. I know that for a fact. He is one of the most demure and modest individuals in government service. He does a tremendous job for this state and as the chair of the Task Force on Homeland Security he went everywhere we went, he answered every question we asked, and he provided all the information that we needed. Maine is a much safer place because he has been doing this work for us for all these years. It is very sad to see him go, but I know that he is going now to a place where he will be able to serve more people by becoming the Regional Director for FEMA. I know that he will come back here often. He's assured me that now that he is in this bigger position he will offer us rides on even bigger helicopters than the ones that he offered us previously. Thank you very much, Madame President, for taking this moment to honor such a great citizen of the state of Maine.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. I once again rise to totally support my friend from Cumberland, Senator Strimling. Having also served on the Task Force on Homeland Security Needs, I really was tremendously impressed with Director Cleaves. MEMA has been in great hands. His dedication, his knowledge, and his commitment to emergency preparedness has amazed me. He has become totally

knowledgeable of Maine's entire emergency preparedness system. It's a great loss to the state of Maine and my one consolation is that he's going on to a bigger and better job. FEMA could use the help and they are getting a wonderful man. I hope we will all join in congratulating Director Cleaves. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. I feel obligated to rise. The Senator from Cumberland, Senator Strimling, actually approached me and said, 'Would you mind if I used your name for some funds.' All of this to get this man, Mr. Cleaves, down here. Mr. Cleaves, I believe your last job before you leave is to get York County some funds. I would appreciate that very much as I'm sure we all would. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Art Cleaves. Would he please rise and accept our gratitude and appreciation.

Senate at Ease.

Senate called to order by the President.

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

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. In the spirit of special sentiments, I have a couple that I would like to share at this particular point. For those of you who were not here last year, at the end of session the good Senator from Piscataquis, Senator Davis, gave me a copy of a Look magazine from 1963 that had a photo display of former President Kennedy. He made a special note of the fact that he was able to get that at a yard sale and that reflected his Republican values and also the fact that he didn't have to pay sales tax on it. Given the fact that we are coming a little closer to the end of this session, I want to repay what Senator Davis did for me with a magazine. This is a little difficult for me to do this in public. I did go into Rite Aid and I got a copy of Outdoor Life for the good Senator. Most importantly, at the top of it is 'Save Big on Used Rifles Here and Now'. This would be an opportunity for him to look at ways he would be able to purchase arms and save on them. I know he's going to have to help me out a little bit because it also has 'Seven Pros Share Their Best Crank Bait Secrets'. I'm not quite sure what that means, but I'm sure you can enlighten me after we go out.

I'm not done because Senator Davis and I have clearly had some philosophical differences. I know he's going to have some extra time on his hands. Just if he chooses to expand his philosophical breadth and his political understanding of things, I did find this copy of Rolling Stones. Just by coincidence it does have a story about our current President, how well he's managing the country. It's a little bit easier for me to hide the Outdoor Life magazine as long as I had the Rolling Stone.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **DAVIS**: Thank you very much, Madame President. I will say that I have greatly enjoyed the battering and the friendship that the good Senator from Cumberland, Senator Brennan, and I have developed and certainly think that it will last longer than any of temporary barriers the legislature has to play in our lives. I would say that I intend to keep this a secret for a while, this crank bait stuff here. He's threatened to come visit me this Summer and that's fine. I'll entertain him and perhaps I'll let him in on this. You know, the weather is cool lately and up in our home we heat with wood. Occasionally we run short of newsprint, given what the media does to my President and sometimes to me. This will come in handy. I thank you very much.

On motion by Senator **BRENNAN** of Cumberland,
RECESSED until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

H.P. 706 L.D. 1021
(S "G" S-660 to
C "B" H-1007)

Tabled - May 24, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) AS AMENDED BY SENATE AMENDMENT "G" (S-660)** thereto.)

(In House, April 24, 2006, **PASSED TO BE ENACTED.**)

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. The Appropriations Committee just met on this and had a discussion about the State Mandate which is still on the fiscal note. I guess my question, at this point, is that it is my understanding that the State Mandate requires a Mandate Preamble and it's not there. Therefore, it requires a 2/3 vote which we are apparently not going to take. I guess I'm asking where is the State Mandate? Whose job is it to follow through with the fact that it should be on the bill and we should be in that mode at this point? Thank you.

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. Let me perhaps give a little history lesson on mandates. The mandate portion to the Maine Constitution was adopted and it requires, in part, that notification that the State is notifying the municipalities on the cost of what it might do to run a particular program. If the State does not appropriate the money or put the mandate program on, the municipalities do not need to do what the State is telling them. This has nothing to do now with the 50/50 portion of payment. If we chose, and which we have chosen in the Appropriations Committee, not to put the mandate language on it means that the cities and towns can chose not to collect the 2.5% and send it to the State account. It does not have anything to do because there is no town, municipality, or city money that is going to fund this program. The only cost to the municipality is the cost of operation, of collecting the money and sending it. I'd be more than happy to send whatever city the 39¢ stamp once a month and if there is a problem maybe we can also send a couple of dollars for the cost of collecting the money, that 2.5% that has to be deducted from the fireman or police officer. That's basically what we have chosen to ignore and so we have basically said there is no mandate.

THE PRESIDENT: The Chair would remind members that it is the job of the Office of Fiscal and Program Review and the Revisor's Office to attach a mandate to something. Since none was attached, to my knowledge there has been no mandate and therefore that is the issue that is before us. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS**: Thank you, Madame President. I appreciate the history lesson from my patriot from Aroostook County. I wish it had been more on point, but it's not. I'm reading the fiscal note that is currently guiding our deliberations on this bill. Under revenue it says, 'Current costs State Mandate.' While I agree it is minor procedurally, I think, and we had this discussion downstairs, that it jeopardizes this entire effort. If somebody were to chose to sue because we ignored the mandate, and I'm no lawyer, Madame President, but it's possible that this effort could be in jeopardy. The Fiscal Office has, in fact, declared this to be a mandate. They don't generate the Mandate Preamble. Somebody else does that.

THE PRESIDENT: It is my understanding of how this proceeds, if it were to have a mandate when it came to the Secretary of the Senate's Office it would say mandate here. That is not generated by the Secretary of the Senate, it's generated by those other offices. It does not mandate anywhere here. That's our understanding.

Senator **NASS** of York rose to a **POINT OF ORDER** as to whether this Bill required a Mandate Preamble.

The Chair **RULED**, as determined by the Engrossing Division, the Bill did not require a Mandate Preamble.

Senator **PLOWMAN** of Penobscot moved to **APPEAL** the Ruling of the Chair.

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

Senator **PLOWMAN:** Thank you, Madame President. I would like to read into the Record the mandate provisions in the State Constitution.

Section 21, State Mandates for the purpose of more fairly apportioning the cost of government and providing local property tax relief the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House.

From what I can tell these funds have not been previously appropriated and this bill does change the duties of the town government ahead of time. Unless you are willing to go beyond what the Constitution has said, it seems to be very specific that we cannot change it and we cannot do anything unless we have previously apportioned the money. We may not send it next year. It has to be done this year. Thank you.

The Chair ordered a Division.

On motion by Senator **GAGNON** of Kennebec, 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 to Sustain the Ruling of the Chair. 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 (#497)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING,

SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: NUTTING

EXCUSED: Senator: TURNER

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the Ruling of the Chair was **SUSTAINED**.

THE PRESIDENT: The pending question before the Senate is Enactment.

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 Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. Perhaps this issue has been discussed and debated altogether too much already this session, but I need to say just a couple of things before we let this thing go. The fiscal note that I'm concerned about on this bill is not the mandate but the cost of some several million dollars a year in future costs that this 122nd Legislature is taking utterly no responsibility for. We've had debates about pensions in years past and I had thought we had merged beyond the point of making a whole bunch of rash promises and then leaving it to our successors, our children, and grandchildren, to pay for them. We made that mistake, if you call it that, back when we made certain promises to teachers 30 and 40 years ago and back when we made promises to State employees over the last several decades and not funded those promises. As a result, we have placed the State of Maine in the same position as General Motors, Delta Airlines, and Ford Motor Company. We've got outstanding promises out there that, to be fully funded, would require that \$4 billion or \$5 billion in current cash be set aside to pay for the profligacy of people who are no longer serving in office. Now we're about to do that to the people that will succeed us in these chairs. We haven't done this recently. My good friend in the Leadership chair here from Piscataquis County and I had a vigorous debate six or eight years ago about whether to extend benefits, more generous benefits, to State Troopers. We've had other discussions later when they won that battle and I lost about extending more generous benefits to the Warden Service and other folks who put in the plea and saying they ought to have 25 and out as part of the pension system. I lost those battles, but the discussion was over the issue of whether to spend the money currently to pay for the costs of those extensions. We never once considered extending a promise to those good folks and then letting the future Legislatures have to pay for it. We paid for the unfunded liability at the time when we voted for the increase in pension benefits. Of course we are paying a continuing real and daily cost for those benefits out of every single appropriation.

At least it was a high-minded discussion. It was a responsible discussion. This discussion today is the most utterly irresponsible discussion that we've had in the last two years because we are about, if this passes, to incurring a very genuine and substantial obligation, somewhere in the order of \$50 million to \$100 million in current obligations, to fund a whole set of pension benefits that are completely unpaid for by this bill. I had hoped that members of the Maine Legislature had grown beyond the state that we were at 30 years ago when we used to make these promises more irresponsibly and more frequently. Apparently we haven't. It's all about upcoming elections and pleasing certain constituencies. This, to me, is the low point of this Legislature. 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. I didn't expect to rise, however I find it interesting that my good colleague from Somerset, Senator Mills, is saying that this is irresponsible when it was borne out of a Task Force which he served in December 2004. There is the Task Force to Study Parody and Portability of Retirement Benefits. In fact this legislation was borne out of that. It was a unanimous report to suggest to us that this is a reasonable approach and this is what should be done. I'd like to remind the good Senator that he was on this Task Force and in fact participated in suggesting that we go forward with such a piece.

Senator **MILLS** of Somerset rose to a **POINT OF ORDER** as to whether the Senator from Penobscot, Senator Schneider, violated the rules of decorum with the debate in this Chamber as she was attacking a person individually and by name.

THE PRESIDENT: The Chair will remind the members that they are to keep their remarks to the subject and not individuals.

Senator **SCHNEIDER:** Thank you, Madame President, for the clarification. My apologies. This legislation was borne out of this Task Force and was suggested that this is a reasonable approach, obviously, if it was suggested by a large group of people that participated in such a task force. I just wanted to remind everybody that there was a task force. In fact, on the piece of legislation it is in the report. I believe truly that we must stand up for those who put their lives on the line for us. I, myself, had a fire directly across from my house just recently and during a very dry period. I'm glad to say that they were there very quickly to put out this fire, the firefighters in my community. It made me think once again about standing up in support of their efforts for our state. I stick by my vote. I do not think it is irresponsible or chicken to support such a piece of legislation, given that people put their lives on the line for us in this state. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I believe that some of the comments made by a previous speaker would suggest that this legislature is being irresponsible. In 1941 the legislature added all of the teachers of Maine, who had never paid a penny, to the State retire plan,

some of whose grandchildren are now sitting in this chamber or some of those who were put on. The system paid for them and the State has paid for them dearly. Over the years previous legislatures, in fact, would add benefits prior to Democrats grabbing control of the other Body. That's how they rewarded the employees of this State. It took a Democratic legislature to pass a Constitutional amendment to make sure that those things would not happen again. That is now in the Constitution. It took a Democratic legislature to enact legislation and a Constitutional amendment saying that the payments will be paid by a certain time. I have no problem standing today and saying that we are fulfilling the promises that we have made. By we I mean those of us who have been part of this Democratic legislature.

While I'm on the record of the issue of Democratic control, I hope when the campaign comes this year that my opposition party will not say the legislature has been controlled by Democrats for 30 years. It is absolutely accurate that the other Body has, but this Body has not.

Senator **WOODCOCK** of Franklin posed a Parliamentary Inquiry as to whether the Senator from Aroostook, Senator Martin, was speaking on the issue.

Senator **MARTIN:** If the good Senator would let me finish my statement he will see.

THE PRESIDENT: The Chair reminds the Senators to keep their debate germane to the bill.

Senator **MARTIN:** So, as we get to where we are today and on this piece of legislation we are, in fact, making sure that the State is doing what it ought to do. This bill does not create an unfunded liability. I repeat to the good Senators, those that are smiling, that it does not create an unfunded liability because this is not a State retirement issue. It may, in fact, cost more as time goes on, but that only depends on whether or not salaries don't go up because this bill provides that the 2.5% is based on salaries that are paid. Obviously if salaries go to a lesser percentage or the cost of insurance continues to rise beyond and there is no money coming from the investment of the fund, yes. I can't predict what that's going to be. There is nothing that says in this law that is before us now that if that should occur that the 2.5% cannot be adjusted. That can be done by legislation. I feel very comfortable.

Secondly, I do want to correct a mistake that I made in the debate previously this week. I quoted figures that I was quoting from another piece of legislation and not from the amendment that subsequently was voted on in this Body. I apologize if I gave that impression. I do want to correct that. I was quoting from the original document and I want to thank the good Senator from Androscoggin. I went back and checked and found that I was using the wrong amendment. The amendment you have that I offered cuts that cost from the original. The first year this will be about \$1 million or so and then it will go to \$3 million, keeping in mind that in this process there will actually be income that will be forthcoming from those people who are paying the 2.5%. I am sorry that some people were absent from the debate last time when we had this debate and vote because, obviously, some of the information may not have gotten to some of the Senators who were absent. I hope that when once you reflect on all of what has been said and maybe read the record of what we did, you will clearly understand that this legislature is doing the right thing. I urge you today to vote for enactment.

THE PRESIDENT: The Chair will remind members that if you have difficulty with something being said during debate, you rise and ask for a Point of Order and the Chair will respond. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I have been relatively quiet on this issue and I could not let it go by. As a teacher of history and the democratic process, I believe this is a case example and I would be proud to take it back to my class of 7th graders and show what happens when you bring in the pie just outlandish suggestions. Two years ago L.D. 1021, you were going to put a premium on and tax everybody. What has happened is that cooler minds have sat and we have seen amendment after amendment come through in a way to have accountability and to make sure that we don't have people retiring at the age of 40. We've had some real guidelines in and we've shown what democracy does when you sit down and listen to the other side.

It would have been real easy, and it would still be easy if I wanted to take the, 'Well, look what they did to me' attitude. I am a teacher. That's no surprise to anybody in this Chamber, probably no one in the world, at least within the sound of my voice. The fact remains that, yes, I changed school systems just as that retirement was changed so I pay an additional 1.5% to the General Fund to cover my retirement. Yes, I am on a cliff because teaching was a second career for me. Yes, I have to retire at the age of 62. I have a 7% a year penalty if I retire early. All kinds of things. Why should the policemen and firemen get more than I get? I'm in a position of power. I can vote no. You don't move the State of Maine ahead, that's the reason why. I believe I deserve every penny I earn and then some. I believe I deserve my retirement and I question if a 62 year old person should be with 110 7th graders every day for seven hours. I question my sanity. I don't deny those rights to other people. I applaud the way the democratic process has worked. I am proud to cast my vote for this. I wish it were for the teachers also, but it's not. I think that the gentlemen that we have seen, and I think we are all going to take them for tax deductions because they have been here so much in the halls, have shown how you sit down and discuss back and forth and you come to an agreement that everybody wins. No one is totally happy. If any one side of the bill comes out totally happy then it's probably not a good bill because somebody's been left out. In this one everybody gets a little piece. Congratulations to the people behind me and those who worked on it. I will be proud and I suspect that this will be enacted. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I thank the good Senator from Aroostook, Senator Martin, in clarifying the record regarding his statement the other night. I do want to point out my disagreement with the good Senator from Aroostook, Senator Martin, as to his statement that there will be no unfunded mandate with respect to this program. The issue is not, as has been made clear before, that the program is being put out there but that we are not dealing with the cost of the program in a responsible manner. We've pushed its implementation off far enough so this legislature can wash its hands of any expense. That, alone, I think is

irresponsible. If we cannot face the obligation in the first year why are we saying that we could just automatically push this onto another legislature further along the line and that is a responsible way to act? To me that is completely irresponsible.

As to the unfunded liability, it was only yesterday that we listened in our caucus to the analyst for the committee of jurisdiction over this bill who pointed out to us that the Controller of this state has opined, has reviewed this, and has suggested that there is an unfunded liability attached to this bill in the tens of millions of dollars. We can argue, perhaps the good Senator from Aroostook, Senator Martin, would indicate that this is wrong, but that is the information that was given to our caucus yesterday. No exact number, but I clearly recall that it was in the tens of millions. I've heard numbers as high as \$100 million; I've heard \$60 million. This is real money that a future legislature will have to deal with and will have to expend. We are not dealing with this in a responsible manner if we are not dealing with this today. If we cannot fund the initial cost why are even commencing this program? Thank you very much.

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. First of all let me just say and make it clear on the record and to our fine men and women who serve this state as law enforcement and who put their lives on the line in fire and rescue, I served two years on the Criminal Justice Committee because I really truly love this part of law and wanted to help these folks as much as I could. Last year, in the Labor Committee, I was sort of lulled into supporting this, not really fully understanding how much debt we'd incur from this piece of legislation. I thought I'd leave it in the hands of the Appropriations Committee and see if they fund this. Well, they didn't and it came back to us again this year. I had people from all over the state, hospitals, doctors, medical providers, and nursing homes, calling me and saying that they are in debt because they have not been reimbursed. The more I delve into this and the more I looked at what this would cost, I re-looked at my original position. I cannot support further supporting a program like this that will cost this state further dollars and that will rely on our tax dollars in the end. I cannot support adding a new program to this state when we haven't fully paid our debts. Ladies and gentlemen of the Senate, I feel that we are fiscally irresponsibly if we continue to go down this path. All due respect to the fine men and women that have worked very hard on this bill, and I understand why they have. It is their incomes and it is their family that they have to provide for. Ladies and gentlemen, this state has got to start repaying our debts. We must start to live within our means and we're going well above that. That is why, ladies and gentlemen, I cannot support this legislation and I wish I could, but I can't. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. Before we take the vote I'd like to remind you that I know that I, on the first day that I was sworn in, swore to uphold the Constitution of the State of Maine. I'm going to read into the record the fiscal note for this amendment.

It starts in bold letters, 'State Mandate' and continues with the next line in bold letters, 'New or expanded activity.' It continues,

'Requires counties and municipalities to collect contributions from participating employees and remit these contributions to the State. The increase in workload to the counties and municipalities generated by these requirements is a State mandate to the Maine Constitution.'

I wish that to be in the record. I have a feeling that there are going to be people who will want this clarified. It may not be on the front page of this bill, but it's on the last page of the bill. If it's a mandate and we do not do it properly then I'm not sure how this piece of legislation will survive because there will be challenges. There are people who take the Constitution rather seriously. I appreciate your attention. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. One small point. The members of the Task Force who looked into the issue of not only the creation of health insurance benefits for public municipal employees but also for the portability of their pensions and many other things spent a fair amount of time discussing the issue of how to pay for any extended or expanded benefits in healthcare or otherwise. Frankly, I don't believe it was the intention of anyone who served on that Task Force that there be a set of benefits created without a means for paying for them. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. For the sake of beating a dead horse, I do want to mention that fact that the mandate language is meaningless in this issue because the municipalities are paying no cost, no money, towards the cost of this program. Not one dime from municipalities is coming their pocketbook to the State. In addition, what is going to happen from their point of view is that they will have the cost of collecting the money and sending it to the State, which was a point I made earlier. That money will be coming to the State once a month. If the municipality has a treasurer that's worth much, they will be putting that in the bank on a daily basis and drawing interest on that money. I'm willing to bet that they will be paying the cost of whatever that might be from the interest they get. There won't be any cost at all. Maine Municipal has already looked at this and that's not an issue at all from their point of view.

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

Senator **PLOWMAN:** Thank you, Madame President. I will acknowledge that there won't be any contributions to this program. I will not acknowledge that there will be no change in duties and there will be no change in the level of work that has to go out. I will not secede my authority to stand here and look based whether the Maine Municipal Association spends a little time saying that they don't have a problem with it. I, like not too many people, strictly construe the reading of the Constitution. When the Constitution says that we are changing the duties and we are changing the requirements and we are not previously sending the monies to go with that. Whether it's insignificant or whether there may be cost offsets, that is not the language that is

included in this. There is no job description in the State mandate that asks whether you need a good treasurer or not. Those are all insular things that are thrown out here to make it look like you don't have to listen to the Constitution. I will tell you, yes the cities don't have to contribute to the fund, but when it says there is a mandate there is a mandate. Some of us have been here longer than others and some of us know how things get done. Some of us know how you go downstairs and you can work an office. Not all of us are that good. If there is a challenge to this because we did not recognize this then you have set these people up with a false promise. I know what the problem is, we have very few numbers to get this passed. I have been supportive of this all the way, but if you support this and it's overturned I'm not sure what we've ended up with except hours and hours of debate and hours and hours of people taking time off and using comp time and sick time to come and make their case. I'm truly looking at this thing. Have we met this all the way along the way? I'm not sure if we have. I'm sorry that I can't say that I'm sure that we have. My instincts tell me no. Your instincts may tell you yes. This is now on the record and I hope that it doesn't become a problem. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. I sat here thinking about what the good Senator from Aroostook, Senator Martin, said. I've been treasurer of two municipalities. I think that I was very well respected and I don't anticipate any treasurer depositing these deductions on a daily basis to earn interest. 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 (#498)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, PERRY, PLOWMAN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: NUTTING

EXCUSED: Senator: TURNER

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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 this Session.

Senate at Ease.

Senate called to order by the President.

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

An Act To Require the Display of POW-MIA Flags at Courthouses
H.P. 1340 L.D. 1899
(C "A" H-827)

Tabled - March 29, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827)**, in concurrence.)

(In House, March 28, 2006, **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**, 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-827), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-701) to Committee Amendment "A" (H-827) **READ** and **ADOPTED**.

Committee Amendment "A" (H-827) as Amended by Senate Amendment "A" (S-701) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827) AS AMENDED BY SENATE AMENDMENT "A" (S-701) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Invest in the Future of Maine Citizens
S.P. 751 L.D. 1954
(C "A" S-586)

Tabled - April 26, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586)**.)

(In House, April 26, 2006, **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**.

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" (S-586).

On further motion by same Senator, Senate Amendment "A" (S-702) to Committee Amendment "A" (S-586) **READ** and **ADOPTED**.

Committee Amendment "A" (S-586) as Amended by Senate Amendment "A" (S-702) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586) AS AMENDED BY SENATE AMENDMENT "A" (S-702) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach

S.P. 861 L.D. 2115

Tabled - May 23, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2006, **PASSED TO BE ENGROSSED**.)

(In House, May 23, 2006, **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**.

On further motion by same Senator, Senate Amendment "A" (S-703) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-703), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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 Make Changes to the Laws Regarding Pine Tree Development Zones

H.P. 1483 L.D. 2091
(H "A" H-1065 to
C "A" H-1026)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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 Regarding Allocation of the Low-income Housing Credit by the Maine State Housing Authority

S.P. 742 L.D. 1943
(C "A" S-619)

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

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. 866

ORDERED, the House concurring, that Bill, "An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce," S.P. 746, L.D. 1948, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Protect Health Insurance Consumers" (EMERGENCY)

S.P. 736 L.D. 1935
(C "A" S-655)

In Senate, April 28, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)**.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

Off Record Remarks

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **GAGNON** of Kennebec, **RECESSED** until 8:00 in the evening.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1449 L.D. 2055

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1085)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1085) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1101); "C" (H-1102); "D" (H-1103); "E" (H-1110); "F" (H-1111); "G" (H-1112) AND "I" (H-1118)** thereto.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1085) **READ**.

House Amendment "B" (H-1101) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-1102) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "D" (H-1103) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "E" (H-1110) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "F" (H-1111) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "G" (H-1112) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

House Amendment "I" (H-1118) to Committee Amendment "A" (H-1085) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1085) as Amended by House Amendments "B" (H-1101); "C" (H-1102); "D" (H-1103); "E" (H-1110); "F" (H-1111); "G" (H-1112) and "I" (H-1118) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1085) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1101); "C" (H-1102); "D" (H-1103); "E" (H-1110); "F" (H-1111); "G" (H-1112) AND "I" (H-1118)** thereto, in concurrence.

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

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

RECALLED FROM GOVERNOR'S DESK

An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce
S.P. 746 L.D. 1948
(C "A" S-637; S "A" S-694)

(In Senate, May 24, 2006, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 866), in concurrence.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AND SENATE AMENDMENT "A" (S-694)**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-694).

On further motion by same Senator, Senate Amendment "A" (S-704) to Senate Amendment "A" (S-694) **READ** and **ADOPTED**.

Senate Amendment "A" (S-694) as Amended by Senate Amendment "A" (S-704) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AND SENATE AMENDMENT "A" (S-694) AS AMENDED BY SENATE AMENDMENT "A" (S-704) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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:

Acts

An Act To Require the Display of POW-MIA Flags at Courthouses
H.P. 1340 L.D. 1899
(S "A" S-701 to C "A" H-827)

An Act To Invest in the Future of Maine Citizens
S.P. 751 L.D. 1954
(S "A" S-702 to C "A" S-586)

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

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:

Mandate

An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach
S.P. 861 L.D. 2115
(S "A" S-703)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

An Act To Make Changes to the Laws Regarding Pine Tree Development Zones

H.P. 1483 L.D. 2091
(H "A" H-1065 to
C "A" H-1026)

Tabled - May 24, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, in concurrence.)

(In House, May 24, 2006, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report"

S.P. 744 L.D. 1946
(S "A" S-693)

Tabled - May 24, 2006, by Senator **BRENNAN** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, May 23, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693)**, in **NON-CONCURRENCE**.)

(In House, May 24, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693) AS AMENDED BY HOUSE AMENDMENT "A" (H-1114)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

THE PRESIDENT: While we have a few quiet moments while we are waiting for the Errors and Emissions bill and two other bills that are coming up from the Appropriations Table I get to have a chance to speak to you all. I want to take this opportunity to comment on the journey that we've traveled together during the 122nd Legislature. It has been a joy, usually, and an honor, always, to serve as President of the Senate for the past two years. I want to thank each of you for your support, your patience, and your goodwill. The Senate is called upon to address many of the most difficult, most controversial issues of the day. This is the way our government is designed and inevitably it puts each of us in stressful emotional situations. It's a privilege to be part of a group of people who chose to focus not on our differences but on our similarities; not on our policy differences but on our shared aspirations; not on our fears but on our hopes. Our hope that a laid-off mill worker can get a better education and a new job to support their family. Our hope that talented young people will chose to be teachers. Our hope that a pregnant young woman gets the prenatal care she deserves for her health and that of her child. Our hope that we continue to grow our economy while preserving the quality of life that makes Maine so special. Working together we've done much to make those hopes a reality from increasing funding for education at all levels to encouraging business investment to helping to preserve Maine's working waterfront. There is much in which we can be proud. My personal hope for each of you is that you found the last two years challenging, enjoyable, frustrating, and ultimately rewarding. As you leave here tonight I hope you are glad you ran for office and are glad you had the opportunity to serve. I am certainly glad to have the opportunity to get to know each of you.

My thoughts tonight are especially with those members who won't be back with us next year. The Senator from York, Senator Mary Black-Andrews, who served three terms in the House in addition to her term in the Senate. She will be remembered, as she readily admits, for her frankness and for her passion to fight on behalf of her convictions. The Senator from Kennebec, Senator Scott Cowger, has served four terms in the House and one term in the Senate. He will be remembered, among many things, for his thoughtful commitment to the environment and for being the best innkeeper in Senate history. We have two members who won't be back because they intend to move to the Blaine House next year. Now we know at least one of them won't, unless the State starts renting out rooms or something. I know the Appropriations Committee would be happy to spend that money. The Senator from Franklin, Senator Chandler Woodcock, has served three terms in the Senate, including one term as the

Assistant Republican Leader. He's known for his bowties and for being the best basketball coach in the State House. He's also one of the kindest and most thoughtful legislators with whom I've had the pleasure to serve. The Senator from Somerset, Senator Peter Mills, has served one term in the House and five terms in the Senate. Before joining the legislature he earned the reputation as being one of the brightest trial lawyers in Maine and reportedly Senator Mills first ran for the Senate because he said, 'It was the only ways I'd ever see my sisters.' The Senator from Kennebec, Senator Ken Gagnon, has served two terms in the House and three terms in the Senate, including the last two as Assistant Senate Majority Leader. He'll be remembered for bringing the elm trees back to elm city and for a wonderful license plate design. I personally will be ever grateful for the fact that the first day I realized I was going to be Senate President he reminded me that he grew up with sisters and he knew how to back a woman. I appreciate that. The Senator from Piscataquis, Senator Paul Davis, has served four terms in the Senate. He's the only member whose departure is being forced by term limits. Senator Davis will be always fondly remembered for his willingness to do something that people often find difficult, especially in this building. He says no when it needs to be said. More than that, I have come to feel very close and warm to Senator Davis. I know he's my friend and I know that regardless of any of our political differences he will have that friendship forever. I'm just going to cry, so you'll just have to get over it. The Senator from Cumberland, Senator Michael Brennan, has served four terms in the House and three terms in the Senate. He just called us as he was leaving on the plane for Ireland to make sure everything was still okay. I guess that speaks of the fact that he always keeps us in his mind. I've known Michael, many of you don't know this, since his children were very small. He's been a good friend to me and a good supporter and a good friend to this legislature.

None of this work would be possible without the many outstanding people who work for and with the legislature. I'm going to list them all and I think we have to remember that all of the things we do would be virtually impossible without them. Secretary of the Senate Joy O'Brien; she has been ever on my side. When I first walked in I didn't really know too much about the Parliamentary Procedure, but I've learned some of it and when I get lost she's there to help. Furthermore, she's here to help all of us. Assistant Secretary of the Senate Judi DeFranco; we don't see Judi because she's back in the Senate Office working on all the papers that we all patiently wait for. Everybody in that Senate Office spends late nights here working on our behalf. Our Sergeant-at-Arms Bob Asselin and each of the men who are our Chamber Staff; I guess my fondest memory is going to the Legislative Auction and sitting with the Chamber Staff and having the best evening a person could have. In my office you've got to have Marsha, who already went home, thank heaven. The thing I love about Marsha is that Marsha hasn't got a political bone in her body. She is the Senate President's Secretary and receptionist and she welcomes everybody. Everybody in this building knows that if they need to find a phone number Marsha has it in her head. I have my Chief of Staff Rick McCarthy. When I became Senate President everyone said to me, 'Who are you going to have for Chief of Staff?' I said to myself that I wanted somebody who honors the President's Office, with whom I have never had a worry in my two years that he wouldn't do his absolute best to guide me so that I made as few mistakes as possible and any mistakes I have made have been my own and

not his. Then I had the brilliant stroke to have my friend Deb Friedman from OPLA come have lunch with me the first day after I was elected. I was musing and I said, 'Oh, wouldn't it be great if you could come over.' She said, 'Well.' I said, 'You would?' That was a brilliant move. It was a brilliant move because Deb also isn't the political person, she's the person who wants to see that the law and the policies are written well and written right for the State of Maine. She's been brilliant there and been a totally great friend. Then we have Greg Olson. Greg's one of the young guys. Always got ideas and they are always good ideas. Yes, they are. The other thing that is important about Greg is that he has an enthusiasm for making Maine the place we want it to be. Then I had another brilliant stroke of luck; my friend Roger Fenn who worked with me in Brunswick. Turns out he's a communications guy. I said to myself, 'Good, I can have him come with me. I know how he thinks, I know he'll be respectful, I know he'll try to bring all the communication people together.' He's done that and I appreciate it. Just recently, and Rose has not forgiven me yet, we stole Tiffany Leonard from the Governor's Office. Another good move. I'm going to keep naming people. I'm sorry, you're just going to live through it. Ann Woloson in the Majority Office. Here's another person that cares about how policy gets done. All the other Legislative Aides: Nina, who we sent home early; Dan Shagoury; Diane; Michael; and Laura. The other thing I didn't realize, being a little stupid I think, was how much fun I would have with Meghan in the Republican Office. She's a great young woman and it's been great to have a chance to be around her.

I don't want you to think I forgot a member who has been my stalwart when the rest of you were dawdling. You know I'm impatient. You know I want it to happen on time. The absolute only person I can count on is the Senator from Aroostook, Senator Clukey. I am sorry that you won't be here. I'm pleased for you, but we will miss you and I particularly will miss you because of the fact that you are always in your seat when the bell rings has been a reassurance and a pleasure for me.

We have wonderful people in the Office of Policy and Legal Analysis. We have wonderful people in the Office of Fiscal and Program Review. We have revisor, Meg Matheson; Lynn Randall of the Law Library; Paul Mayotte in Legislative Information; Beth Ashcroft in OPEGA; and Dave Boulter in the Executive Office. We are so fortunate. I always say to people when they ask, 'What's it like up there?' that it's like being in a small town. It really is. There must be 500 people here at any given time. I grew up in a town of 500 people. Feels like home.

I laid awake last night thinking about what I would say to you and I have forgotten most of it. I say thank you to my husband Dan Nickerson. Sometimes you all think I'm patient. The only reason I'm patient is that Dan listens to me in the middle of the night. He's a very good friend.

I could say a ton more, but mostly I just want to thank you for the honor of being your President and for the honor of working with you and knowing you and knowing that no matter what happens whenever I see you in the next 50 years we'll be friends. I appreciate that. Thank you.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **DAVIS**: Thank you, Madame President. Unlike you, and as usual you were well prepared; I have nothing written or

anything. I certainly will tell you that it has been a pleasure and an honor to serve with you and to serve under you while you have been President. You made reference to the fact that I said and have said 'no' a number of times. I will never forget as long as I live the morning I was sitting upstairs in my little office and a certain blog on a certain website had been played and I had just played it on my computer. I believe it was either in February or March of last year. I was thinking to myself, 'This is going to be an interesting two years.' My telephone rang and it was you. You apologized for something you didn't do. You were so gracious. After the conversation we had I thought to myself, 'There is a lady with real dignity and by golly this may be a real good two years.' It has certainly proved out to be and I thank you very much for the leadership you've shown and I thank you for the friendship you've given us. I was sitting here thinking as you were talking and I remember a long time ago, probably 15 or 18 years ago, reading in the local newspaper where James Tierney was running for Governor. He had come to visit Piscataquis County. As part of his visit he went to one of the nursing homes and visited with a member of the opposite Party who I knew and whose political differences and philosophies were a long ways from what Mr. Tierney were. Yet the paper told about the friendship and how you would have had to know about the political philosophies to know there was a difference. I think that's the way it is here. We've had our differences in two years, certainly, but when our trails pass and cross again sometime in the future how we treated each other is what counts not the political philosophies.

If I might, Madame President, in addition to thanking you and certainly appreciating the dignity and honor that you have brought to the office, I would like to thank all the members of the Senate. I am termed out. I can't run again, this year anyways. It has been a marvelous honor to serve in the Senate. I never dreamed that I would get elected. I served as a State Policeman, as everyone knows. I ran a jail for a while. Former Senator Hall called me and asked me if I'd like to run. I didn't expect to win. A funny thing happened, I got elected and it's been marvelous. It's been a wonderful experience. I'm from a little tiny town in Piscataquis County and regardless of what the Majority Leader thinks of our President, I've met him five times. How many people from a small town in Northern Maine can say they've met the President of the United States five times? It's only happened because of this. Also rode up the elevator with President Clinton once. I mean, it's been wonderful. All of you have been good friends and certainly in the future when we cross paths again we'll have something to talk about. Even with the good Senator from Aroostook, Senator Martin, that's possible.

I also would like to thank the Senator from Waldo, Senator Weston. She's been my assistant. She's always been dependable. She's been there. A very gracious person and a lovely lady. Touched with integrity and certainly a great person. I've been proud and pleased to serve with her. Your staff, Madame President. Marsha, her family is my constituents and she's told me all about them. It's interesting, to say the least. She's interesting and she's been a wonderful source of information and a great help, as all your staff has been. Certainly our staff. Bob Emrich, a friend of mine for over 20 years; Meghan, who today delivered a sentiment and gave her first political speech and she's still blushing from it; Sara and Diane; Mike and Brenda. I thank you all for your fine service. I mostly thank my wife and my family and the voters of my district. It is an honor to be here. Thank you very much, Madame President.

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **WESTON**: Thank you, Madame President. I don't think I'd been in this office very long before I got a call from a reporter in Brunswick. This particular reporter was doing a story on the President of the Senate. She asked me for a comment on my relationship with her. I think it went something like this: some people in power use their position as a stick and others extend an olive branch. I believe this President extends an olive branch. I thought that then and I think that now. We disagree on lots of issues but how we respect each other as human beings is what is most important. I have felt respected these whole two years. I thank you for that.

When we came here I thought that only one person would be leaving us. Only the Senator from Piscataquis, Senator Davis, was bumping up against term limits. Low and behold, we started losing a few more. Two are running for Governor, the Senator from York, Senator Andrews, looking for time at home as well as the Senator from Aroostook, Senator Clukey, and my good friend the Senator from Cumberland, Senator Brennan, who knows what he's off doing. I have to say he's not here, but I started out with him in the Education Committee and we served together there for two years. We moved onto Health and Human Services together for two years and now we sit in the corners here. We disagree strongly on many things, but I have deep respect and love for that man. He is unique and I have enjoyed all of the time and learned much from him.

The man in this corner, the man we all knew who would not be coming back, is a legend in the time of the Senate. I don't think anyone has represented Leadership in this room as uniquely as this man has done. He has been able to take crises times when people are in bitter disagreement and turn everything into a laugh and a smile. He's been able to totally change the atmosphere in a large meeting or a small meeting. He's brought incredible ideas and solutions and above all he has brought the care and concern of individuals first. I have learned a lot from him. I thank him for that. The State of Maine has gained from his being a Senator. Thank you.

Senator **GAGNON** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **GAGNON**: Thank you, Madame President. I didn't think that I'd be trying to cull together a little speech tonight because that is usually the role of the Majority Leader, but he's off flying away to Ireland. I know that he wanted to make sure that we certainly thanked our staff and certainly new people that have joined our staff. Lisa and Sally; what a great job they have done in the Majority Office. I thank all of you for your hard work.

When I first got elected as the Assistant Majority Leader I learned that predecessors of mine didn't like being called the Whip because of whatever were the implications were of that. I actually liked that term because it wasn't an assistant to anything. I always thought there was a specific role that a Whip played, having to do with procedures and processing, making sure people were where they were supposed to be when they were supposed to be there. That has been a challenge at times to understand

where everybody's secret places where. Particularly in my first two years as Whip, what I used to refer to as my 'problem child' was the man who sat to my right. Trying to track him down and actually almost have him by the tie to bring down the hallway. I'd turn back and have his tie but not him. It was always a challenge to try to get people where they were supposed to be. Sometimes some more than others, Senators from the Bangor area or maybe even from the Livermore area. Certainly I was always an annoyance to many people, but I was always treated with respect and I think at times people appreciated being pulled away from certain conversations they didn't want to be involved in.

I have certain memories. You know all of those shows that ended and go off the air, they always have those final episodes where they do these snippets of all of the scenes that come from when the show had been on for five or six years or whatever. If they did it for the legislature there would be some very interesting shots. Times when Senator Davis would have really stuck it to Senator Brennan. I remember one time in the President's office, I don't even remember what the joke was but it was so good and Michael got the wrath of the good Senator.

I always enjoyed this role. I've always enjoyed working with all of you. I enjoyed being Whip very much and making sure people were here. I thank all of you. I thank the colleagues on the other side of the aisle, particularly Senator Weston. We used to have our morning meetings everyday to go over the calendar and I've always really enjoyed the civil discourse that we've had in this Body. Madame President, I have to say something about a very special person. I've told the story many times. In my house I have photos of my years in the legislature. I have five of them. There were only two that I used to have in my living room; one from when I first got elected to the House when the first woman was elected Speaker of the House of Representatives. As you know, I have three daughters. One was here today. I made sure that they came down to see the first woman elected as Speaker of the House. I also have the photo of all of us when we elected the first woman President of the Senate. Now there is a third one going up with the second woman President to make sure that my girls will always see who is in leadership in the State of Maine. The other two pictures, I think one is at camp and the other is down in the basement someplace. They are important also, but those have special prominence in our house. I have to say from a personal standpoint, Madame President, what an outstanding job you've done these last few years and what a friend you've been and how gracious you've been during a lot of our frustrating times. Personally, I have to say that I've always admired and the person who has always been my guiding light through my many years in the legislature is the good Senator from Kennebec, Senator Mitchell, and all that she's provided to me over the years from those first years on the Taxation Committee and with her leadership in the Senate and in the House. It's meant very much to me.

Thank you very much, Madame President, for your leadership and to all of you. You are very special people over there also. I will not be going off into the sunset, but I'll be around once and a while. When you have these long breaks sometime you can drive a little bit further up 95 and spend your money in the City of Waterville. We would all appreciate it. Thank you, Madame President.

THE PRESIDENT: I just realized that we could sing the praises of each committee chair because everyone does incredibly hard work, but there are three who walked us through the financial workings of our Body; they are Senator Rotundo of Androscoggin, Senator Martin of Aroostook, and Senator Nass of York. I just think we all should appreciate them because those long hours and that wonderful negotiation. I must say I thought I was brilliant. I have two good partisans on either side and a gracious leader in the middle. Here's to all of them.

Senator **COWGER** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **COWGER:** Thank you, Madame President. I just want to say a few words about how much I'm going to miss this Chamber and how I've very much enjoyed my ten years in the legislature and especially the two years in the Senate. This is the first phase of my legislative career. I think I've gotten a great deal of respect for people like the Senator from York, Senator Hobbins, and the Senator from Cumberland, Senator Diamond, who have come back after many years and I hope to follow in those footsteps someday. I've made many friends on this side of the aisle as well as on the other side of the aisle. I've had to deal with that issue. I think I finally have the Pages trained. They go around with these packages and say to each other, 'You do the R's and I'll do the D's.' I say, 'Wait a minute, there is a Democrat over here too.' I've also proven there is a green light on this side of the aisle too. We're all friends, although my political allegiance is still firmly in the Democratic camp. I've very much enjoyed getting to know everybody here. I'm going to miss the experience and I just have to get back to running a business. I have a partner who has given ten years of his life to allow me to be here. You've all met Vince and I just want to thank him. Maybe he's listening at home. I will very much miss this Chamber.

I had a quote in my high school year book which I remembered. I didn't know where to find it, but Albert Einstein once said, 'We don't know one millionth of one percent of anything.' I think he's right. I think I've learned a lot more in the last ten years of being here, but I still think we all have a lot more to learn from each other. I've learned a great deal from all of you, every single one of you, in my ten years and my life will be much richer for that. Thank you very much, Madame President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding for Infrastructure for a New Downtown in the Town of Canton" S.P. 865 L.D. 2120

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-705).**

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook
NASS of York

Representatives:

BRANNIGAN of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
MILLS of Farmington
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-706).**

Signed:

Representatives:

DUDLEY of Portland
LERMAN of Augusta

Reports **READ.**

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-705)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-705) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Ordered sent down forthwith for concurrence.

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:

Emergency Measure

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage

S.P. 744 L.D. 1946
(H "A" H-1114 to
S "A" S-693)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication: S.C. 686

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 24, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	53
Unanimous Reports	45
Ought to Pass	3
Ought to Pass as Amended	3
Ought Not to Pass	39
Divided Reports	6

Received by the Secretary & Clerk Pursuant to Joint Rule 309 2

Respectfully submitted,

S/Margaret Rotundo
Senate Chair

S/Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1449 L.D. 2055
(H "B" H-1101; H "C" H-1102;
H "D" H-1103; H "E" H-1110;
H "F" H-1111; H "G" H-1112;
H "I" H-1118 to
C "A" H-1085)

In Senate, May 24, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1085) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1101); "C" (H-1102); "D" (H-1103); "E" (H-1110); "F" (H-1111); "G" (H-1112) AND "I" (H-1118)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1085) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1101); "C" (H-1102); "D" (H-1103); "E" (H-1110); "F" (H-1111); "G" (H-1112); "I" (H-1118) AND "J" (H-1119)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HOBBS** of York, the Senate **RECEDED and CONCURRED**.

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 Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce

S.P. 746 L.D. 1948
(C "A" S-637; S "A" S-704 to
S "A" S-694)

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

Senate at Ease.

Senate called to order by the President.

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

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, To Require the Governor To Submit Legislation for Flood Damage Relief to the 123rd Legislature

S.P. 865 L.D. 2120
(C "A" S-705)

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

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:

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1449 L.D. 2055
(H "B" H-1101, H "C" H-1102,
H "D" H-1103, H "E" H-1110,
H "F" H-1111, H "G" H-1112,
H "I" H-1118; H "J" H-1119
to C "A" H-1085)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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. 49

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

READ and PASSED.

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

S.O. 50

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the messages to the House of Representatives and the Governor. The Sergeant-At-Arms escorted the Senator to the House of Representatives and the Governor's Office.

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

Senate at Ease.

Senate called to order by the President.

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

GOVERNOR BALDACCI: Thank you very much, Madame President and members of the Senate. Let me just say, first of all, I want to thank Madame President for her outstanding leadership. I've enjoyed working with her and her team. I want to

thank you very much for that. You've done a tremendous job for the citizens of the state. I also want to congratulate Minority Leader Paul Davis. I've enjoyed working with you, Paul, and your team and Senator Carol Weston. I've enjoyed with working with Senator Ken Gagnon and Senator Majority Leader Mike Brennan and wish him well and safety on his trip. To you all, Senators, it's a real treat for me to be in this Chamber, having been here for 12 years many years ago. I really appreciate the kind of decorum and the work that goes on in the Senate and the sacrifices that each and every one of you makes. I want to commend you for the work that you've done this session. You've given us some significant achievements. The people of Maine have been well served by your leadership, dedication, and hard work. Many of you have worked so hard this session, even though it was a short legislative year, and you've accomplished a great deal. You have proven that the work that the people of this state is paramount here and comes first. Working together, you have improved the quality of life for all Mainers. We've built a stronger, more competitive, Maine; continuing to ensure that our fiscal house is in order and investing in our greatest resource, our people. You have addressed the critical needs of Maine people and families. You've addressed the needs of Maine's most vulnerable citizens and you've created opportunities to keep our youth here at home and have invested in Maine's economy to grow jobs for Maine people. Together we have, indeed, accomplished many things.

There are many of you in this chamber who will not be returning and I've been proud to serve with you and beside you. I commend you for a job well done and the sacrifices you and your families have made. I commend you for your willingness to do the hard work necessary to make Maine a better place and to the benefit of Maine people. I wish you well on a job well done and hope you have an enjoyable summer with your families and friends. It's well deserved and envied by all of us. Congratulations. Good job. Thank you very much.

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

On motion by Senator **SAVAGE** of Knox, the Honorable **BETH G. EDMONDS**, President of the Senate, declared the Second Regular Session of the 122nd Legislature, **ADJOURNED SINE DIE** at 11:27 in the evening.