

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
December 6, 2000 to May 23, 2001

Pages 1 - 911

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
March 29, 2001

Senate called to order by President Michael H. Michaud of Penobscot County.

Prayer by Reverend Sue LeSueur of St. Anne's Episcopal Church in Calais.

REVEREND LESUEUR: Create in us clean hearts, oh God, and sustain us with Your holy spirit. Let us pray. Creator God, You have given us this good land as our heritage. We thank You for the natural majesty and beauty of the land, for the great resources of this state. We thank You for the men and women who have made this country strong and for the faith we have inherited in all its rich variety. May we prove ourselves a people mindful of Your generosity and glad to do Your will. When times are prosperous, let our hearts be thankful. In troubled times, do not let our trust in You fail. All mighty God, giver of all good gifts, bless the people of the State of Maine with honest industry, truthful education, and an honorable way of life. Save us from violence, discord and confusion, from pride and arrogance, and from every evil course of action. Make us who came from many nations and many cultures a united people. Defend our liberties and give those whom we have entrusted with the authority of government the spirit of wisdom, charity and justice, that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people, that there may be justice and peace in our land. Oh God, the fountain of wisdom, whose will is good and gracious, and whose law is truth, we ask You especially so to guide and bless our Senators and Representatives in the Legislature of this state with wisdom and truth, that they may enact such laws as shall please You, to the glory of Your name and the welfare of this state. Help us, oh Lord, to finish the good work here begun. Strengthen our efforts to blot out ignorance and prejudice and to abolish poverty and crime. Hasten the day when all our people, with many voices in one united chorus, will glorify Your holy name. Amen.

Doctor of the day, Paul A. Liebow, M.D. FACEP of Bucksport.

Reading of the Journal of Wednesday, March 28, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 682

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, a bill regarding a study to eliminate cigarette littering.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1290

**JOINT RESOLUTION COMMEMORATING MARCH 25TH
AS GREEK INDEPENDENCE DAY**

WHEREAS, March 25, 2001 marks the 180th anniversary of Greece's liberation from Turkish rule; and

WHEREAS, former President Clinton, during a visit to Greece on November 20, 1999, referred to modern Greece as a "beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began..."; and

WHEREAS, Greece is only one of 3 nations in the world, beyond the former British Empire, that have been allied with our nation in every major international conflict in the last 100 years; and

WHEREAS, America's founders drew heavily upon the political experience and philosophy of ancient Greece in forming our representational democracy and these and other ideals have forged a close bond between our 2 modern nations; and

WHEREAS, the State of Maine would like to join its thousands of residents of Greek ancestry who are justly proud of their Greek heritage to recognize Greek Independence Day as a gesture of goodwill and recognition of the close bond between our 2 nations and their people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people of the State of Maine, commemorate March 25th as Greek Independence Day as we all celebrate Greek and American democracy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Ambassador of Greece to the United States in Washington, D.C. and to the Consulate General of Greece in Boston, Massachusetts, as a symbol of our recognition of Greek Independence Day.

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

READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 584

**STATE OF MAINE
120TH LEGISLATURE**

March 29, 2001

Hon. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Legal and Veterans Affairs
Hon. John L. Tuttle, Jr.
House Chair, Joint Standing Committee on
Legal and Veterans Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated Kathleen McGibney Newman of Hallowell for reappointment as a member of the Maine Liquor and Lottery Commission.

Pursuant to Title 5, M.R.S.A., §283-A, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud S/Michael V. Saxl
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.C. 161

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 665 An Act to Increase Efficiency in Maine Land Use
Regulation Commission Permitting

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard Kneeland S/Rep. Linda Rogers McKee
Senate Chair House Chair

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

The Following Communication: S.C. 162

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 730 An Act to Assist Maine Licensing Agents in
Modernization of Technology

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. Randall L. Berry
Senate Chair House Chair

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

The Following Communication: S.C. 163

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 731 An Act to Require Gun Safety Education

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Betty Lou Mitchell
Senate Chair

S/Rep. Shirley K. Richard
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 164

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
HEALTH AND HUMAN SERVICES**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 159 An Act to Establish a Child Ombudsman Office

L.D. 556 An Act to Increase Eligibility for Health Care Benefits

L.D. 905 An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process

L.D. 1005 An Act to Inform Consumers About Prescription Drug Prices

L.D. 1300 An Act to Establish the Child Ombudsman Office and Improve Child Protective Procedures

L.D. 1386 An Act Relating to Low-cost Prescription Drugs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 165

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON LABOR**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 373 An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers

L.D. 1243 An Act to Reform Maine's Prevailing Wage Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. Zachary E. Matthews
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 166

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

March 20, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 252 An Act to Reduce the Time Permissible for Displaying Political Signs
- L.D. 565 An Act to Discourage Drunken Driving
- L.D. 763 An Act to Refine the Maine Clean Election Act
- L.D. 835 An Act to Eliminate Funding for Primary Elections under the Maine Clean Election Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

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

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

- L.D. 454 An Act to Clean Up Maine's Clean Election Law
- L.D. 501 An Act to Reform Certain Features of the Clean Election Law
- L.D. 563 An Act to Require Towns to Process Initiative and Referendum Petitions within One Week of Delivery
- L.D. 564 An Act to Encourage Indelible Ballot Markings
- L.D. 569 An Act to Preserve the Integrity of the Polling Place by Limiting the Physical Presence of Candidates
- L.D. 574 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Signatures Required for Citizen Initiatives
- L.D. 575 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative
- L.D. 624 An Act to Amend the Clean Election Laws
- L.D. 867 Resolve, to Establish A Study Commission to Study Redistricting

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 167

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has

The Following Communication: S.C. 168

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TAXATION**

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

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- L.D. 64 An Act to Increase the Veterans' Property Tax Exemption
- L.D. 144 An Act to Reduce the Tax on Gasoline
- L.D. 350 An Act to Exempt Recipients of the Silver Star from the State Income Tax
- L.D. 613 An Act to Create a Sales Tax Holiday for the Purchase of School Supplies
- L.D. 654 An Act to Amend the Tax Assessed Against Certain Casual Sales
- L.D. 667 An Act to Exempt Retirement Income from the Maine Income Tax
- L.D. 711 An Act to Permit a Sales Tax Trade-in Credit for Leased or Rented Vehicles
- L.D. 713 An Act to Preserve Maine's Income Tax Revenues
- L.D. 717 An Act to Index the Income Tax Deduction for Pensions to the Rate of Inflation
- L.D. 719 An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000
- L.D. 762 An Act to Exempt Purple Heart Recipients from State Income Tax
- L.D. 805 An Act to Allow a \$5,000 State Income Tax Exemption for Any Full-time, Postsecondary Student With a Taxable Income of \$20,000 or Less
- L.D. 838 An Act to Increase the Personal Income Tax Exemption to \$5,500 Per Eligible Dependent
- L.D. 839 An Act to Allow a Property Tax Exemption to Landowners Whose Property Abuts a Solid Waste Facility
- L.D. 865 An Act to Reduce the Personal Income Tax
- L.D. 879 An Act to Decrease Individual Income Tax by 20%
- L.D. 880 An Act to Increase to \$17,500 and \$35,000 the Tax Deduction for Public and Private Pensions
- L.D. 914 An Act to Provide Fair Treatment in Taxation of Social Security Retirement Benefits
- L.D. 939 An Act to Provide Tax Relief to Maine's Military Retirees
- L.D. 980 An Act to Provide Property Tax Relief to Senior and Disabled Citizens of the State

- L.D. 1029 An Act to Amend the Law Pertaining to Tax Exemptions for Public and Private Pensions
- L.D. 1115 An Act to Exempt a Portion of Certain Pensions From the State Income Tax
- L.D. 1129 An Act to Allow an Income Tax Deduction for the Cost of Health Insurance Premiums

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Bonnie Green
House Chair

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

The Following Communication: S.C. 169

120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TRANSPORTATION

March 23, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 557 An Act to Amend the Laws Pertaining to Pedestrians on a Public Way
- L.D. 656 An Act to Require a Continuing Review of Regional Transportation Problems in Northern York County and Southern Cumberland County
- L.D. 858 An Act to Revert the Seat Belt Law to the Form Approved by the Citizens
- L.D. 891 Resolve, to Direct the Department of Transportation to Place a Traffic Light in Auburn
- L.D. 895 Resolve, Requiring the Department of Transportation to Construct 4-foot Paved Shoulders on Hazardous Segments of Route 15 in Hancock County
- L.D. 1097 An Act to Provide Nesting Areas for Ospreys Displaced by Department of Transportation Bridge Repair

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Christine R. Savage
Senate Chair

S/Rep. Charles D. Fisher
House Chair

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

SENATE PAPERS

Bill "An Act to Implement Maine's System of Learning Results"
S.P. 582 L.D. 1760

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative RICHARD of Madison and
Senators: MILLS of Somerset, NUTTING of Androscoggin,
ROTUNDO of Androscoggin, Representatives: BELANGER of
Caribou, DESMOND of Mapleton.
Submitted by the Department of Education pursuant to Joint Rule
204.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

Senator **CATHCART:** Thank you, Mr. President. Men and women of the Senate. I'm pleased today to recognize my friend and constituent, our photographer Roger Stevens Jr. from the town of Lincoln. I hope that you have enjoyed, as much as I have, his beautiful photographs of wildlife and lighthouses that have been decorating our Senate offices this last month or so. I want to congratulate him. My favorite is the one to the left when you go into the Senate President's office of the tiny fawn with the field of dandelions. I just could not believe he could get up so close and take such a touching picture of that little baby animal. Roger is just so talented and gifted and is doing so well. He left his job at the mill to pursue his passion and his lifetime dream of photography, a very courageous act that probably many of us could admire and wish we could emulate. Roger had also, for many years, been a town councilor in Lincoln. He has left that post but he will undoubtedly go back some day or maybe come to serve in this body. But I just want to invite you to greet him today. He's in the rear of the chamber and will be taking his pictures away from us. You are welcome to visit him on Main Street in Lincoln where he has a gallery. That's a beautiful town and a great place to go in the summer. You will also find Roger and his photographs at the Sportsman's Show and the Bangor Flower Show and many other events throughout the year. Thank you, Mr. President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Roger Stevens. Would you please rise to accept the greetings of the Senate chamber.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Robert Peabody, of Bath, who is the recipient of the Mid Coast Hospital's Lovelight Tree 2000 Award. Mr. Peabody has demonstrated a loyalty and commitment to the elderly in his community. He has served as President of the Bath Area Senior Citizens and as the Chairman of the Sagadahoc County Red Cross. In addition to his work with many local organizations, Bob is instrumental in running a regional program that provides tax assistance to senior citizens. We send our congratulations and best wishes to Mr. Peabody upon receiving this award;
SLS 116

Sponsored by Senator SMALL of Sagadahoc.

READ.

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

Senator **SMALL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate. It is my pleasure today to recognize and speak a little bit about Bob Peabody and also his lovely wife, Bertha, who I think probably shares equal credit. Bob was recently honored by the Mid-Coast Hospital Lifeline Award for all his many years of service, particularly to the at risk elderly population in our community. Both President Bush and Governor King have talked about the inability of state government to serve everyone in need on its own. They talked about the need for churches and organizations and especially individuals to step forward and provide that extra hand to people who are in need. Bob, for many years, has done this. He has served on numerous commissions, probably too many for me to speak of. He has worked as a mediator for the Attorney General, has served on the Bath Housing Authority, has served as a member of the local Red Cross. For a number he has served as head of our local senior citizen's agency and I don't think they were ever as active as they were when he was in charge. He had them being bused all over the area on fun day excursions, things that many of these people would never have an opportunity to participate in had it not been for the work of Bob as the head of the senior citizens. Right now he's mostly involved with the AARP, working to provide tax assistance for senior citizens. As one who has struggled to get my taxes done on time, I can really appreciate the help that he must be to some of the seniors who are trying to keep up with the changes that we often make here in the tax regulations and tax forms. So I hope today, you will join me in welcoming and thanking one of the thousand points of light that we have in our Bath area community in recognizing Bob and his wife, Bertha, for their very many hours of service. I thank you and ask that they be recognized.

PASSED.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Robert Peabody. Would you please rise to accept the greetings of the Senate chamber.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts" H.P. 1151 L.D. 1554

Reported that the same be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**.

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

REFERRED to the Committee on **BANKING AND INSURANCE**, in concurrence.

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Encourage Smoke-free Hospitals in Maine" H.P. 293 L.D. 371

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies"

H.P. 632 L.D. 832

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care" H.P. 228 L.D. 265

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-46)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46)**.

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

READ ONCE.

Committee Amendment "A" (H-46) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Change the Name of the Bureau of Banking in Order to Accurately Reflect the Scope and Variety of Entities Regulated by the Bureau"

H.P. 339 L.D. 429

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-50)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-50)**.

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

READ ONCE.

Committee Amendment "A" (H-50) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households" (EMERGENCY)

H.P. 29 L.D. 29

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-48)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**.

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

READ ONCE.

Committee Amendment "A" (H-48) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act Concerning Workers' Compensation Examinations"

H.P. 757 L.D. 976

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-51)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51)**.

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

READ ONCE.

Committee Amendment "A" (H-51) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

H.P. 40 L.D. 49

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
SMITH of Van Buren
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

CRESSEY of Baldwin
YOUNG of Limestone
GLYNN of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**.

Reports **READ**.

Senator **LaFOUNTAIN** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects" (EMERGENCY)

H.P. 152 L.D. 163

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-41)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
CRESSEY of Baldwin
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
MARRACHE of Waterville
GLYNN of South Portland

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

Signed:

Representatives:

SMITH of Van Buren
CANAVAN of Waterville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**.

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-41) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ban Permanent Replacement Workers in a Labor Dispute"
H.P. 74 L.D. 83

Reported that the same **Ought to Pass**.

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

MATTHEWS of Winslow
DAVIS of Falmouth
BUNKER of Kossuth Township
HUTTON of Bowdoinham
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

CRESSEY of Baldwin
MacDOUGALL of North Berwick
TREADWELL of Carmel

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Amend the Charter of the Portland Water District to Conform to Changes in the Municipal Election Date for the City of Portland" (EMERGENCY)

H.P. 497 L.D. 637

Bill "An Act to Endow the Maintenance of Maine Civil War Monuments at Gettysburg"

H.P. 641 L.D. 841

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a Major Substantive Rule of the Department of Human Services, Community Services Center (EMERGENCY)

H.P. 6 L.D. 6
(C "A" H-40)

Bill "An Act to Ensure Parity in the Sale of Securities by Maine Financial Institutions"

H.P. 297 L.D. 375
(C "A" H-43)

Bill "An Act to Amend the Credit for Reinsurance Provisions of the Maine Insurance Code"

H.P. 341 L.D. 431
(C "A" H-44)

Bill "An Act to Remove Redundant Written Authorization Requirements"

H.P. 449 L.D. 570
(C "A" H-42)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund"

S.P. 32 L.D. 130
(C "A" S-21)

Bill "An Act to Improve Allowances for Jury Duty"

S.P. 57 L.D. 221
(C "A" S-22)

Bill "An Act to Clarify the Testing Process for the Licensing of Guides"

S.P. 167 L.D. 586
(C "A" S-24)

Bill "An Act to Facilitate Passenger Rail Transportation by Limiting Liability"

S.P. 202 L.D. 767
(C "A" S-23)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2002

H.P. 25 L.D. 25

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Emergency Measure

An Act to Establish Destroyer Escort Day

H.P. 210 L.D. 245

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act to Authorize Representation by the Public Advocate of Consumer Interests on Regional Decision-making Bodies

S.P. 89 L.D. 316
(C "A" S-8)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Acts

An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens

H.P. 103 L.D. 107
(C "A" H-25)

An Act to Enable Small Wineries to do Business in Maine

S.P. 61 L.D. 225

An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02

H.P. 205 L.D. 240
(C "A" H-31)

An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses

H.P. 237 L.D. 274
(C "A" H-28)

An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases

S.P. 87 L.D. 314
(C "A" S-7)

An Act to Establish Maine Small Business Week

H.P. 291 L.D. 369
(C "A" H-30)

An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records

H.P. 458 L.D. 579

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

An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results

H.P. 42 L.D. 51
(C "A" H-29)

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/28/01) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid"
S.P. 125 L.D. 401

Majority - **Ought to Pass** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 28, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, March 20, 2001, Reports **READ**. Motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In House, March 27, 2001, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.)

Senator **DOUGLASS** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

Senator **DOUGLASS:** Men and women of the Senate. This bill is about allowing large retailers to use liquor as a loss leader; liquor as a loss leader with a discount of as much as 33%. That's not sound public policy. This bill, if you adopt it, also will have the effect of encouraging ma and pa grocery stores to go down to Wal-Mart, buy their 30 pack of beer for \$9.99 and then resell it at that cost in their own stores. Why would they do that? And it's breaking the law. Because they are not able to sell liquor at the loss that the large retailers are able to. This bill is about sound public policy for Maine. It's about protecting ma and pa stores that sell liquor and about keeping our retailers out of the business of using liquor as a loss leader. I hope you will join me in voting for the recede and concur motion.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Mr. President. Good morning to the men and women of the Senate. The loss leader principle is a principle that is a retail principle. The discussion this morning focuses upon what is sound public policy, as mentioned by the Honorable Senator from Androscoggin. For my means, sound public policy is the non-intervention of government in the retail sector. The ill-wind that blows over this state at times, across the plains of retail, is government intervention. The more we refrain from intervening in retail sales, the better off we will be as a mechanism of regulation in this state. I would urge a vote opposing the recede and concur motion. Thank you, Mr. President.

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

Senator **MARTIN:** Mr. President, members of the Senate, let me first begin by indicating to you that I have a business which has a liquor license. I view that liquor license, in part, as a responsibility so that minors do not buy liquor. But what I fear with this legislation is the ability of minors to get more because it will be cheaper. Remember, this is used as a loss leader and if you use liquor as a loss leader or use cigarettes as a loss leader then you provide an opportunity for minors to get more of it. If you don't think that's going to happen, I encourage you to come to small stores and see what's going to happen. It is not a

question of whether or not we participate in free enterprise. It's whether or not the state has a responsibility in trying to limit the amount of liquor sales. It's really very simple from my point of view. So if you want to have minors acquire more, than I would suggest you vote against the motion to recede and concur. If you want to try to limit, then you ought to do just that, and that is to vote to recede and concur. It is not a matter of free enterprise, liquor is not and should not be a question of free enterprise. It's a question of whether or not the state is going to have any responsibility in attempting to control the amount of what goes into the hands of teenagers.

The Chair ordered a Division.

On motion by Senator **MARTIN** of Aroostook, supported by a Division of at least 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 (#18)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: KILKELLY

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DOUGLASS** of Androscoggin to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **WOODCOCK** of Franklin, the Senate **ADHERED**.

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

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by President Pro Tem **BENNETT** of Oxford, **RECESSED** until 6:30 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 256 L.D. 300

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-55)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55)**.

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

READ ONCE.

Committee Amendment "A" (H-55) **READ**.

On motion by Senator **BROMLEY** of Cumberland, Senate Amendment "B" (S-26) to Committee Amendment "A" (H-55) **READ**.

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

Senator **BROMLEY:** Thank you, Mr. President. I represent the communities of Cape Elizabeth and South Portland, who are, under this budget, going to be hit very hard to the tune of over \$800,000 in GPA reductions. This amendment would restore that, not only for my community, but for other communities that were also harmed in the GPA funding. It would simply transfer this money from the Maine Learning Technology Endowment Fund. It would be in the spirit of the committee's work by moving education money to education. I urge its passage. Thank you.

Senator **CATHCART** of Penobscot moved Senate Amendment "B" (S-26) to Committee Amendment "A" (H-55) be **INDEFINITELY POSTPONED**.

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

Senator **CATHCART:** Thank you, Mr. President. Men and women of the Senate. I urge you to vote with me for the indefinite postponement of this amendment. The Appropriations Committee included an additional \$3 million in our committee report for a cushion for General Purpose Aide to our schools. This was above what the Governor had recommended and while I'm one of those whose schools do not all gain funds through this amendment, I just don't see how we can afford to give more and hold everybody harmless. I think that this just goes beyond what we can afford to do. It will also set up a false sense for next year with many of our schools thinking that we are going to continue to hold everyone harmless and give them more money than we really have to give. For that reason, I urge to indefinitely postpone. Thank you, Mr. President.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-26) to Committee Amendment "A" (H-55) **PREVAILED**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55) **READ**.

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

Senator **GAGNON:** Thank you, Mr. President. Men and women of the Senate. In the spirit of bi-partisanship, I wish to present this amendment and ask for your support. By adopting this amendment we can demonstrate that it is possible for all of us, regardless of party, to work together in the best interests of the people of the Maine. At a time when a slowing economy threatens to take money out of the pockets of Maine's working families, we can say no to tax increases and live within our means. At a time when Maine school districts are struggling to maintain one of the best school systems in the country, we can stand together and provide a cushion for the most pressured rural communities. At a time when Maine families struggle to find affordable, quality childcare, we can provide care to 1,000 more Maine children. At a time when many retirees must struggle with spiraling costs of prescription drug prices on a fixed income, we can make certain military retirees benefit from the pension tax cut adopted last year. At a time when Maine seniors and their families struggle with long term care, we can make certain high quality care remains available. At a time when Mainers in my district and your districts are paying far more in property taxes than they can afford, we can provide millions of dollars of property tax relief. And at a time when others seek simple solutions to complex issues, we can make certain that the many concerns raised by closing the state's liquor stores are properly addressed. It is important to make clear that this amendment preserves the Learning Technology Endowment Fund. It simply

moves those funds into the Rainy Day Fund. The interest from the endowment will still be available to fill Governor King's vision of making Maine kids the most computer literate in the world. I'm proud of this amendment and the spirit of compromise and bi-partisanship that produced it. I'm proud of this Maine Senate who began this session grappling with a 17 - 17 - 1 split in this chamber. We resolved that issue by placing the interest of the people of Maine ahead of any partisan self-interest. Today we are grappling with creating a state budget for the next two years, a document that, more than any other, reflects our priorities. The people of this great state can be reassured that we are again resolving this issue by placing their interests ahead of any partisan self-interests. Mr. President, I encourage you and all members of the Senate to vote in favor of the amendment. Thank you.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55) be **INDEFINITELY POSTPONED**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This amendment sounds wonderful and I wouldn't be surprised if many of you chose to support it. Unfortunately, I cannot comment intelligently on the amendment because it was handed to me about 20 minutes ago. I had been under the mistaken impression that I was the chairman of the Appropriations Committee, but that does not seem to be the case because some other Appropriations Committee spent the day meeting and working on writing a budget for the State of Maine. I'm not sure who was involved. I'm not sure where those meetings took place. I was certainly not present and knew nothing about it until about an hour ago, which is well beyond the time when we normally adjourn. I was then called in and told that there was such an amendment that, essentially, rewrote the entire budget that I had just been working on for two months. I was offered a one-page summary of that amendment and requested a copy of the entire amendment. I have gone through it quite quickly. There are some things in there, as I said, that are quite appealing, but clearly I cannot go for this amendment. I'd like to tell you why. Up until about two hours ago, this was the legislature the way the legislature should be. We worked on a process in my committee of which I am extremely proud of. We spent a great deal of time building a team in the room below this one. I think we did that very successfully. We treated each other civilly. We treated each other fairly. We had some discussions early on, there are members down there who had served on the Appropriations Committee well before I did, and there was some talk and some joking about when do we turn the mic off. Eventually we came to ignore the microphones. We did all of our business on the mic. Radio Free Appropriations. Anybody was welcomed to listen in. I am very, very proud of the work those 12 people did. We had plenty of disagreements and we worked very hard to overcome them. After putting in that time, in a spirit which many people commented was a step up in terms of openness, friendliness, civility. No rooms full of people sweating all day long. No meetings lasting until mid-night. We produced a unanimous committee report. That does not happen very often in the Appropriations room. The issues are too big and the divisions are too large between the ideologies of the two separate parties. Most of the time we fail to reach that point, we produce

two reports, both of them have merit, both of them have flaws. This time we managed to overcome that. We produced a document that none of the members liked, assuming that on that basis it must be about perfect. There are things in there that we all thought were good things and things in there that none of us would have put in had we been writing our own budget. We took that document, we brought it out. We were a week late and I apologize for that, especially to the school districts, because it's important for them to know what their GPA funding is on time. We brought the document out a week late. We took it to the floor of the other body. We worked very hard to generate support. I have to say that last night, listening to the debate on that budget and on the amendment in the other body, was one of the high points of my service here. It was led by the good Representative from Livermore, Representative Berry, a person who I have come to cherish as an honorable and decent man, who worked very hard, as I did, for the last two months on this budget. But equally important to me, it was supported, worked and advocated by members of the other body who have served on that committee and it was a wonderful moment to sit in the back of the other body and listen to those good soldiers fight for the document they had put together. I have never been more proud to be a legislator. Tonight I have never been more ashamed to be a member of this body. This document was taken out of our hands. There had been agreements made somewhere in rooms non-accessible to the public. I can't tell you who participated in that process. But I did not. If I did not, that means my constituents did not. It is not important that I was cut out of the process, it is important that my constituents and all of your constituents were cut out of the process. Clearly there are a lot of people in the room tonight, members of the public, who have a great concern about one aspect of the budget. They are here exercising their right to at least listen in and to do their best to influence the process. They have every right to do that and I respect them for being here tonight and for hanging in this long. But I wonder what must they think. To be standing around in the halls for hours. Nobody having any idea what the delay was. Rumors coming and going all evening. Now we have a budget that nobody knows what's in it. Maybe you all do, but I don't know what's in it. I'm being asked to support that? I don't think so. This budget may do a lot of good things for the State of Maine, but it is to be noted for what it does not do. What it does not do is show one shred of respect for the people of this state. This is not what I was sent here to do. People talk about the back rooms and the smoke filled rooms and I always say "that doesn't happen, that happens in the federal government or somewhere else. I don't see that happening in Maine." I am a sadder and wiser woman tonight. I'm not sure what to do about the Part II Budget. We've already heard it. It sounds like I should simply move it up to the Senate since that's where the budgets are written. This amendment is a betrayal of the men and women that were sent to the Appropriations Committee to do that job, which they did honorably and in public. It is a betrayal of the other body, who had an elegant debate on the issues, raised the amendments, had the discussions, cast their votes and cast a very strong vote of support, not only for the budget that was before you, but also a support of the process of the Appropriations Committee. But worst of all, this amendment is a betrayal of the people of the State of Maine. I urge you to support this motion for indefinite postponement. Thank you, Mr. President.

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

Senator **MILLS:** Mr. President, I will be joining the good Senator from Hancock in her motion. I, too, feel that the process does not respect the work of the committee. Secondly, the amendment that is before you avoids or evades a number of issues that will, as necessity, have to be addressed in Part II by this chamber, by the Appropriations Committee and by the Administration. Many of the anticipated problems were dealt with in the Committee amendment. Problems about revenue, raising of revenue, about meeting obligations, about cutting programs and cutting expenses. Many of those difficult issues that we confronted in the committee are being evaded by this document and merely, I say, postponed. That will be something that we will have to deal with before June. For that reason I will be joining and supporting the current motion.

THE PRESIDENT: The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President, fellow members of the Senate. I respectfully disagree with the comments raised by the Senator from Hancock, Senator Goldthwait, and I would ask you to vote against the pending motion to indefinitely postpone this amendment. I guess we couldn't have a starker difference. I, in my view, believe that this amendment represents the best of the legislative process. The whole idea of people working together to try to overcome differences. The process is open. The process is here and now. Every single member of this chamber has a chance to speak on this floor and to express, as the good Senator did, his or her feelings about a particular issue. This budget, even as amended by Amendment "K", represents 95% of the work, the very good work, of the Appropriations Committee, particularly the Senator from Hancock, Senator Goldthwait; the Senator from Somerset, Senator Mills; and the Senator from Penobscot, Senator Cathcart. The unfortunate reality was that that budget, as it came out of committee, was simply, in my view, not going to get 24 votes out of this body. It was not going to pass. I believe there were members on both sides of the aisles that felt that they could not support the budget as it came out of committee. While unanimous in committee, while a consensus document, it only could go so far. Sometimes there are issues that simply cannot be addressed in a committee. The big sticking points of this budget as it came upstairs from the Appropriations Committee were the raising of taxes, the closing of the liquor stores, the disposition of the monies within the Fund for Healthy Maine, the cost of living adjustments and other monies going to nursing facilities. These issues created a problem for many members of the Senate. We just simply could not get the requisite 24 votes that people were looking for. I think at that point it's important for leadership to attempt to bring people together. I commend the President of the Senate, Senator Michaud of Penobscot, for reaching out a hand across the aisles after having talked with members of the Democratic caucus and for us to begin, just today and throughout the day, with no guarantee that we were going to be able to find common ground, to have conversations and to work on a common document which did not emerge until this evening. The ultimate power of the legislature is not vested in our committees. They are here to serve the Senate and the other body. They are not to exist for their own sake. They do incredibly important work. This Appropriations Committee did

incredibly important work to get us to the point where we could find the common ground on those big issues that still divided us. That's what we did here. I am proud to be a part of Senate Amendment "K". I believe that the Appropriations Committee has served the Senate well, particularly with the Senator from Hancock, Senator Goldthwait's leadership. She deserves a lot of credit in a very, very demanding and difficult position. The power sharing arrangement here is very difficult for all of us in many ways. There is no majority. Every single person is important and I regret the feelings expressed by the Senator from Hancock. I regret that she has to feel them because it is unfortunate the way that she perceives this has arisen. But she ought to be proud of the work that the Appropriations Committee did in bringing us to this point. All of us ought to be proud to have had an Appropriations Committee that worked for us in fashioning a budget which identified the primary issues of difference so that we, in this situation, could identify them and work them through. Senate Amendment "K" represents the best of that effort. I encourage you to please vote against indefinite postponement. Thank you.

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

Senator **CATHCART:** Thank you, Mr. President. Men and women of the Senate. I rise to say that I plan to vote for the indefinite postponement of Senate Amendment "K". I do that out of a sense of honor and a sense of duty to the other 12 members of the Appropriations Committee who worked long and hard in an atmosphere of openness, respect and trust to come up with a compromise committee budget that we thought we could all live with. As I said yesterday, when we were voting in Committee on that budget, this was not a budget that made me happy. In some ways Senate Amendment "K" would make me happier. There are things in it I like much better. But I feel a real sense of pride in the work that we did and the way that we were able to work together in not just a bi-partisan but a tri-partisan way on the Appropriations Committee. I want to honor that work by my vote tonight. I also hope that we can keep that sense of trust and respect that we have had, that we will not lose it because of this process that we were not included in today and that we can go on to work together as well as we have done to pass the Part II Budget and complete our work. Thank you, Mr. President.

The Chair ordered a Division.

On motion by Senator **GOLDTHWAIT** of Hancock, supported by a Division of at least 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 (#19)

YEAS: Senators: CATHCART, FERGUSON, GOLDTHWAIT, MILLS

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

4 Senators having voted in the affirmative and 31 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55), **FAILED**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55) **ADOPTED**.

Committee Amendment "A" (H-55) as Amended by Senate Amendment "K" (S-36) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **GAGNON** of Kennebec, supported by a Division of at least 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 (#20)

YEAS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: CATHCART, FERGUSON, GOLDTHWAIT, MILLS

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by President Pro Tem **BENNETT** of Oxford,
ADJOURNED to Friday, March 30, 2001, at 1:00 in the
afternoon.