

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

Second Regular Session
January 2, 2002 to April 1, 2002

Pages 912 - 1844

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

In Senate Chamber
Tuesday
June 19, 2001

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

Prayer by Senator Chandler E. Woodcock of Franklin County.

SENATOR WOODCOCK: Let us pray. It seems when waning darkness shows our mortal breath, we hesitate to venture forth unless You are our guide. So it is with this gathering today we pray. These servants here seeking wisdom, often sought, must turn to You for answers brought on gossamer wings. Stripped of the R, the I, or the D beside each name, we suddenly find ourselves the same in our frailties. Thus, I pray that we have seen in each other a child of God. Be with each as he or she faces life's challenges unexpected. Make certain that each is protected from misguided moments and despair. Thank You, Father, for each colleague assembled here today. It is for each that I humbly pray. Amen.

Reading of the Journal of Monday, June 18, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1379

ORDERED, the Senate concurring, that for the duration of the First Regular Session the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, such legislation as they deem appropriate.

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

READ.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 370

120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT

June 15, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Business and Economic Development has had under consideration the nomination of Bruce N. Schatz of Augusta, for reappointment to the Maine Educational Loan Authority.

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

YEAS	Senators	1	Bromley of Cumberland
	Representatives	7	Bryant of Dixfield, Clough of Scarborough, Dorr of Camden, Duprey of Hampden, Hatch of Skowhegan, Richardson of Brunswick, Thomas of Orono
NAYS		0	
ABSENT		5	Rep. Michaud of Fort Kent, Rep. Morrison of Baileyville, Rep. Murphy of Kennebunk, Sen. Shorey of Washington, Sen. Youngblood of Penobscot

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Bruce N. Schatz of Augusta, for reappointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/Kevin L. Shorey
Senate Chair

S/John G. Richardson
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

LEGISLATIVE RECORD - SENATE, TUESDAY, JUNE 19, 2001

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#148)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, MARTIN, MCALEVEY, MITCHELL, O'GARA, SAVAGE, SHOREY, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: BROMLEY, CATHCART, DOUGLASS, GOLDTHWAIT, LEMONT, LONGLEY, MILLS, NUTTING, PENDLETON, RAND, ROTUNDO, SAWYER, SMALL

No Senator having voted in the affirmative and 22 Senators having voted in the negative, with 13 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Bruce N. Schatz** of Augusta, for reappointment to the Maine Educational Loan Authority was **CONFIRMED**.

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

The Following Communication: S.C. 371

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		75
Unanimous Reports	55	
Ought to Pass	2	
Ought to Pass as Amended	28	

Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	14
Carry Overs	4
Joint Study Orders	1
Joint Resolutions	1

Respectfully submitted,

S/Richard Kneeland Senate Chair
S/Linda Rogers McKee House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 372

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON BANKING AND
INSURANCE**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		104
Unanimous Reports	69	
Ought to Pass	3	
Ought to Pass as Amended	23	
Ought Not to Pass	42	
Referred to Another Committee	1	
Divided Reports	28	
Carry Overs	6	
Joint Resolutions	1	

Respectfully submitted,

S/Lloyd P. LaFountain, III Senate Chair
S/Christopher P. O'Neil House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 373

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills		90
Unanimous Reports	69	
Ought to Pass	6	
Ought to Pass as Amended	30	
Ought Not to Pass	33	
Divided Reports	12	
Carry Overs	7	
Joint Study Orders	2	

Respectfully submitted,

S/Kevin L. Shorey S/John G. Richardson
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 374

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		131
Unanimous Reports	88	
Ought to Pass	7	
Ought to Pass as Amended	31	

Ought Not to Pass	47
Referred to Another Committee	3
Divided Reports	30
Carry Overs	9
Joint Study Orders	1
Bills Pursuant to Joint Order	1
Joint Resolutions	1
Returned Pursuant to SP 647	1

Respectfully submitted,

S/Betty Lou Mitchell S/Shirley K. Richard
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 375

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills		174
Unanimous Reports	127	
Ought to Pass	7	
Ought to Pass as Amended	51	
Ought Not to Pass	69	
Divided Reports	28	
Carry Overs	15	
Joint Study Orders	2	
Jointly Referred Bills	1	

Respectfully submitted,

S/Susan W. Longley S/Thomas J. Kane
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 376

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
INLAND FISHERIES AND WILDLIFE**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		88
Unanimous Reports	62	
Ought to Pass	5	
Ought to Pass as Amended	20	
Ought Not to Pass	36	
Referred to Another Committee	1	
Divided Reports	19	
Carry Overs	6	
Bills Pursuant to Joint Order	1	

Respectfully submitted,

S/David L. Carpenter S/Matthew Dunlap
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 377

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		119
Unanimous Reports	74	
Ought to Pass	4	
Ought to Pass as Amended	25	
Ought Not to Pass	44	

Referred to Another Committee	1	
Divided Reports		35
Carry Overs		9
Joint Study Orders		1

Respectfully submitted,

S/Betheda G. Edmonds S/George H. Bunker, Jr.
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 378

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills		127
Unanimous Reports	87	
Ought to Pass	3	
Ought to Pass as Amended	21	
Ought Not to Pass	63	
Divided Reports	30	
Carry Overs	4	
Bills Pursuant to Joint Order	4	
Joint Study Orders	1	
Joint Resolutions	1	

Respectfully submitted,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 379

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

LEGISLATIVE RECORD - SENATE, TUESDAY, JUNE 19, 2001

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		58
Unanimous Reports	41	
Ought to Pass	2	
Ought to Pass as Amended	19	
Ought Not to Pass	20	
Divided Reports	12	
Carry Overs	3	
Joint Study Orders	1	
Jointly Referred Bills	1	

Respectfully submitted,

S/Kenneth F. Lemont
Senate Chair

S/David G. Lemoine
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 380

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills		76
Unanimous Reports	64	
Ought to Pass	4	
Ought to Pass as Amended	30	
Ought Not to Pass	29	
Referred to Another Committee	1	
Divided Reports	4	
Carry Overs	3	
Bills Pursuant to Joint Order	3	

Joint Study Orders

2

Respectfully submitted,

S/John L. Martin
Senate Chair

S/Scott W. Cowger
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 381

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		93
Unanimous Reports	60	
Ought to Pass	5	
Ought to Pass as Amended	20	
Ought Not to Pass	35	
Divided Reports	24	
Carry Overs	6	
Bills Pursuant to Joint Order	3	

Respectfully submitted,

S/Peggy A. Pendleton
Senate Chair

S/Martha A. Bagley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 382

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		166
Unanimous Reports	149	
Ought to Pass	1	
Ought to Pass as Amended	32	
Ought Not to Pass	110	
Referred to Another Committee	6	
Divided Reports	10	
Carry Overs	4	
Bills Pursuant to Joint Order	3	

Respectfully submitted,

S/Kenneth T. Gagnon S/Bonnie Green
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 383

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

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		129
Unanimous Reports	112	
Ought to Pass	8	
Ought to Pass as Amended	45	
Ought Not to Pass	58	
Referred to Another Committee	1	
Divided Reports	11	
Carry Overs	2	
Joint Study Orders	2	
Joint Resolutions	1	
Jointly Referred Bills	1	

Respectfully submitted,

S/Christine R. Savage
Senate Chair

S/Charles D. Fisher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 384

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		58
Unanimous Reports	41	
Ought to Pass	1	
Ought to Pass as Amended	26	
Ought Not to Pass	14	
Divided Reports	11	
Carry Overs	4	
Joint Study Orders	2	

Respectfully submitted,

S/Norman K. Ferguson Jr.
Senate Chair

S/William R. Savage
House Chair

READ and ORDERED PLACED ON FILE.

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.

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

H.P. 416 L.D. 537

Had the same under consideration, and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator DOUGLASS of Androscoggin
Senator BROMLEY of Cumberland
Senator WOODCOCK of Franklin

On the part of the House:

Representative BOUFFARD of Lewiston
Representative DUNLAP of Old Town
Representative MENDROS of Lewiston

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

H.P. 728 L.D. 948

Had the same under consideration, and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator SAVAGE of Knox
Senator O'GARA of Cumberland
Senator GAGNON of Kennebec

On the part of the House:

Representative FISHER of Brewer
Representative BUNKER of Kossuth Township
Representative COLLINS of Wells

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 (6/18/01) Assigned matter:

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Health Data Organization Laws"

S.P. 395 L.D. 1310

Report - **Ought to Pass as Amended by Committee Amendment "B" (S-348)**

Tabled - June 18, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In Senate June 18, 2001, Report **READ**.)
Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-348) **READ**.

On motion by Senator **RAND** of Cumberland, Senate Amendment "B" (S-362) to Committee Amendment "B" (S-348) **READ** and **ADOPTED**.

Committee Amendment "B" (S-348) as Amended by Senate Amendment "B" (S-362) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-348) AS AMENDED BY SENATE AMENDMENT "B" (S-362)** thereto.

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

RECESSED until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

Senator **PENDLETON** of Cumberland requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 655 L.D. 855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-725)**.

Signed:

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741)** thereto.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report, in concurrence

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This has been an interesting process which has resulted, I think, in a reasonable Part II Budget for the state. It was the result of significant compromise. I first want to offer again my sincere thanks to my colleagues on the Appropriations Committee, both from this and the other body, for the tremendous job they did trying to put this budget together, and particularly for the members of the Minority Report, who worked long and hard to avoid reaching an impasse where they felt necessary to take out that report. I want all of you to know that was not done lightly. It was not done with an attitude of just posturing to have their say. They worked very, very hard to reach a unanimous agreement. When we could not do that, we parted friends. I think, though, the Majority Report is by far the better of the proposals. It does cover a lot of the very unglamorous aspects of state government. Repair and maintenance of buildings, additional items required to meet the terms of the consent decree at AMHI, items that probably, if any of us were to construct a budget alone, they would not be the kinds of more interesting program expenditures that we might like to make, or in fact, property tax relief that we might like to make. But they are, indeed, part of our responsibility for the oversight of state government and those items are in there. It also includes, as you all well know, the combined efforts of groups that worked on what the additional spending package, in terms of tabled bills, would be. Some other one-time spending from one-time sources. It still avoids some of the deeper cuts that we had been concerned about in earlier discussions on the budget. For instance, we have continued to preserve a significant amount for funding for the Fund For A Healthy Maine programs, etc. With that, I would urge you to support the Majority Report.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-724) **READ.**

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **READ**.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **RAND:** What does House Amendment "I" (H-740) do? To anybody who cares to answer.

THE PRESIDENT: The Senator from Cumberland, Senator Rand has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. Amendment "I" does two things. The first is a small technical correction. The more substantive one is that it removes a portion of L.D. 855 as amended. That portion being a bill that is currently tabled in the Senate regarding the alteration of fines through the Clean Election Campaign Program. Since that is a bill currently under consideration in the Senate, it is not necessary to include it in this document.

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

Senator **DOUGLASS:** Mr. President, point of order. I would like to pose a question.

THE PRESIDENT: The Senator may pose her question.

Senator **DOUGLASS:** Because the House Amendment H-740 does not appear to delete the provision that I understand to be at issue, which is quadruple T, I wonder if there might be a further recess to discover whether that is, in fact, a correct amendment?

THE PRESIDENT: The Senator from Androscoggin, Senator Douglass has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President. I'll endeavor to respond to the question from the good Senator from Androscoggin, Senator Douglass. My understanding is that this amendment would conflict with some members of the legislature's ability to consider voting on the budget and that perhaps it would be a better tool to put in L.D. 1809, which encompasses the changes that are sought to be removed here, as a free standing bill and have it considered in that context rather than put members in jeopardy of having to defer from voting at all on this very important bill because of the limited nature of their conflict. Thank you.

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **ADOPTED**, in concurrence.

House Amendment "J" (H-741) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Penobscot, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) **READ**.

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

Senator **MITCHELL:** Thank you, Mr. President, women and men of the Senate. This amendment amends the laws governing the General Purpose Aid to local school programs. It is my understanding that the state policy rational behind the current law is from both a student equity and a taxpayer equity prospective. A local school unit must raise its full share of the foundation allocation in order to receive the full state share of the foundation allocation, otherwise students and taxpayers of those school units that do make the required local effort will be unfairly disadvantaged by those school units that do not make the required local effort. What this does is, this provides some protections to those small rural school units who do not have the capacity to raise the required local share of the foundation allocation. It is going to provide some degree of local control over school budgets. It is going to set clear expectations for local school units for the next 2 fiscal years, regardless of the final legislative appropriation for GPA. It will establish mill-rates that approximate the estimated state wide local share of the foundation allocation divided by the state valuation. So what happens, the amendment will limit the reduction and the state's share of the foundation allocation for each school administrative unit that raises its local share of the foundation allocation if the administrative unit has raised 9 mills in fiscal year 01-02 and 10 mills in fiscal year 02-03. I would ask your support on this amendment and I would ask for a division.

Senator **MITCHELL** of Penobscot requested a Division.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) 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. Whatever amendments may be offered to this budget at this point, unfortunately, regardless of their merit, it is a difficult thing to accommodate changes in a package that has been many weeks in construction. At the risk of upsetting, what is now an extremely fragile balance on a budget that, in the best case, could be completed in the next two to three days, I would urge you to vote in favor of the pending motion to Indefinitely Postpone this amendment.

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

Senator **MILLS:** Mr. President and men and women of the Senate. Not merely out of committee loyalty but also on the merits, I would ask you to join with the Senator from Hancock, Senator Goldthwait, in supporting the pending motion and defeating the amendment. In simple terms, in order to participate in receiving funds under our school funding formula, there is a certain amount of local effort that is required of our school districts. If memory serves me, the average amount of money raised in the State of Maine for school funding is around 11 mills. We have many towns, some of them very poor, some of them very rural, some of them not so, that raise as much as 12, 13, or 14 mills to support their local schools. We have other towns more fortunate. In some cases they can get by with raising 5 mills. The entire northern woods, the unorganized territory, is a school district in itself and it has a mill rate of 5 for education for about 1,200 kids. But under the school funding formula, we do have some schools that raise 8 or 9 mills and I think the intent of the current budget bill, that is the current formula that the Education Committee has supplied to us, in order to get your full funding under the formula, you would have to raise, I think, something like 9.5 or 10 mills, which is slightly below the state's average. But there is an implied contract here. That is, on the one hand, if the state agrees to support local education, but on the other hand, we must have the commitment of the local district, no matter how poor it may be, to raise funds in accordance with its capacity. As I understand the intent of the amendment that lies before you, it would lower the standard somewhat so that instead of having to raise 9.5 or 10 mills as your local effort, you might get by with only raising 9 mills and still get the same distribution under the school funding formula. The Education Committee has considered this in great depth, I believe they have a unanimous report behind the formula that is presently the foundation of our budget, and I think to readjust the formula on the floor would be a mistake. I recommend that the committee, itself, consider this issue during its summer deliberations and during the deliberations next January. If there should be some need to lower the required local contribution, it might best be done within the Education Committee at this juncture. I appreciate that there are some towns that have difficulty in raising 9.5, 10, or 11 mills to participate fully in our school funding formula, but there must be some threshold standard. At this juncture I'm prepared to defer to the unanimous report from the Education Committee, and I might add, to the decision of the Appropriations Committee to include that in this budget at that level. For that reason, I ask you to join in voting for the presently pending motion to Indefinitely Postpone the amendment. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President, ladies and gentlemen of the Senate. To just explain or clarify the statements that have been made. What we are doing is we're saying the towns and the school districts that have recognized what the state established rate is of mills that they should raise and have raised that. That is why we're saying over 9 in 01-02 and over 10 in 02-03. They've given the concerted effort to raise the mills that high. So we're not going to penalize them by taking

away some of their local share. However, there are many, many, as we know when we protected the tier-two towns whose mill rates are down into 4, 5, 6, and 7, who do still get their full appropriations. What it is trying to do is protect the school units who are getting over the 9 for their share and over 10 next year in the mills. However, we do have a committee that is working this summer and they are going to be working on the formula and they are going to be addressing the needs for a formula that will work with essential programs and services. However, because the budget is being considered, this doesn't add or take away money, it just tries to protect these schools that will be involved before the results of this summers work and the formula goes into effect for next years budget. So I would ask you to join me in voting against the Indefinite Postponement. Thank you.

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

Senator **ROTUNDO:** Thank you, Mr. President, men and women of the Senate. The Education Committee will be studying this issue this summer and I hope you will join me in voting to Indefinitely Postpone this amendment. The funding formula is enormously complicated. I am very nervous to think that we might, without any deliberation and study, change the funding formula in this vote today. So please join me in voting to Indefinite Postpone.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724), **PREVAILED**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-724) as Amended by House Amendments "I" (H-740) and "J" (H-741) thereto, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1380

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF COMMERCE AND THE UNITED STATES SECRETARY OF THE INTERIOR NOT TO DRILL FOR OIL OR NATURAL GAS ON GEORGES BANK

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior, as follows:

WHEREAS, the area off the coast of New England between Cape Cod and Nova Scotia, known as Georges Bank, is one of the best fishing locations in the world, with bountiful populations of lobster and fish, and supports a fishing industry integral to the economies and lifestyles within the United States, Canada and other nations; and

WHEREAS, for over 20 years the United States Government has banned drilling for oil and natural gas on Georges Bank and the fishing industries, private enterprises, environmentalists and the government have long cooperated to preserve the natural abundance of that area; and

WHEREAS, the Congress of the United States has approved one-year moratoriums on drilling since 1982 and former President George Bush and former President William Clinton each issued administrative orders to prohibit coastal drilling until at least 2012; and

WHEREAS, it has recently been suggested that the ban on drilling on Georges Bank be reconsidered in order to find potential oil and gas deposits; and

WHEREAS, lifting this ban has been opposed by Maine's entire congressional delegation as well as all 5 of New England's Republican United States Senators, scientists, environmentalists and the business and tourist communities; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior support the current ban on drilling on Georges Bank, as did the President's predecessors, and listen to the people of the area who do not want drilling to occur and who wish to not risk any damage to the most vital fishing bank in the world; 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 United States Secretary of Commerce and the United States Secretary of the Interior and to each Member of the Maine Congressional Delegation and the Governor of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

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:

Emergency Measure

An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species

S.P. 630 L.D. 1812
(H "C" H-694; H "D" H-696; H "E" H-700)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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

The Chair laid before the Senate the following Tabled and Later (6/7/01) Assigned matter:

An Act Related to the Suspension of Property Tax Abatement Appeals When the Taxpayer is Delinquent in Paying Taxes
H.P. 1367 L.D. 1824

Tabled - June 7, 2001, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2001, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 6, 2001, **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.

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.

Off Record Remarks

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.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MILLS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,250,000 to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment, to Construct Environmentally Sound Water Sources that Help Avoid Drought Damage to Crops, and to Recapitalize the Potato Market Improvement Fund"
S.P. 493 L.D. 1582

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-359)**.

Report **READ**.

President Pro Tem **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

At the request of Senator **RAND** of Cumberland a Division was had. 27 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by President Pro Tem **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Sent down for concurrence.

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

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Capital Expenses for Applied Technology Centers and Regions"
S.P. 437 L.D. 1439

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-352)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:
BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
BELANGER of Caribou

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

Signed:

Senator:
MILLS of Somerset

Representatives:
NASS of Acton
WINSOR of Norway
ROSEN of Bucksport

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **DAGGETT** 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 (#149)

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

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

ABSENT: Senator: LONGLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-352) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-352)**.

Sent down for concurrence.

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

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State"

S.P. 438 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-353)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

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

Signed:

Senator:
MILLS of Somerset

Representatives:
BERRY of Livermore
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **DAGGETT** 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 (#150)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-353) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-353)**.

Sent down for concurrence.

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

Senate

Divided Report

8 members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Address the Affordable Housing Crisis in the State"

S.P. 506 L.D. 1593

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-354)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

2 members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-355)**.

Signed:

Representatives:

NASS of Acton
ROSEN of Bucksport

1 member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-356)**.

Signed:

Senator:

MILLS of Somerset

2 members of the same Committee on the same subject reported in Report "D" that the same **Ought Not to Pass**.

Signed:

Representatives:

WINSOR of Norway
BELANGER of Caribou

Reports **READ**.

Senator GOLDTHWAIT of Hancock moved the Senate **ACCEPT** Report "A", **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354)**.

The Chair ordered a Division. 14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator GOLDTHWAIT of Hancock to **ACCEPT** Report "A", **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354)**, **FAILED**.

On motion by Senator MILLS of Somerset, Report "C", **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-356) ACCEPTED**.

READ ONCE.

Committee Amendment "C" (S-356) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-356)**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 655 L.D. 855

Tabled - June 19, 2001, by Senator DAGGETT of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741)** thereto, in concurrence

(In House, June 19, 2001, the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741)** thereto.)

(In Senate, June 19, 2001, Reports **READ**. On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-724) **READ**. House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence. House Amendment "J" (H-741) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence. On motion by Senator **MITCHELL** of Penobscot, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) **READ**. On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) **INDEFINITELY POSTPONED**.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "D" (S-367) to Committee Amendment "A" (H-724) **READ**.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I think that the Appropriations Committee has done an admirable job of pulling this together with all of the things that they had to face with the shared power arrangement and working with both sides of the hall. There is one issue that I have continued to fight for as Chair of the Taxation Committee and that is property tax relief. You note, Mr. President, that I had two amendments, the last delay of course was not mine, I'd like to point out. I'm presenting a second amendment. In looking at the amendment and wanting to continue revenue sharing beyond a 6 month period, which the current budget does. The current budget would allow an increase in the percent in revenue sharing to go from 5.1% to 5.2% in the last half of the second biennium of this budget. Then there would be a sunset. There is a sunset in the current budget that would then remove that and move it back to 5.1%. So what we would be doing is providing an increase for just a 6 month period, which troubled me a great deal. In looking at the amendment, I found that the original amendment, I thought that the amounts in the out-years were too high. In fact, I was correct when I asked Fiscal and Program Review to look at it again. We save \$1.6 million in the out-years because of a miscalculation. We also discovered that there was a miscalculation on the revenue sharing amounts that were in this current budget to the tune of about \$454,000 in this budget. The difference between my two amendments is that Amendment "C" would have spent that money in revenue sharing in this biennial budget and then remove the sunset. Instead I choose to present Amendment "D". I will not be presenting Amendment "C". I am asking all of you if we can just lift the sunset, leaving the \$454,000 for anyone here to spend if they can get the votes for it. I can see that there is an amendment for cold case homicides, which is fine with me, for some of that money.

Let me go back a little bit on revenue sharing. What I think you are receiving here is a copy of the legislative bulletin put out by MMA on June 8th. You all received this, but I want to bring it to your attention again. The cover sheet shows the various mill-rates that occur throughout the State of Maine. What you have here is the municipal boundaries of the various towns running from Fairfield down through southern Maine with the respective mill-rates, which I think might be a year or two old at this point, so don't be too concerned if it's off. I'd ask you to take a look at

some of the central areas. For example, what I believe is the Lewiston/Auburn area down in the middle here, 26.47, 25.83. Once again, if you travel a short distance, you're going to be at 12.31 or 14.15. Easy commuting distance for anyone who would be working in those cities and be paying more than 10 mills less in property taxes. A thousand dollars less a year on a \$100,000 home. Think, if you might, about our income tax rates. There are different rates and they are progressive regardless of where you live and where you reside in the State of Maine. But think for a moment that if we had different income tax rates for the people of the State of Maine based on which side of the line you happened to live on. If you live on this side of the line, your income tax rate might be 8%. If you live across the street in this other municipality, then we're going to charge you 10 points more. There would be a revolution. And I would suggest that there has been a revolution about property taxes. We've been hearing about it because of GPA funding. We've been hearing about it because of property tax rates in some of service centers and distressed communities. Last year, when I was in the other body, I was fortunate enough to Chair the Taxation Committee from that side. We worked particularly hard on trying to improve this situation. We took something that had always been sacred to municipalities, which is the revenue sharing equation, which probably very few of you know what that is, you don't hear the controversy as you do with GPA, it's just a revenue sharing equation that has been so successful for large communities and small communities. But we dared to open up that equation to see how we might go after these higher mill-rate towns, these towns that are really suffering. We eventually created a second tier of revenue sharing that was acceptable to the municipalities, and in fact, received a unanimous committee report in the 119th and was passed and was funded with one-time money. The reason why municipalities got on board with this, even though some municipalities actually would receive less money, was because they understood that there was a problem with their service centers that they are close to. But they wanted two things. They wanted to make sure we preserved revenue sharing, the standard revenue sharing pool which became known as revenue sharing one, and make sure that that would continue to increase over a period of time. We wanted to make sure that the share between what the state pulls in in revenues from the people of the State of Maine would increase from 5.1% to some higher number. The goal had been 5.5%. I put a bill in this year to increase it to 5.5%. It sat on the table in the House for quite some time. It eventually got passed. In trying to make this work, I and others who this is important to, found that we could negotiate that down to 5.1% as a start. Then we negotiated it to not start for the entire budget, just the last half of the second year. It wasn't the money that was as important to me as the percent increase. My feeling about revenue sharing and the reason why I've been so passionate about this issue that seems to carry very little passion is that the state has done very well overall economically. But we haven't been able to share more of that with our partners at the municipal level. People look at taxes and they know they have to pay them. They have to pay property taxes. They have to pay those boat fees, those car fees, excise tax, sales tax, income tax, and the feds. In fact, I think most people who talk to you, your constituents, just see it as the government. It doesn't really matter. So while we have been up here providing tax relief, most of which I'm very proud of, in the past years and creating some new programs, extending some programs, we haven't shared a greater percent of our good fortune with municipalities. Sure, they've always gotten 5.1% and

that has been their share, but we haven't increased that. So with the increase in revenue sharing just from growth, and people might say that's enough, that's only 5.1%. The General Fund is getting the rest of it. I think we owe it to our municipalities, our partners at the local level, to provide greater assistance. That is what I've been striving to do. I've worked very hard to try to get the fiscal note in the out-years down. This amendment costs nothing in this budget, in fact, this amendment finds additional money that I don't know would have been found before we got out of here. So I hope that you can support me and Senate Amendment "D".

I would like to add that on the map that you received, you'll notice on the upper right hand corner there is a small little sliver of a city that doesn't have a figure in there, I'm not sure why it was left out. That is the City of Waterville. Last week the mayor of that good city passed a budget that brings taxes up to 25.4 mills for the City of Waterville. The City of Waterville has also seen a decrease in the population by almost 200,000 people in the last census. The mayor then had to, because there was an increase of .4 mills, stave off a recall of that budget by certain councilors who were dissatisfied with the budget despite the fact that education took a hit of over \$100,000 in that budget. They are not spendthrifts up there, I can assure you. I was on the City Council once. This is important to people. It's important to the folks who are trying to pay their property taxes. They can't do it and are generally elderly, and give up. They put their houses on the market and often times go into subsidized housing. Tax exempt subsidized housing. Same city.

Somebody suggested revenue sharing two, rev-two, or whatever we called it, needed a different name because it doesn't really sell. I've tried to get press. I've tried to talk to you whenever I can. I've become a real pest, I'm sure, to many of you, particularly to my leaders. But I hope that we can see an increase in revenue sharing, this small amount, and continue it and don't make it just a joke that will stop after 6 months after being implemented. Thank you, Mr. President.

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

Senator DAGGETT: Thank you, Mr. President, members of the Senate. I don't want to extend the discussion on this because I'm sure we're all aware of the concerns across the state on property taxes. I have heard the issue of property taxes since I first ran for the legislature some time ago. It seems that if we are going to continue to keep taxing authority completely within state government, we need to be willing to provide support at the local level for what needs to be done there since they are our partners in managing the affairs of the people of this state. So I do encourage the support of this amendment and am pleased to have the opportunity to vote for it.

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

Senator GOLDTHWAIT: Thank you, Mr. President, ladies and gentlemen of the Senate. Parenthetically, I'd just like to comment on the reference to a miscalculation in the figures that we produced regarding some aspects of the budget. That is quite correct. But it reminded me to take the opportunity to say that if there are heroes in this building, they dwell in the Office of Fiscal and Program Review and the Revisors Office. They have done extraordinary work. They have produced a budget in a

remarkably short amount of time, which meant them literally staying here day and night to do so. Not only that, coming back in the next morning, after very few hours of sleep, and starting to draft all of your amendments. So I am not at all surprised to find that there have been a few miscalculations. It is only amazing to me that there are not hundreds more. But they have worked with great care and diligence beyond what most of us understand and always with a smile. I wanted to let you know that and convey, by way of this statement, my heartfelt thanks to them. It's been a privilege and an honor to get to know them and to work with them and to have depended on them entirely to get this novice through a very difficult process.

It doesn't take personal consultation with the Senator from Kennebec, Senator Gagnon, to know that this issue is his mission. As all of us, we each pick out our little piece of work that we're trying to do and drive that. Frankly, that is what makes the legislature come together as a whole to provide, I think, those parts and pieces that make a good budget and good approach to the work we do in Augusta. As for the balance of that now found money, we could let that rest. It won't go away if we just let it sit there, quietly. I know there is a member of the other body who is missing an aglet and it would be about 15¢ appropriation to replace that for him. So with that possible exception, I would say that that balance ought to sit where it is and add to any balance forward we have from this budget so that we are better prepared to deal with what we'll be facing in the winter. Without any personal offense taken, I hope, and in the time honored traditions of the Appropriations Chairs regarding budget amendments, I would move Indefinite Postponement of this Senate Amendment "D".

Senator GOLDTHWAIT of Hancock moved Senate Amendment "D" (S-367) to Committee Amendment "A" (H-724) be **INDEFINITELY POSTPONED.**

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

Senator MILLS: Mr. President, I don't know where my time honored status leaves me, although I think I'm inclined to vote against the chair's motion and support the Senator from Kennebec, Senator Gagnon, if for no other reason than the fact that I think that this amendment has been fairly well vetted around the chamber and I think at this juncture we are released to vote our consciences on this matter. In my father's law office, as I may have told some of you, there are some town reports going back to the Civil War for the Town of Farmington. In reading the mill rate, the reports of property assessments, I find that the mill rate in those days was about the same as it is today. Property tax really hasn't changed much in terms of its amount per thousand over the last 140 years. The odd difference is that the Town of Farmington was contributing about 4 mills per year to the State of Maine to support state government out of the roughly 16 or 17 it was collecting. Now, they collect 16 or 17 from their citizens and they could not survive were it not for some, I'll take a wild guess and suggest to you, either 8 or 10 mills, on average, supplied by the state. The combination of revenue sharing, which supplies a little over a \$100 million a year to our city and town governments, and much more significantly, school funding, which is 8 times bigger than revenue sharing, some \$800 or \$900 million a year, including teacher pensions. Then, of course, there is road assistance for another \$40 or \$50 million. If you add it up, we are collecting for the benefit of the towns well over a billion

dollars a year. We're actually nothing more than fiscal agents. Half of our budget, in round numbers, almost half of our budget is in the form of acting as a fiscal agent to collect money to filter back to the communities. As many of you know, I have been saying for the last 7 years that we're not doing a very good job of allocating that money to solve some of the problems at the municipal level. Even more significantly, we continue to treat our towns like children. They have fiscal discretion over a single two digit number. They have no power, frankly, to decide what the value is of their own property. We help to decide that for them. They collect a fair amount of money, between 5% and 10% of their revenue comes from vehicle excise taxes. But we set the rate. The rate is set by Maine statute at around 24 mills. If they are lucky enough to attract a general contractor with lots of neat new trucks, they collect a lot in excise taxes. If they don't, they don't. It's all by chance what they collect on the vehicle excise tax. What they collect on the property tax, what they have for value to tax is almost entirely by chance. What they have to set is the rate at which it shall be taxed. Just an odd straight-jacket that we have left our communities in. It's bizarre. The property tax hasn't changed really since 1820. It is essentially what it was 181 years ago. Revenue sharing two is an interesting gesture in the right direction, perhaps. When I served on the Tax Committee 5 or 6 years ago, they began toying with the idea and I was attracted to it. I must say that the thought that I've always had about revenue sharing two is that it ought to be used as a trade off for some of these grotesque distortions of the school funding formula that arise from the never ending cushioning for cities, towns, service centers, small towns, and all of these people that seem to have trouble with the amount of money that is being allocated to them out of the \$800 million pie that we distribute and call school funding. I also thought that it would be interesting to see if some of the wealthy towns would be willing to relinquish a little bit of revenue sharing in exchange for distributing it more intelligently to the service center communities. I note, with some disappointment, that this amendment will not do that. It will simply take more money from the sales tax and taxes on wages, in order words taxes on consumption, taxes on wages and labor. They will continue taxing those sources until they are strapped and give a little more money back to the towns rather than redistributing in some way the burden of the property tax itself. We have some towns and regions in our state that simply do not have a property tax problem. They don't. They don't deserve one nickel of revenue, it isn't that they don't deserve it, they don't need one nickel of revenue sharing from this state. They don't need a nickel of school funding, and most of the towns I'm talking about don't review anything very much by way of school funding though they do receive all of their teacher pension funding. It is completely paid for by this institution. I never have understood that. There are grotesque imbalances in the way in which we distribute money back to the towns. Make no mistake about it, 50% of what we do up here is raise money for towns. We deliver it back to them in some of the oddest and most distorted ways that you can imagine. Revenue sharing two is a gesture in the right direction. That is why I will be supporting the good Senator from Kennebec, Senator Gagnon.

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

Senator **CATHCART:** Thank you, Mr. President, women and men of the Senate. I rise also to say that I am going to vote against the Indefinite Postponement of this amendment.

Revenue sharing two is something that I have supported since the idea came up. I think it benefits those towns that are really struggling with high property taxes and some of those towns are in my district. We have to do more for our towns. We are doing everything that we can for the schools but the costs are going up, up, up. I say this with all due respect to my committee; I don't like to go against them. I was very pleased to learn that there had been an error made and that doing this will not cost what we feared it would to the structural gap. Therefore, I feel that it is okay for me to support something that I really feel very deeply about. Thank you, Mr. President.

On motion by Senator **ROTUNDO** of Androscoggin, 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 (#151)

YEAS: Senator: **GOLDTHWAIT**

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

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-367) to Committee Amendment "A" (H-724), **FAILED**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "D" (S-367) to Committee Amendment "A" (H-724) **ADOPTED**.

On motion by President Pro Tem **BENNETT** of Oxford, Senate Amendment "E" (S-368) to Committee Amendment "A" (H-724) **READ**.

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 am grateful for the advertising reference of my Senate Amendment "E" during the debate on the previous motion. I present Senate Amendment "E" with great sincerity. This amendment would provide a very modest amount of money, \$169,000 over the course of the biennium, for a very important cause. It is with reluctance that I bring it before you. It is because of an error that it was not included in the budget. I do not cast any aspersions about the cause of the error. This is a very important issue for many on my side of the aisle. It's important that it be included in the budget. All it does is provide

one position just to provide a little hope to families who are dealing with wrenching issues of homicides in their families that are unsolved. The hope is that there will be a squad of one person at the Department of Public Safety that will be able to take a look at what they call these cold case homicides, and in so doing, will perhaps find a solution from time to time of these most heinous of personal tragedies and help bring closure to these people across the state. There are others who can speak more eloquently to the substance of the amendment. I do believe that, both because this was an error and that it was not included in the budget and also because of the very modest nature of the appropriation and its significant importance to people around the state, you will support this amendment. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. I will point out that I believe that this was also the first priority recommendation of the Criminal Justice Committee and indeed, as President Pro Tem Bennett of Oxford, mentions it appeared at one time on the list and then vanished rather mysteriously. Nevertheless, having said that, I move for Indefinite Postponement of Senate Amendment "E".

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "E" (S-368) to Committee Amendment "A" (H-724) be **INDEFINITELY POSTPONED.**

On motion by Senator **LONGLEY** of Waldo, 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 (#152)

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

2 Senators having voted in the affirmative and 33 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-368) to Committee Amendment "A" (H-724), **FAILED.**

On motion by President Pro Tem **BENNETT** of Oxford, Senate Amendment "E" (S-368) to Committee Amendment "A" (H-724) **ADOPTED.**

Committee Amendment "A" (H-724) as Amended by House Amendments "I" (H-740) and "J" (H-741) and Senate Amendments "D" (S-367) and "E" (S-368) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741) AND SENATE AMENDMENTS "D" (S-367) AND "E" (S-368)** 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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies, General Renovation Needs and Learning Space Upgrades"

S.P. 549 L.D. 1707
(C "B" S-358)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-357)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-358)** (5 members)

In Senate, June 18, 2001, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358).**

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)**, in **NON-CONCURRENCE.**

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **ADHERED.**

(See action later today.)

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 Create the Maine Health Data Processing Center
H.P. 980 L.D. 1304
(C "B" H-723)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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

The Chair laid before the Senate the following Tabled and Later (6/13/01) Assigned matter:

Bill, "An Act to Amend the Maine Clean Election Laws"
S.P. 553 L.D. 1711

Tabled - June 13, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-308)**

(In Senate, June 4, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308).**)

(In House, June 6, 2001, **PASSED TO BE ENACTED.**)

(In Senate, June 13, 2001, on motion by President Pro Tem **BENNETT** of Oxford, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**. On further motion by same Senator, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (S-308).**)

Committee Amendment "A" (S-308) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308), in concurrence.

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

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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

RECESSED until 8:00 in the evening.

After Recess

Senate called to order by the President.

President Pro Tem **BENNETT** of Oxford moved the Senate extend until 9:30 p.m., pursuant to Senate Rule 514.

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 **CRIMINAL JUSTICE** on Bill "An Act Providing Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees" (EMERGENCY)

H.P. 1368 L.D. 1825

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-743)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-743)**.

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

READ ONCE.

Committee Amendment "A" (H-743) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-743)**, in concurrence.

Under suspension of the Rules, 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

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

S.P. 231 L.D. 796

Had the same under consideration, and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator YOUNGBLOOD of Penobscot
Senator MILLS of Somerset
Senator DAGGETT of Kennebec

On the part of the House:

Representative McDONOUGH of Portland
Representative TWOMEY of Biddeford
Representative TOBIN of Windham

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining" (EMERGENCY)

H.P. 1381 L.D. 1829

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

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State"

S.P. 438 L.D. 1440
(C "A" S-353)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-353)** (7 members)

Minority - **Ought Not to Pass** (6 members)

In Senate, June 19, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-353)**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECEDED**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/18/01) Assigned matter:

Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act"

H.P. 1352 L.D. 1809
(S "A" S-349 to C "A" H-718)

Tabled - June 18, 2001 by Senator **DAGGETT** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718) AS AMENDED BY SENATE AMENDMENT "A" (S-349) thereto, in NON-CONCURRENCE**

(In House, June 13, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718).**)

(In Senate June 18, 2001, Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" **READ.** On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "A" (S-349) to Committee Amendment "A" (H-718) **READ** and **ADOPTED.** Committee Amendment "A" (H-718) as Amended by Senate Amendment "A" (S-349) thereto, **ADOPTED, in NON-CONCURRENCE. RULES SUSPENDED, READ SECOND TIME.**)

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-718) as Amended by Senate Amendment "A" (S-349) thereto, in **NON-CONCURRENCE.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-349) to Committee Amendment "A" (H-718).

On further motion by same Senator, Senate Amendment "A" (S-349) to Committee Amendment "A" (H-718) **INDEFINITELY POSTPONED.**

On further motion by same Senator, Senate Amendment "B" (S-363) to Committee Amendment "A" (H-718) **READ** and **ADOPTED.**

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

Senator **DOUGLASS:** If I may briefly explain to the Senate that this amendment simply takes money out of the Clean Election Fund as opposed to the General Fund.

On motion Senator **DOUGLASS** of Androscoggin, Senate Amendment "B" (S-363) to Committee Amendment "A" (H-718) **READ** and **ADOPTED.**

On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "C" (S-370) to Committee Amendment "A" (H-718) **READ.**

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

Senator **WOODCOCK:** Thank you, Mr. President, ladies and gentlemen of the Senate. This amendment is a housekeeping amendment. There was the concern by many people that the public did not have a fairly stabilized role in the establishment of the Commission members for the Clean Elections and Ethics Commission. This new amendment seeks to address that concern by allowing the public to have input in the Commission process. In addition to that, it does, at some point in the process, allow for the nominations of members of that Commission to be selected by the Governor from a pool of qualified applicants submitted by each party and each caucus of that party. I present this amendment. Thank you very much, Mr. President.

On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "C" (S-370) to Committee Amendment "A" (H-718) **ADOPTED.**

Committee Amendment "A" (H-718) as Amended by Senate Amendments "B" (S-363) and "C" (S-370) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718) AS AMENDED BY SENATE AMENDMENTS "B" (S-363) AND "C" (S-370) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

Under suspension of the Rules, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$17,200,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Remediate Municipal Solid Waste Landfills, to Clean up Tire Stockpiles, to Make Drinking Water System Improvements and to Develop Municipal Digital Data Layers and Maps"

H.P. 1222 L.D. 1663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-727).**

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-728)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-745)** thereto.

Reports **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-727) **READ**.

House Amendment "A" (H-745) to Committee Amendment "A" (H-727) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-727) as Amended by House Amendment "A" (H-745) 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-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-745)** thereto, in concurrence.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby it **ADHERED** on the following:

SENATE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies, General Renovation Needs and Learning Space Upgrades"

S.P. 549 L.D. 1707
(C "B" S-358)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-357)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-358)** (5 members)

(In Senate, June 18, 2001, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)**.)

(In House, June 19, 2001, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)**, in **NON-CONCURRENCE**.)

(In Senate, June 19, 2001, on motion by President Pro Tem **BENNETT** of Oxford, **ADHERED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **ADHERED**.

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 Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

S.P. 422 L.D. 1378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-350)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-351).**

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Reports **READ.**

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-350) **READ.**

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "A" (S-373) to Committee Amendment "A" (S-350) **READ.**

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

Senator **SMALL:** Thank you, Mr. President. This amendment, I think, reflects the priorities of the University System. When we asked them to try to pare down the numbers a little bit, they gave us what they considered to be their priorities. We have not only funding for the University System, but Maine Maritime Academy, the Technical Colleges, and there is also something in here for the K-Tech Center in Kathadin as well. So we've tried to pare this down and find something that would have a broad representation across the state and hopefully broad support when the bond goes out to the people at the next election. So I hope the body will adopt the amendment. Thank you.

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "A" (S-373) to Committee Amendment "A" (S-350) **ADOPTED.**

Committee Amendment "A" (S-350) as Amended by Senate Amendment "A" (S-373) **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373).**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **FERGUSON** of Oxford, **ADJOURNED** to Wednesday, June 20, 2001, at 9:30 in the morning.