

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature
State of Maine

Daily Edition

Second Regular Session
January 2, 2008 to March 31, 2008

Pages 1320 - 1759

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

In Senate Chamber
Thursday
March 27, 2008

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

Prayer by Senator Debra D. Plowman of Penobscot County.

SENATOR PLOWMAN: Good morning. I was very pleased to be asked, on this day of all days, to say the prayer because 95 years ago today the most important person in my life was born and that was my grandmother. My grandmother taught me a lot. The first three things she taught me was just because you can do a thing, perhaps you shouldn't. The second was busy women get things done. And the third one was handsome is as handsome does. I've been able to use all three of those things here. She also taught us that on the day she died and we all got together, all 14 grandchildren thought that we were her favorite because she loved us all unbelievably and that's the way God loves us. I would just like to offer a prayer asking Him to continue that, so if you will bow your heads.

Good morning Lord. We present ourselves before you today. We know that you love us no matter what and that we are not perfect and you don't expect us to be perfect. You offered Your Son up for us. We have received great gifts from You and we continue to ask for Your blessings and to know that as we go forward we can count on arriving in heaven knowing that we were one of Your favorites no matter what. Amen.

Reading of the Journal of Wednesday, March 26, 2008.

Doctor of the day, Steve Feder, DO of Boothbay Harbor.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1642

**JOINT RESOLUTION ENCOURAGING THE USE
OF REUSABLE SHOPPING BAGS**

WHEREAS, in the future, establishing new landfill space will face increased technical and political siting challenges; and

WHEREAS, government oversight of solid waste management operations has become more costly to taxpayers; and

WHEREAS, public frustration has increased with nuisances regarding odor, truck traffic and litter and concern over groundwater contamination and emissions from garbage incineration; and

WHEREAS, the long-standing goal of the State of Maine to achieve a 50% recycling rate has yet to be met; and

WHEREAS, less than 5% of disposable plastic shopping bags are recycled, despite Maine's recycling laws, resulting in nearly 300 million bags dumped in landfills and incinerated or littered on Maine's highways and roads, in Maine's rivers, lakes and streams and along the seacoast; and

WHEREAS, disposable plastic shopping bags do not biodegrade and can remain in landfills for as long as 1,000 years; and

WHEREAS, the manufacture and transportation of disposable plastic shopping bags consume approximately 12 million barrels of oil each year in the United States; and

WHEREAS, countries, states and cities around the world recognize the problems posed by the billions of disposable shopping bags entering the waste stream or littering the land and waters in their jurisdictions; and

WHEREAS, governments around the world seek to reduce the unnecessary consumption of oil that is costly and ever more difficult to obtain; and

WHEREAS, the manufacture and incineration of disposable plastic shopping bags contribute to increased greenhouse gases; and

WHEREAS, the State of Maine's climate action plan seeks to reduce greenhouse gases to 1990 levels by 2010; and

WHEREAS, Maine retailers can enjoy significant savings on the cost of disposable shopping bags from customers supplying reusable shopping bags; and

WHEREAS, it is important to express appreciation for efforts by grocery stores to provide low-cost, long-lasting reusable shopping bags, which are now readily available at stores throughout Maine; and

WHEREAS, Maine's citizens are continuing to demonstrate support for common-sense, responsible conservation measures and environmental protection policies; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express that we support voluntary, nonregulatory

approaches to achieving goals in the public interest and that in recognition of Earth Day, April 22, 2008, we urge Maine citizen support for the statewide Earth Day goal that at least 50% of Maine's grocery store customers bring their own reusable shopping bags to grocery stores across Maine; and be it further

RESOLVED: That We urge Governor John E. Baldacci and appropriate administrative departments to facilitate public education about the benefits of reusable shopping bags; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John E. Baldacci, the Commissioner of Environmental Protection, the Commissioner of Conservation, the Commissioner of Economic and Community Development and the Director of the State Planning Office.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 711

STATE OF MAINE ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:
In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Richard A. Cook of Hermon, for appointment to the Maine Milk Commission.

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	Senator	1	Nutting of Androscoggin
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Representatives	7	Pieh of Bremen, Carter of Bethel, Cray of Palmyra, Gifford of Lincoln, Lundeen of Mars Hill, Marean of Hollis, Pratt of Eddington
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NAYS	0	
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ABSENT	5	Rep. Edgecomb of Caribou, Rep. Pineau of Jay, Rep. Piotti of Unity, Sen. Rotundo of Androscoggin, Sen. Sherman of Aroostook
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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 Richard A. Cook of Hermon, for appointment to the Maine Milk Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#325)

YEAS:	Senators:	None
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NAYS:	Senators:	BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS
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No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Richard A. Cook** of Hermon for appointment to the Maine Milk Commission was **CONFIRMED**.

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

The Following Communication: S.C. 712

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of John M. Joseph, Jr. of Hallowell, for reappointment to the Maine Milk Commission.

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	Senator	1	Nutting of Androscoggin
	Representatives	6	Pieh of Bremen, Carter of Bethel, Cray of Palmyra, Gifford of Lincoln, Lundeen of Mars Hill, Marean of Hollis
NAYS		0	
ABSENT		6	Rep. Edgecomb of Caribou, Rep. Pineau of Jay, Rep. Piotti of Unity, Rep. Pratt of Eddington, Sen. Rotundo of Androscoggin, Sen. Sherman of Aroostook

Seven 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 John M. Joseph, Jr. of Hallowell, for reappointment to the Maine Milk Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#326)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **John M. Joseph, Jr.** of Hallowell for reappointment to the Maine Milk Commission was **CONFIRMED**.

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

The Following Communication: S.C. 713

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Colon E. Durrell of Farmington, for reappointment to the Maine Milk Commission.

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	Senator	1	Nutting of Androscoggin
	Representatives	6	Pieh of Bremen, Carter of Bethel, Cray of Palmyra, Gifford of Lincoln, Lundeen of Mars Hill, Marean of Hollis
NAYS		0	
ABSENT		6	Rep. Edgecomb of Caribou, Rep. Pineau of Jay, Rep. Piotti of Unity, Rep. Pratt of Eddington, Sen. Rotundo of Androscoggin, Sen. Sherman of Aroostook

Seven 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 Colon E. Durrell of Farmington, for reappointment to the Maine Milk Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#327)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Colon E. Durrell** of Farmington for reappointment to the Maine Milk Commission was **CONFIRMED**.

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

The Following Communication: S.C. 714

STATE OF MAINE ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON LEGAL AND VETERANS AFFAIRS

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of George W. McHale of Orono, for reappointment to the Gambling Control Board.

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	3	Marraché of Kennebec, Bryant of Oxford, Plowman of Penobscot
	Representatives	10	Patrick of Rumford, Bryant of Windham, Carey of Lewiston, Fitts of Pittsfield, Moore of Standish, Nass of Acton, Pinkham of Lexington Township, Trinward of Waterville, Tuttle of Sanford, Weddell of Frankfort

NAYS 0
ABSENT 0

Thirteen 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 George W. McHale of Orono, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Lisa T. Marraché
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#328)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **George W. McHale** of Orono for reappointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 715

STATE OF MAINE ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON LEGAL AND VETERANS AFFAIRS

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of James N. Dearman of Orono, for reappointment to the State Liquor and Lottery Commission.

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	3	Marraché of Kennebec, Bryant of Oxford, Plowman of Penobscot
	Representatives	10	Patrick of Rumford, Bryant of Windham, Carey of Lewiston, Fitts of Pittsfield, Moore of Standish, Nass of Acton, Pinkham of Lexington Township, Trinward of Waterville, Tuttle of Sanford, Weddell of Frankfort

NAYS 0

ABSENT 0

Thirteen 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 James N. Dearman of Orono, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Lisa T. Marraché
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#329)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **James N. Dearman** of Orono for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 716

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 26, 2008

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Richard R. Arnold of Belgrade, for appointment to the Gambling Control Board.

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 3 Marraché of Kennebec, Bryant of Oxford, Plowman of Penobscot

Representatives 9 Patrick of Rumford, Bryant of Windham, Carey of Lewiston, Fitts of Pittsfield, Nass of Acton, Pinkham of Lexington Township, Trinward of Waterville, Tuttle of Sanford, Weddell of Frankfort

NAYS 0

ABSENT 1 Rep. Moore of Standish

Twelve 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 Richard R. Arnold of Belgrade, for appointment to the Gambling Control Board be confirmed.

Signed,

S/Lisa T. Marraché
Senate Chair

S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#330)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Richard R. Arnold** of Belgrade for appointment to the Gambling Control Board was **CONFIRMED**.

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

SENATE PAPERS

Bill "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development" (EMERGENCY)
S.P. 908 L.D. 2283

Sponsored by Senator **BARTLETT** of Cumberland.
(GOVERNOR'S BILL)
Cosponsored by Representative **FITTS** of Pittsfield and Senators: **GOOLEY** of Franklin, **MARTIN** of Aroostook, Representatives: **FLETCHER** of Winslow, **HAMPER** of Oxford, **KOFFMAN** of Bar Harbor, **MacDONALD** of Boothbay, **MAREAN** of Hollis, **PIEH** of Bremen.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Statute

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority"
H.P. 1636 L.D. 2271

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (EMERGENCY)
H.P. 1568 L.D. 2198

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Education Laws"
H.P. 1446 L.D. 2062

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-780)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780) AND HOUSE AMENDMENT "A" (H-801)**.

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

READ ONCE.

Committee Amendment "A" (H-780) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-801) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (EMERGENCY)

H.P. 1436 L.D. 2052

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-795)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795)**.

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

READ ONCE.

Committee Amendment "A" (H-795) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Vulnerable Children by Allowing the Use of Emergency Medication" (EMERGENCY)

H.P. 1470 L.D. 2084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**.

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

READ ONCE.

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure Integrity in Financing Publicly Funded Campaigns"

H.P. 1399 L.D. 2015

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793)**.

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

READ ONCE.

Committee Amendment "A" (H-793) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Improve Solid Waste Management"

H.P. 610 L.D. 810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-799)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-799)**.

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

READ ONCE.

Committee Amendment "A" (H-799) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control (EMERGENCY)

H.P. 1393 L.D. 2009

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-797)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797)**.

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

READ ONCE.

Committee Amendment "A" (H-797) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State"

H.P. 1506 L.D. 2126

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-798)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**.

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

READ ONCE.

Committee Amendment "A" (H-798) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process"

H.P. 1580 L.D. 2213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-791).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791).**

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

READ ONCE.

Committee Amendment "A" (H-791) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Lower Energy Costs and Increase Renewable Energy in Maine"

H.P. 1529 L.D. 2149

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-790).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-790).**

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

READ ONCE.

Committee Amendment "A" (H-790) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Children in Vehicles from Secondhand Smoke"

H.P. 1396 L.D. 2012

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-785).**

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan
JONES of Mount Vernon

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

Signed:

Representative:

WALKER of Lincolnville

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report.**)

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-785).**

Reports **READ.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#331)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, COURTNEY, DAMON, DOW, GOOLEY, HOBBS, MARRACHE, MARTIN, MILLS, MITCHELL, NUTTING, PERRY, RAYE, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, DIAMOND, HASTINGS, MCCORMICK, NASS, PLOWMAN, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-785) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from Gasoline Tax at the Time of Sale Fuel Used for Off-road Commercial Uses"

H.P. 1486 L.D. 2100

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
PERRY of Penobscot
NASS of York
STRIMLING of Cumberland

Representatives:
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-800)**.

Signed:

Representatives:
PIOTTI of Unity
PILON of Saco

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

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years"

H.P. 1498 L.D. 2112

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-782)**.

Signed:

Representatives:
BROWNE of Vassalboro
MAZUREK of Rockland
HOGAN of Old Orchard Beach
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska

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

Signed:

Senators:
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:
MARLEY of Portland
PEOPLES of Westbrook
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Off Record Remarks

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

SECOND READERS

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

House

Bill "An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors"
H.P. 1609 L.D. 2248

Bill "An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States"
H.P. 1630 L.D. 2267

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule"
H.P. 1631 L.D. 2268

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

House As Amended

Bill "An Act Recognizing Native American Religion in Maine Prisons and Jails"
H.P. 390 L.D. 507
(C "A" H-784)

Bill "An Act To Improve Funding for the State Snowmobile Trail System"
H.P. 482 L.D. 633
(C "A" H-773)

Bill "An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories"
H.P. 670 L.D. 885
(C "B" H-730)

Bill "An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax"
H.P. 1483 L.D. 2097
(C "A" H-754)

Bill "An Act To Provide for Fairness and Accuracy in Utility Rate Setting"
H.P. 1490 L.D. 2104
(C "A" H-732)

Bill "An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers" (EMERGENCY)
H.P. 1515 L.D. 2133
(C "A" H-777)

Bill "An Act To Ensure That State Government Is a Model Employer of People with Disabilities"
H.P. 1527 L.D. 2147
(C "A" H-776)

Bill "An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services"
H.P. 1552 L.D. 2182
(C "A" H-778)

Bill "An Act To Amend the Games of Cards Law"
H.P. 1593 L.D. 2232
(C "A" H-787)

Bill "An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions"
H.P. 1596 L.D. 2235
(C "A" H-779)

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands
H.P. 1598 L.D. 2237
(C "A" H-783)

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

Senate As Amended

Bill "An Act To Raise the Per Diem Rate for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission"
S.P. 763 L.D. 1969
(C "A" S-488)

Bill "An Act To Fully Fund School Breakfast from Kindergarten to Grade 12"
S.P. 791 L.D. 1997
(C "A" S-491)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 818 L.D. 2144
(C "A" S-487)

Bill "An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings"
S.P. 853 L.D. 2215
(C "A" S-490)

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **NATURAL RESOURCES** on Bill "An Act To Conserve Gasoline and Preserve Clean Air"
H.P. 1440 L.D. 2056

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-765)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765) AS AMENDED BY HOUSE AMENDMENT "B" (H-820)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-765) **READ**.

House Amendment "B" (H-820) to Committee Amendment "A" (H-765) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-765) as Amended by House Amendment "B" (H-820) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Establish a Wellness Tax Credit"

H.P. 1443 L.D. 2059

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
GOULD of South Berwick
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-805)**.

Signed:

Representatives:

KNIGHT of Livermore Falls
WOODBURY of Yarmouth

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

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute

H.P. 1647 L.D. 2282

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

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

Ordered sent forthwith to the Engrossing Division.

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

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

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

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until 11:30 in the morning.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Provide Degree-granting Authority to the Landing School of Boatbuilding and Design

H.P. 1409 L.D. 2025
(C "A" H-759)

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 Prevent the Theft of Certain Metals

H.P. 1504 L.D. 2124
(C "A" H-771)

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.

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 Resolve

Resolve, Directing the Public Utilities Commission and the Public Advocate To Advocate for the Adoption and Implementation of Demand-side Management Programs

H.P. 1434 L.D. 2050
(C "A" H-767)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education

H.P. 1502 L.D. 2122

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General

H.P. 1544 L.D. 2170

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Emergency Resolve

Resolve, To Assist Maine's Forest Products Industry

H.P. 1588 L.D. 2222
(C "A" H-775)

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

Emergency Resolve

Resolve, To Name a Road in Dexter after Harold Alfond

S.P. 866 L.D. 2239
(C "A" S-466)

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

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

ENACTORS

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

Acts

An Act To Create a Special License Plate To Support Breast Cancer Support Services

H.P. 593 L.D. 775
(C "A" H-766)

An Act To Amend the Laws Relating to the Department of Corrections

H.P. 1391 L.D. 1953
(C "A" H-769)

An Act Concerning Gasoline Station Vapor Recovery Requirements

S.P. 765 L.D. 1971
(C "A" S-465)

An Act To Repeal the Cap on Rental Rates for State Submerged Lands

H.P. 1407 L.D. 2023
(C "A" H-770)

An Act To Protect Life Insurance Consumers

H.P. 1477 L.D. 2091
(C "A" H-774)

An Act To Ensure Full Payment of Annuity Death Benefits

H.P. 1569 L.D. 2200
(C "A" H-772)

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

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

ENACTORS

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

Resolves

Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities

H.P. 1411 L.D. 2027
(C "A" H-760)

Resolve, Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

H.P. 1548 L.D. 2174
(C "A" H-761)

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure Ethical and Humane Dog Breeding in the State"

H.P. 1394 L.D. 2010

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-803)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803)**.

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

READ ONCE.

Committee Amendment "A" (H-803) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake

H.P. 1473 L.D. 2087

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-804)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804)**.

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

READ ONCE.

Committee Amendment "A" (H-804) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

Unfinished Business

The following matters 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 (3/17/08) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1501 L.D. 2121

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-750)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-751)** (2 members)

Tabled - March 17, 2008, by Senator **WESTON** of Waldo

Pending - motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)** Report, in concurrence

(In House, March 14, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)**.)

(In Senate, March 17, 2008, Reports **READ**.)

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-750) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/18/08) Assigned matter:

HOUSE REPORT - from the Committee on **NATURAL RESOURCES**, pursuant to Joint Rule 204, on Bill "An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality"

H.P. 1582 L.D. 2216

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-753)**

Tabled - March 18, 2008, by Senator **SMITH** of Piscataquis

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 17, 2008, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753)**.)

(In Senate, March 18, 2008, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-753) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-493) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This establishes a minimum revenue threshold and in addition gives the commissioner the authority to raise it if necessary and there is adequate need for it. In addition it adds a section that will require the department to put in a monitoring device in the town of Bradley in order to monitor the air quality.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-493) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753) AND SENATE AMENDMENT "A" (S-493), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (3/25/08) Assigned matter:

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry (EMERGENCY)
S.P. 896 L.D. 2273

Tabled - March 25, 2008, by Senator **NUTTING** of Androscoggin

Pending - **REFERENCE**

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.)

On motion by Senator **MARTIN** of Aroostook, under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On further motion by same Senator, Senate Amendment "A" (S-492) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Basically, this corrects a mistake. We had intended to make sure to provide confidentiality to any information that would be provided to the department. It also corrects an error that was made in reference to the committee involved.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-492) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492), without reference to a Committee.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/26/08) Assigned matter:

HOUSE REPORTS - from the Committees on **AGRICULTURE, CONSERVATION AND FORESTRY AND INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Maintain the Amount of State Land That Is Open for Hunting"

H.P. 497 L.D. 648

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-756)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-757)** (9 members)

Tabled - March 26, 2008, by Senator **ROTUNDO** of Androscoggin

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report, in concurrence

(In House, March 25, 2008, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756) AS AMENDED BY HOUSE AMENDMENT "A" (H-781)** thereto.)

(In Senate, March 26, 2008, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)** Report, in concurrence.

READ ONCE.

Committee Amendment "A" (H-756) **READ**.

House Amendment "A" (H-781) to Committee Amendment "A" (H-756) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-756) as Amended by House Amendment "A" (H-781) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **MITCHELL** of Kennebec,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senator **SAVAGE** of Knox requested and received leave of the Senate that members and staff be allowed 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, 2008 and June 30, 2009" (EMERGENCY)

H.P. 1547 L.D. 2173

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-806)**.

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

FISCHER of Presque Isle
CRAVEN of Lewiston
MILLS of Farmington
CAIN of Orono
VALENTINO of Saco
WEBSTER of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-807)**.

Signed:

Senator:

TURNER of Cumberland

Representatives:

MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond
GILES of Belfast

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) AS AMENDED BY HOUSE AMENDMENTS "P" (H-840) AND "W" (H-848)** thereto.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-807)** Report, in **NON-CONCURRENCE**.

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

Senator **MARTIN:** Thank you, Madame President. Having served in the minority, and having had trouble getting my plan before the voters and the citizens and knowing where people stood, I know what it's like when the majority attempts not to do that. I thought it appropriate tonight that the minority have an opportunity to defend their budget, which they put together, and

know the priorities that they established for the state for the remainder of the biennium.

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

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

Senator **MARTIN:** Thank you, Madame President. May I pose a question to a member of this Body who can tell me what is in the Minority Report and could they detail the priorities that were set?

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

Senator **TURNER:** Thank you, Madame President. Let me see if I can answer the good Senator's question. As I proceed to answer the question I want to take a couple of moments to first of all thank the colleagues on the Appropriations Committee that I worked very closely with, the Senator from Androscoggin, Senator Rotundo, and the Senator from Aroostook, Senator Martin. The Senator from Androscoggin, Senator Rotundo, has provided leadership for our work, and frankly, the Senator from Aroostook, Senator Martin, has provided wise counsel for much of the work that we have done. I think it's also important to recognize that while we have differed in the very late stages of our work, much of it was done very closely together and there were significant similarities between both the majority report and the minority report. I think it's also important to recognize, quite frankly, that the heavy lifting that had to be done by Appropriations was ably shared by both the Education Committee and, in particular, the Health and Human Services Committee. Frankly, when you are trying to deal with a difficult budget situation, such as faces the state of Maine, you have to go where the money is and it fell largely to those two committees. I think the most difficult work was done by the Senator from Cumberland, Senator Brannigan, the Senator from Kennebec, Senator Marraché, and the Senator from Washington, Senator Raye, as we worked through the difficult choices we had before us. I think it's particularly appropriate that we recognize and thank them for their very hard work. I would also tell you that, as a member of Appropriations, when we talked among ourselves, whether Republicans or Democrats, we feared that the heavy lifting would be left to us alone, and frankly, we did face that prospect with some trepidation because the skill, the knowledge, and the understanding of what needed to be done best fell to the committees of jurisdiction, and they stood very tall with us.

So now, and Senator Martin I am not avoiding your question, I think it's clear to both parties that there are key things that we wanted to accomplish. Central to that, for both parties, was to do that without raising taxes and to do it without going into the stabilizer fund. I think we both realized, correctly in my judgment, that there are problems yet before us, and we are likely to be back here before the 123rd ends, dealing with yet another problem in another supplemental that will take us further into the negative. I think it was important that both parties recognized that we needed to be very judicious in the husbanding of our resources, expecting that additional difficulties will be before us as we go

later into the year. That said, essentially, in my opinion, where we differed was with regard to the sustainability of some of the choices we had at the end. It was on the issue of sustainability and change, which is where I think at the end we split. We sought to put limitations on some of the entitlement programs and some of the waiver entitlement programs that are currently funded by our state and wanted to rely less on one-time opportunities to bring the strengths together in the budget. In my opinion, that's the essential difference between the two parties. I've said this to my caucus, I've said it to members of Appropriations, in my opinion this is not a difference for which we can throw rocks at each other. We worked very hard together, and unfortunately, in the very late ending, we split along the lines that I have tried to outline to you.

I look forward to moving together and ending up with a document that all of us can support at the end of the night. Thank you Madame President.

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

Senator **MITCHELL:** Thank you, Madame President, and colleagues of the Senate. May I pose a question through the Chair to anyone who may care to answer?

THE PRESIDENT: The Senator may pose her question.

Senator **MITCHELL:** Thank you, Madame President. There are several items of concern to me in the Minority Report that I hope we can have a little bit of dialog on. One is the numbers of people, and I know the word 'sustainability' has been used and some rather non-personal terms like 'non-categoricals', but how many people will no longer have access to health insurance should we adopt this report? One question that's a little more parochial, perhaps, to me; could someone explain how much is being booked by furlough days, 3 days of non-paid time for State employees?

THE PRESIDENT: The Senator from Kennebec, Senator Mitchell poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. Let me go to the second part of the Senator from Kennebec, Senator Mitchell's question first. A furlough day sets aside approximately \$915,000 for each furlough day. The Minority Report had three of those in it, so that's a little over \$2.7 million.

Now, with respect to the entitlement programs. I think we understand how the non-categorical program works. You don't take people off it. You would be capping the amount of money that is available to it. The effect of that capping on the dollars forces a waiting period that gets elongated until you get down to that spending cap. If you look at the S-Chip parents, however, we would have taken the S-Chip parents down to 125% of the federal poverty level and that would take people off the rolls. I don't have the exact numbers in my head, but it's several thousand S-Chip parents who would come off the rolls if it were to be enacted. Thank you.

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

Senator **ROTUNDO**: Thank you, Madame President. I want to respond to the question. We had calculated how many people would be removed from health care rolls with regard to the S-CHIP parent proposal and the non-categorical proposal and our figure is 20,000 total.

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

Senator **RAYE**: Thank you, Madame President. I would just like to address this situation since it has been raised. With respect to the portion of the budget that relates to Health and Human Services, I can tell you that there was a remarkable degree of bipartisanship in our committee as we approached these very difficult issues. More than just bipartisanship, there was a remarkable degree of unanimity on our committee with respect to many of the cuts that have been proposed by the Chief Executive. From the outset all of us on the committee, I think, made it a priority to carve out elder services, programs and services for those with developmental disabilities, those with mental illness, and those who have physical disabilities. We carved out domestic violence programs, sexual assault programs, and family planning services. I think that where you saw a difference was around just a few areas, but important areas, that were really at the heart of our commitment, on this side of the aisle, to achieving structural savings. When we talk about MaineCare, and we talk about the services that we provide, I think we ought not to leave out the people of Maine who are paying the bill. We don't have a wealthy population. We have people in this state who are just scraping by themselves with high fuel costs and inflation, but are paying the bill for others who receive a more generous benefit package than many other states provide. When we talk about the issue of sustainability, that's not just a word, a meaningless word or catchphrase, it's very real. We need to live within our means and recognize that the hard working taxpayers of this state, who are footing the bill, cannot continue to sustain the type of growth that we have seen in our MaineCare system. I think we tried to strike a thoughtful balance, a balance between the commitment that we feel and the commitment that we share, to look out for those who are the least fortunate among us. That's why we prioritized the programs that I mentioned.

With respect to the S-CHIP program, I think many of us were struck by the income levels of some people who are eligible for that program. I think Mainers generally are struck by that. When you look at the dollar amount of some of the families who are on Medicaid, I think it is not in keeping with the priority that we need to place on making sure that we are protecting the most vulnerable among us. There was not a proposal to eliminate a single child from coverage. We did have a problem with the fact that we have very different standards for the poor elderly in this state versus younger, healthy, working parents. I think it's really important to recognize that no proposal that emanated from this side of the aisle was done flippantly or thoughtlessly, but rather in looking at the range of programs and services that we offer and identifying a safety net. At the 30,000 foot level all of us talk about preserving a safety net, but in the Health and Human Services Committee I think we recognized, on both sides of the aisle, that our committee is where the rubber meets the road. I think that everybody who serves on our committee, on both sides of the aisle, should feel good about the exercise that we engaged in and the decisions that we arrived at. Thank you.

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

Senator **BRANNIGAN**: Thank you, Madame President. I want to reiterate some of the good feelings that happened. Like he said, it was a wonderful committee. We had a big job and we appreciate that Appropriations appreciated what we did. I wish they had appreciated it just a little more at times, but we did work together. The Senator from Kennebec, Senator Marraché, and the Senator from Washington, Senator Raye, were just a good working team on both sides. However we disagree. When the Senator from Washington, Senator Raye, said that no children were knocked off the rolls, we did not intend to. All of us, when we put in our recommendations the non-categorical folks were not depleted. We agreed to not touch that. I'd say let's remember how we got where we are. First of all, we can go way back, when the Senator from Aroostook, Senator Martin, and others of us decided back in the 1990's to choose MaineCare, now it's called MaineCare, it was Medicaid. We chose that as a way of working with people who were seriously ill, disabled, or very poor. It was a good way to go because the federal government would help us with \$2 for every dollar we spent. We applied that to many disabilities and we applied it to children. There are two categories, disabilities and children, but we decided, after the people who do this business, that kids were not getting enrolled. Kids were not getting to the doctor. We found here, in our state and from the work of people in other states, the problem was that their parents couldn't go to the doctor and so they didn't. You know, if you are going to go to the doctor, you go with your parents, but the parents couldn't go. They were too poor. They had no way of having health care. Parents were put on the rolls and children were increased greatly to have care. When the Senator from Washington, Senator Raye, says we are not knocking children off, when we start knocking adults off who have children, we are knocking children off. We did not intend that, it has come out as part of the motion that is before us. Our committee was very careful not to begin to unravel the Medicare, Medicaid, I wish we had gotten rid of MaineCare and just said Caid and Care, if we start unraveling that we are beginning to push back what we began as a very wise decision in the 1990's. It was wise then and it is wise now. Our use of Medicaid is going down and has been. By the national average, we have moved down about 5%. Get up early tomorrow and grab the Portland Press Herald, you will see I have a little article there. I could read the whole article to you, and I'm tempted to do it. It depends, if everybody behaves themselves, I won't. However, we have declined 2.2% in our Medicaid spending just since 2006. The federal level has gone up 2.8%. We have done everything we can to use Medicaid, and why not? The federal government is pulling back from us all the time; roads and housing. We are moving ahead to have them help us help us. It's good for them to help us help others. It's the right thing to do. Thank you.

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

Senator **BARTLETT**: Thank you, Madame President and members of the Senate. There is a starting point, as we begin this budget debate, it's important to keep in mind that our budget, more than any other single document that we pass, is a reflection of our core values. The brunt of the policy areas, what we choose

to fund, and how we use the scarce resources reflect our values. For me, the most important values that I try to work towards every single day that I come here is to make sure that we are expanding opportunities for all Mainers to improve their lives, and also to make sure, in that same vein, that we are supporting working families as they try to make their way. That is why I joined with many other members of this Body and stood in opposition to broad based tax increases as part of this budget. We are very proud that neither budget document that we will consider goes in that direction. The reason for that is because I recognize that working families in this state are struggling more and more every single day. We have seen energy prices skyrocketing out of control. We have seen health insurance premiums rise. People are not in a position to pay any more in taxes, and therefore, I believe that we had to balance this budget and had to endure the pain that is involved without doing that. They are also hit by rising health care costs, as I mentioned. Every single year they are seeing their premiums go up 10%, 15%, and 20%. More and more of each and every paycheck is devoted to those resources instead of paying for their kids' education, or setting money aside for other expenses that are important to them. That is why I am concerned by a proposal that would cut 20,000 people of the rolls of the insured, because they don't just go away. When we cut them off from being insured they show up in our emergency rooms, and other high-cost facilities for their care. We don't have the federal dollars coming in to help us to meet those expenses. We all bear them, and we bear it in our health insurance premiums. I believe that when you start knocking people off the rolls of insured you are voting for a health care premium increase for every single person in the state of Maine. In a time when we cannot raise taxes because we have recognized the importance of people dealing with very difficult financial times, I simply cannot support any proposal that will drive up their health insurance premiums and potentially force them to have to go without health insurance, to have to go without medicine, food, or other needs of their families. For that reason I feel compelled to oppose the pending motion and to insure that as we move forward we make sure that we are consistent in the values we are promoting, we are consistent in recognizing the difficulties that are facing every single Mainer in this state, and that we make sure we do not exacerbate that problem through this budget document. Thank you.

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

Senator **ROSEN:** Thank you, Madame President, and members of the Senate. I think this is a healthy discussion. I think it's good for the citizens of the state that we have a moment to take some time and talk about priorities, and talk about how it is we are where we are at this particular moment in time when it comes to the budget and when it comes to some of the decisions that we have to confront. I would like to join the Senator from Cumberland, Senator Turner, in congratulating all of the members of the Appropriations Committee on the work that they were able to produce. The level of in-depth detail that they put into taking the Chief Executive's proposal and recrafting it and coming together in many of those components, and rejecting and redesigning some of those initial proposals in ways that were more accommodating for the delivery of services is appreciated, I think, by all of the members of the Senate and the Legislature and the citizens at large. All of us, in all of our districts, have people

that utilize these services. We have people that are working for providers. We have family members that are directly and indirectly involved. We are all impacted, so I again congratulate the work of the committee.

The difference of opinion that has been discussed tonight really focuses on an approach, and a disagreement on an approach, of how to achieve some of the goals that have been mentioned by some of the speakers. In listening to the lesson of how it is that the MaineCare program was designed, and has landed in the form that it is today, we really have to go back and look at how it is that this program is being financed and its inability to achieve the expanded goals that it has been assigned to achieve by sweeping more people into the program and offering more services. We confronted that when this administration was first elected to office with the \$1.2 billion shortfall, and how is it that the promises that have been made could be funded. We have gone through a series, over the last five years, of several different mechanisms and steps that have been passed, some by the majority, some by a bipartisan two-thirds, to fund this program and yet we still come up short year after year and we still confront massive shortfalls. The wholesale liquor business was sold in 2003 to deliver a one-time \$125 million plug to get us through that year so we could continue to fund this expanded program. It wasn't enough. The cigarette tax was doubled from \$1 to \$2 to help fund the promises that have been made to expand this program. That \$100 million of additional revenue over a biennium wasn't enough. Then the creativity around the hospital tax, starting first with the tax on the nursing homes and then moving to the tax on the hospitals and then doubling the rate of the tax on the hospitals and then moving to the private non-medical institutions and creating a service provider tax; all to inflate the costs so that we can draw down that \$2 from the feds. That produced \$138 million and that wasn't enough.

I have talked to folks in other states that do not enjoy the generous match that we, in Maine, enjoy from the federal government in the Medicaid match. This match is determined on a comparative basis. Maine's wealth, so to speak, as compared to other states, so other states that are ranked as better off, they receive \$1 federal match. Others may receive \$1.25 or \$1.50, and then there are states, like Maine, who receive \$2. I talked to providers and people who manage the Medicaid programs in their states that do it with a \$1 match and they seem to manage. They say here we are in this state, we are receiving \$2, plus the different tax mechanisms that have been put in place in addition to the different plugs, and yet we are unable to maintain and fund this program in an ongoing basis. The reports that are in front of us, the Majority Report provides one-time money to help us limp through the next 15 months and that's pretty much the extent of it. It does not begin to address the ongoing, that word again, sustainability of how we line up Mainer's ability to pay with the promises that have been made. That's the issue that confronts us and I think the Chief Executive recognized that. I think the citizens recognize it. I think this is an opportunity, in this economic environment that we are in now, to make serious steps, take serious steps, and begin to line this up and solve the imbalance that we confront, and may continue to confront in the rest of this calendar year, and certainly the next legislature will face when they are sworn in. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by

Committee Amendment "B" (H-807) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#332)

YEAS: Senators: BENOIT, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, PLOWMAN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-807)** Report, in **NON-CONCURRENCE**, **FAILED**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)** Report, in concurrence.

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

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. The report before you, the Majority Report, represents the end of a long journey that began with the presentation of the Governor's supplemental budget to us weeks and weeks ago. It's been a long and painful journey that we have all traveled together. It's important for me to acknowledge all of you who have traveled that journey with us and I want to take this time to make these acknowledgements. First, I want to thank colleagues who have spent time with us, and all of the different policy committees, reviewing the supplemental budget, as well as the change package, and working diligently in a bipartisan fashion to find additional savings for us so that we can reject some of the harshest cuts in human services. I want to thank, in particular, members of the Health and Human Services Committee for delving into the complexities of the proposed cuts and bringing recommendations to us that guided us in our work. We are grateful to them for staying for hours with us, working weekends with us, and late into the night as we deliberated. Their assistance was invaluable to us. I need to thank the Revisor's Office, the staff of OFPR who remained every night after we left at 10:00 or 11:00 to continue to do their work and who gave up their Easter holiday weekend so that we could have these reports before us today. Thanks to administrative staff, Ellen Schneider, Commissioners Wycke and Harvey, who lived with the

Appropriations Committee for weeks and weeks. Thanks to leadership, to the advocates, and especially to the public who gave us important insight into the impact of the cuts that we were considering. In particular, I would like to thank my wonderful co-chair and fellow AFA committee members who have worked with such focus and care for the last two months. As a committee, we worked with respect and goodwill towards one another and with a strong sense of purpose to find common ground among the difficult issues we dealt with. Thank you to the good Senator from Aroostook, Senator Martin, and to the good Senator from Cumberland, Senator Turner, for your leadership, goodwill, and invaluable contributions in building this budget.

As the Appropriations Committee worked we were very sensitive to the needs and concerns of the people of Maine. We understood that most people in this state wanted us to maintain a safety net, wanted no new broad taxes, didn't want one-time fixes but wanted sustainable cuts, and didn't want short-term cuts that resulted in false savings. They wanted us to find greater efficiencies where possible and they wanted us to be meticulous and fair. The committee was thorough in its deliberations as we looked for greater efficiencies, considering citizens' needs that absolutely had to be met, and those needs that could be met through services that were delivered in a less expensive and more efficient way. We constantly, as a committee, asked, 'What can we afford and are our limited resources being used as effectively as possible?'

If you look at the two reports that are on your desk, the Majority Report and the Minority Report, you will see that about 98% of the budgets are the same. Most of the hundreds of lines in these budgets were voted in bipartisan votes. Together we rejected many of the most egregious of the cuts proposed in the supplemental budget as we looked to maintain a safety net for Maine's most vulnerable. The Appropriations Committee rejected \$27 million of the Governor's proposed cuts to Human Services and accepted approximately \$170 million in cuts and other savings to state and local government. We restored funds to mental health services, foster and adult protective services, and mental retardation services. We rejected the cuts to purchase social services like domestic violence prevention, sexual assault, and AIDS prevention. Cuts to Head Start and children's mental health were reduced. Homemaking and personal care services for the elderly and disabled were preserved, as was funding for Maine Special Olympics. Together we accepted \$31.1 million reduction to GPA, with \$11.1 million of that being a reduction that was actually an increase to the State's contributions to the cost of K-12 education. The Majority Report restores \$5 million of the Governor's proposed \$9.3 million cut to the University system and Community College system.

While about 98% of the Majority and Minority Reports are similar, the last 2% that we divided over represents very fundamental differences as have been expressed already this evening. Our divide occurred over health care coverage. The Majority Report refuses to make cuts to the childless adult waiver program, also known as non-categoricals, and also rejected our colleagues proposal to remove health care coverage for 14,000 S-Chip parents. At the end of the day, we rejected both of these proposals which would have taken health care coverage from approximately 20,000 people in Maine. I'd like to share just a little bit of additional information about the people whose coverage we are talking about. The Senator from Cumberland, Senator Brannigan, has already spoken about the parents of S-Chip and the justification for that funding. I want to talk a bit about the non-

categoricals. Non-categoricals are adults, age 21 through 64, who do not have minor children at home and who are not disabled. All members of this group have income below the federal poverty level, which would be \$10,400 per year per single person and \$14,000 per couple. There are approximately 17,500 people receiving MaineCare through this program. 25% of the non-categoricals are between the age of 50 and 65. Many suffer from chronic illness that needs to be managed. 43% of all non-categoricals have a mental illness diagnosis. Their average income is \$5,304 per year, reflecting their high rate of chronic illness. Many individuals use this program temporarily to receive the health care they need to return to work. It's an important program for keeping people employed. Hospital costs represent more than half of the cost of care in this program. Without this coverage the cost of hospital care for this group of people would add to the hospital charity care and be shifted to all other payers of health care in this state. Providing health care coverage to this group of people also saves costs to local municipalities and property tax payers. Prescription drug costs for the municipal general assistance programs dropped by 90% within three years of the implementation of this program.

There's already a significant cut in this biennial budget for the non-categorical group, as well as an additional \$10 million cut in prescription drugs in the report before you. The cost savings, by eliminating access to health care for more than 20,000 low-income Maine people, would be dwarfed by the short and long term costs of making these cuts. Health insurance is a prudent investment that reaps short and long term returns for individuals, businesses, and the economy. In the short term, health insurance provides individuals with the means to improve their health care so that they can get back to work. In the long term, health insurance reduces overall costs by preventing disease and making all of our health care more efficient and less expensive.

I would also add that in this current biennial budget there is already a \$130 million cut in MaineCare. This is an area that has been cut significantly. This state receives national praise for having such a low rate of uninsured people and this is something that we should be proud of. Over the many weeks that we have labored over this budget we have worked for a two-thirds budget. While we are all sorry we were never able to get there, the bipartisan work done by our committee in its deliberations has made both reports stronger. There was no hurling of stones after we closed the budget, as the good Senator from Cumberland has already stated. While there are fundamental differences in values reflected in these two reports, the vast majority of the reports are bipartisan. We knew when we started the journey with L.D. 2173 that it wouldn't be an easy one. The people of Maine understand that some painful and difficult decisions have to be made in this budget. While we have made the tough choices, we have also been fair and thorough. The process has served the people of Maine well. The report before you maintains a safety net for the most vulnerable and continues investing in our future through educational opportunity and small business growth. It contains no new broad-base taxes and contains no one-time money from the Rainy Day Fund. The report reflects the values and concerns that most Mainers hold at this point in this uncertain time and continues to support hard working Maine families. I urge you to support the Majority Report. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMUNDS:** Thank you, Mr. President, men and women of the Senate. I don't think I realized when I became Senate President how infrequently I would get to speak to you, so I am taking this moment to speak to you. You've heard all of the facts and figures but I guess I just wanted to tell you a little story from what goes on in my head. I don't know about you but the last few nights it has been hard to sleep. I can fall asleep but then I wake up, and when I wake up arguments about the budget run through my head, facts and figures run through my head, and ways of persuading people run through my head. As I lay there, my husband sleeping quietly beside me, I kept thinking, "Okay, what's the big thing here? What's the major issue?" I think we've all laid our finger on it. There's a difference of opinion about how to come together on this one piece, and it has to do with this piece of MaineCare that we've been talking about, that I've decided to pledge never again to call the non-categoricals. These are childless adults. Poor, childless adults. I don't know how many of you remember that song from the 1960's, but the one that keeps going through my head goes "There for fortune go you or I." It's not very difficult, and it wasn't very difficult for me as I was lying there trying to sleep, to imagine the circumstances of a person on the MaineCare waiting list because, I thought to myself, wait a minute, I am a childless adult. I'm a woman over 50. 25% of the people on this program, who are receiving services, are over 50, and the majority of those are women. I have been more fortunate in my life. I'm married, and thankfully, my husband and I are both healthy. I have a college education and I don't suffer from a chronic illness. I am able to work full time and I have a wonderful job, even outside this one. Those receiving help, or waiting for help, from this MaineCare program do not have such good fortune. Most of them have low incomes, as you have heard the Senator from Androscoggin, Senator Rotundo, remark. Many of them have a chronic illness.

Then, in the middle of the night, I remembered a friend of mine, Antoinette. She was my friend for many years. She was diagnosed with ovarian cancer, not breast cancer nor cervical cancer, where she could have received MaineCare automatically, but ovarian cancer, a well-known killer. Thanks to this program she was diagnosed early and she continued to be able to work at least part time. She treasured that quality of life that allowed her to work and to continue to work. She was 61 when she was diagnosed. She had three productive and relatively happy years until her disease returned, she became disabled, and passed away. I am grateful that she had those last years of her life because they would have been difficult and probably impossible without this program. There are others out there like my friend and neighbor.

Since the program was curtailed in December the waiting list has grown to 6,500. I guess I go back to there but for fortune go you or I. I don't know what the future brings to me. I am a childless adult over the age of 50. I am female. I don't know what the future brings to me, but I do know that there are many people out there who are not as fortunate as I and I cannot agree to cut this service. I appreciate how hard everyone has been working on trying to find a solution, and I bear no malice toward anyone, but I must say, given that, I can't support a cut to this service. Thank you for your attention.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **EDMONDS** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **MARTIN** to his seat on the floor.

Senate called to order by the President.

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

Senator **RAYE:** Thank you, Madame President, men and Women of the Senate. I want to take a moment too to praise the members of the Appropriations Committee. Those of us on the Health and Human Services Committee had a taste of what they had to go through for many long weeks just with the hours that we spent with you. I do want to pay tribute to the Senator from Androscoggin, Senator Rotundo; the Senator from Cumberland, Senator Turner; and the Senator from Aroostook, Senator Martin, as well as their colleagues in the other Body who served so ably and thoughtfully on the Appropriations Committee. It is remarkable, as the Senator from Androscoggin noted, I think she used the figure 98% of the budget that they were able to come to an agreement on. It's a fact that we are not that far apart. It's a matter we have an opportunity to explore further. I do want to comment on the so-called non-categorical program. I share the presiding officer's sort of distaste for that term because it really doesn't sum it up. It has been highlighted as an area of difference so I did want to point out, for the record and for the members of this Body, this population of adults who are poor but not disabled, some childless, and some have children who are grown and no longer at home. Certainly those of us who serve from this side of the aisle on the Health and Human Services Committee did not propose nor support an elimination of the program. We recognized that the program fulfills a need. The question is the size of the program that we can afford. Again, injecting it into the equation, the hard working taxpayers, many of whom struggle every day themselves with difficulties and burdens, of getting by. We need to consider them in the equation. We did reject the proposal by the Chief Executive to cut the prescription drug component of this program. That is something that we thought was particularly cruel because we would have people on the program who would get a diagnosis, or have a procedure done, and be told that this is the prescription you need but you can't have it. We thought that was a rather ridiculous proposition. We rejected that. We did agree with the

Chief Executive that we need to strike a balance between the needs that we see around us and the ability of Maine's hardworking taxpayers, as I said, many of whom have their own struggles. We don't have a wealthy populace. I would say, in closing, that I think those of us who have taken a careful look at this program, many of us feel that we could use a better understanding of the program and the people it serves and see if there is a way that we can target the program to those who have the greatest need in that population between 21 and 64. Just for the record, I wanted the record to reflect that I don't know of anybody who is proposing an outright elimination of the program. It's simply a matter of prioritizing and doing our best to meet the needs that we see within the resources that we have. Thank you.

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

Senator **SCHNEIDER:** Thank you Madame President. I rise because I feel it's important to recognize that as a great philosopher once said, "In a country well-governed poverty is something to be ashamed of." I hope that we remember that and that this is why I cannot support cuts to the people who are mostly women, ill and poor. We have a responsibility to try to do everything that we can to stand up for those people who cannot stand up for themselves. It's critical in a society that is a caring one that we look after those people. In addition, if we look at this from a purely economic and fiscally responsible standpoint, we know that it is not that we cannot afford these services, but we cannot afford not to take care of these people because ultimately we talk about a shift. These people will shift onto our insurance policy costs. We will pay at some point in time. We talk a lot about that, about how we can't shift onto the taxpayers, but that's indeed, if we were to cut, what we will be doing. We will be shifting the burden onto the taxpayers in a much more expensive way. We will not only lose the federal draw down, the match, but on top of that people will end up at the emergency rooms in our hospitals and ultimately we will all bear the burden of those costs. It is an expense we cannot afford to cut and I hope that we will take this into consideration when we make our votes this evening. Thank you.

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

Senator **PERRY:** Thank you, Madame President, ladies and gentlemen of the Senate. I have never spoken on a budget bill before, but I just want to tell you the reasons why I am supporting the Majority Report. I sent a note to the Senator from Androscoggin, Senator Rotundo, asking her, out of the \$130 million in cuts we have experienced so far in MaineCare, what the federal draw down would leave. The number, without New Hampshire, I got back was \$83 million. It wasn't the two-for-one, it was \$83 million because the first place we looked were the areas where we were spending just State dollars. We apparently have used those sources up. It's not the size of the overall budget that we are voting on tonight. When we get in this area of cutting programs that bring federal money into the state of Maine, I think back to what we've been through with the closure of Loring Air Force Base, the potential closure of the Defense Accounting Center in Limestone, the Brunswick base, and Kittery. That's all federal money coming into the state of Maine that we do everything we can to protect. We want the federal money coming

into this state to put people to work. It's good for us. Bath Iron Works, we built them a new pier, we gave them back the employees' withholdings, we give them BETR and a double dip to keep that federal money coming in to the state of Maine. We tried to pass a tax exemption for military retirees to encourage them to locate in the state of Maine and the reason that we all stated was that they were bringing a federal pension with them and federal healthcare. This is out-of-state dollars coming into our state, that's what we are looking for. When we are down to the area of cutting programs that have a two-to-one match, and that money never makes it into the state of Maine, never makes it into our economy, and the healthcare shifts are no longer subsidized two-to-one, they are shifted 100% amongst us, I just don't look at that as a good investment. It comes down, in this budget, to where the money is being spent. I see money being spent in other areas that do not attract federal money, or outside money, into this state that have gone untouched. I just think if we are going to cut to this level we could do it in other ways. It's for those reasons that I will be supporting this Majority Report. Thank you.

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

Senator **MARTIN:** Thank you Madame President and members of the Senate. This was my second term on Appropriations as a member of this Body, and frankly, this one was the toughest. This budget, to me, was the toughest. I do want to thank also the members of the other party, both from this Body and the other Body, along with members of my own party, because I think we worked extremely well. We were down to the last six or seven items when members were pulled away. I appreciate what we have gone through and here we are tonight. I don't want to go quite as lengthy into the comments of the Senator from Hancock, Senator Rosen, but I do want to say that when this Executive became Executive of this state we had a \$1.2 billion shortfall. It isn't there today. We can argue whether some things were short term, long term, or in between, but what was not said is that most of the expenditures in government have remained pretty close to where they were in the last biennium. All anyone has to do is take a look at the expenditures that this Legislature has made for elementary and secondary education for the last number of years. That, men and women of this Body, is \$800 million more that has been given to the municipalities and school districts of this state. Don't tell me that the cause of our budget problem is social welfare programs. That is the farthest from the truth. Then I need to ask what have you seen in the lowering of your taxes?

I talked to a fellow Republican friend of mine in Bangor today who was saying, 'Cut'. I said, 'Between Brewer and Bangor, in the last few bienniums, \$20 million has gone to tax measures for education, in addition to the money before, and what have you done, Mr. Republican, as a city councilor, to lower taxes in the city of Bangor?' I didn't get an answer by the way.

I do want to leave you with one final comment about welfare for a moment. Maine has, right now, the lowest rate of uninsured in this country. Yes, in part, caused by the very program that right now we have going in this state. Of \$190 million worth of cuts this majority budget has \$170 million of those cuts. Finally, just to follow up on the good Senator from Penobscot, if you take the \$170 million of cuts in various programs and add to that the \$83 million of federal cuts, because we won't be getting that money because we won't be matching it, that comes to \$253 million of money that will not be in our system to generate tax money for

the state of Maine. That's pretty substantial. We will only see the impact of the number of people that will be hurt after we leave. I only pray that the people that will be the most hurt will be the first to the polls in November because so many of them, those who cannot help themselves, are the last ones to vote. I hope and I pray that for once that there will be some others to the polls. As you know I live in a democratic district, not an accident probably, because of my heritage. If the polls were to open at 8:00 a.m. and close at 10:00 a.m. I would lose because all of the Republicans would have voted. I wait and pray for the people who work to come back to vote, because then I know what the results will be. As we move forward tonight, I hope that all of us remember those that we really very often don't remember, the forgotten. Thank you.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. There aren't many times, I don't think, that I've ever supported a supplementary budget in here. I have a hard time with the budgets because we argue over a few dollars here and there and it's mostly in the welfare department. I'll call it the welfare department but we can call it MaineCare or Medicaid. I've always felt that all of the priorities have been wrong at all times. I say this from a business perspective. I want to go back a few years to illustrate my point. I want to go back to the year 1998. I remember 1998, as a business person, because we were in the best economic times that we ever had. My standard joke was that, as businessmen, we were going to make money whether we wanted to or not. We did. The people that worked for us made money and bonuses. The State took in more money than they had ever taken in before in that time period. That created a crisis in this state because we had a ton of extra money and it was burning a hole in a lot of people's pockets. We wanted to spend that money. It's where we spent it that I disagree. Beginning in that year, 1999 and that budget, we increased MaineCare/Medicaid spending 50% in one year. We added an extra \$122 million to the budget to the \$245 million that we had the year before. That wasn't enough. We kept this program going and ever expanding. In the next eight budget cycles, where all the rest of the General Fund spending increased 32%, the MaineCare/Medicaid part increased 163% in that eight year budget cycle. I just want to know what the crisis that existed was? As a businessman, I didn't read about it, I didn't hear about it, and I didn't know what was going on. I just knew that, business wise and watching what happened over the next ten years, watching this business climate was like the Four Horsemen of the Apocalypse for the state economy. I've watched things deteriorate. I think we made some poor decisions with the money that we had to invest. We put a lot of it on MaineCare/Medicaid.

I did my own analysis by taking just one page of information from a ten year history from the Fiscal Office. Just taking that one page. I did a simple analysis of that page. It is simple high school freshman algebra. Any high school freshman algebra student could have reproduced the numbers that I came up with. I took the entire budget for a ten year period, nine years of budget cycles; subtracted out the MaineCare/Medicaid increase, which had gone up 163% in eight years; compared it to the rest of the budget, which had gone up 32%; and translated it into dollars. I asked myself this one question, what if we had increased the MaineCare/Medicaid spending at the same rate that we had

increased all the rest of the spending? What are we talking for dollars? I did that. I took the percentage increase for each and every year, which was always a different percentage, and translated it into dollars. In 1999 we would have spent an extra \$102 million in the MaineCare/Medicaid budget, according to my figures, if we would have increased it the same amount as all the rest. In the year 2000 it would have been an additional \$124 million. In 2001, \$115 million. In 2002, \$150 million. I increased it all the way up through 2007 and added it up to see what the total came to. This wasn't the total for MaineCare/Medicaid that we spent; this was the additional money that we spent in this 163% increase. It came out to be \$1.7 billion extra. Not the budget, but the extra amount that MaineCare/Medicaid spending got through 2007. I asked myself, 'What could we have done with this \$1.7 billion? Should we have spent it all in one place?' My answer, as a businessman, was, 'No.' We could have spent this money in some other places. Why? Because we needed to spend some on our future, our economic future, to build and boost our economy. We could have spent some of the money in higher education, to train our college students for the new types of jobs that await us today and in the next couple of decades. We could have spent some of the money in research and development. All along, continuously.

You can't run a business without investing in your business. While the state is not a business, there are times when we need to act more like a business and we've needed to invest in businesses in the state of Maine, the businesses that hire people and pay the wages. You may say, 'Well, we have invested in R&D recently.' Yes, we borrowed a lot of money. You can't borrow your way into economic prosperity. You have to take some of your capital money, some of your profit too, and use that to invest in your business. We could have invested some of the money in the highways. If you looked at the economic report that comes out each year on the highways, we've had deterioration in the highways, especially in the last four years. The area that has deteriorated, if you look at the charts, is the surfaces. Not the bridges, not the turnpikes, but the surface areas. We could have put some of that money into a Rainy Day Fund. We've got a Rainy Day Fund, which I understand why the administration doesn't want to touch, that is only two weeks worth of money. It doesn't even come up close to an industry's standard of two months worth of reserves, which would be around \$500 million. Had we had that now we would have money to dip into. We could have used some of that money to lower income taxes, which would have helped encourage businesses to come into this state.

I guess the point is that we should have done more investing in our economy. Why? It's the economy that pays all the wages for our people that would bring our people up. We have wages that just have gone from 33rd in the nation to 39th in just two years. The gap is widening here because we failed to invest in our economy. Instead we've invested, by choice, all in welfare, it seems to me. We've created an economy of welfare. If we could have invested in our workers we could have helped them increase their wage levels. We could have put more of them to work. It's the wage levels that are the big problems in this state. We are over \$7,070 less per working person than the state next door. They average \$39,000 per worker and we're just under \$32,000. I know people are tired of comparing us to New Hampshire on all kinds of levels. Well so am I. I'm tired of comparing us to New Hampshire also because it isn't a good enough goal for the people of Maine because in Massachusetts they are earning \$46,000 per person. We don't have enough

economic vision in this state to get us through a \$1.50 toll in New Hampshire to get there. What's happened to us? Why have we not look beyond two years every time we do things? What's happened to our long-range look? We need to get some radar from the Air Force, something that looks over the horizon to see where we are going. I'm looking behind us to see where we've come from and to me, as a businessman, the picture is not pretty because we've failed to invest in our economy. We've put all our eggs in one basket, in my view as a business person. We haven't invested in the things that we need to in order to bring our people up to the standards that they need to be. We haven't allowed industry to have enough money to invest in their equipment so that our manufacturing capabilities are lower than they ought to be. They are 80% of the national average. These are the type of things that we should have done. I have a little trouble when we start talking about \$20 million when I looked at \$1.7 billion over a nine year period that could have been used to alleviate many of the problems that we have right now. Why couldn't we have done so to take a lot of people off the welfare rolls. They'd have better jobs now. They wouldn't need it. Their incomes would be higher. We wouldn't have dropped from 33rd to 39th in this state in just two years. We have people working two jobs in this state, 22% of our people have two jobs and the national average is 14%. The gap is widening. It's widened over the last few years because we failed to invest in our economy.

Well, I've had my say. To me, we need to start investing now. Even though we think we've got problems by trying to take care and plug up all the leaks, the failure to invest in our economy, even in the bad times, isn't good enough. Thank you, Madame President.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I do need to clarify some of the figures that the good Senator from Lincoln, Senator Dow, was using. There was a bump in spending in the late 1990's, but it was because we had eliminated the hospital tax, the tax and match. We were replacing a significant amount of money with General Fund dollars. If you use between 1998 and 1999 as your basis your numbers do get skewed because of the large infusion, at that point in time, of General Fund dollars to replace the tax and match dollars. Thank you.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. On behalf of the good people of Brewer, I just need to respond to the comments made by the Senator from Aroostook, Senator Martin. I don't want to talk about the overly burdensome, heavy taxes paid in the city of Bangor, on that side of the Penobscot River, but when it comes to the good citizens in the city of Brewer, who has a city manager that was a former Democratic member of this Body, who took a public pledge when the referendum was on the ballot for the ramp up in school funding that if it was approved they guaranteed, publicly, that they would pass 90% through the taxpayers and they have fulfilled that pledge.

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

Senator **SCHNEIDER:** Thank you, Madame President. I feel compelled to rise after that long discussion about why we're in this economic situation. I feel compelled to do so because sometimes we think we're in a bubble and that this is only a Maine problem. As I've traveled around and spoken with other people in other states, they are in similar economic situations. As municipalities are tied to our economy, what we do at the state level, we are tied to the choices and decisions that are made at the federal level. I feel it's really important to make these connections. For example, when we give tax incentives to businesses to move off-shore and what that does to our manufacturing base here in Maine. The jobs that are lost. The tax revenue is lost. There is a connection here. We struggle as states but we also see, per day, over \$300 million being spent in the war in Iraq. We've got to start acknowledging that. That's roughly \$10 billion a month. We only need one day to fix our budget problems here.

THE PRESIDENT: The Chair would remind everyone to stay on the message of the budget.

Senator **SCHNEIDER:** Thank you, Madame President. I think this is totally connected, Madame President, to our budget crisis here. It has to do with our choices. It has to do with economic responsibility and responsibility to the people that we serve. These are connected and I think it's critical for us to be mindful of that because as we struggle here, and we are not alone, it is not just a Maine problem. As we talk about investments in economic development and education and healthcare, all of these have been left behind because of our choices to spend our money on a war instead. I think it is connected and we must start recognizing that. We must start moving in a direction that allows us, as states, to invest in our economies so that we are stronger and that we can compete in a global economy and we can be fiscally responsible. Thank you very much.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I love to hear the Senator from Lincoln, Senator Dow, talking. I love the years that we've shared together on the BRED Committee. I must confess, I didn't look thoroughly through the Minority Report. When he got up and started talking about the lack of economic development and how it was something he wanted to support, I quickly flipped to the Minority Report to see what I might have missed, that I might really like. I have to say there wasn't any economic development items in the Minority Report either. I share that concern. That's something that is important. A lot of us are quoting statistics from the Maine Economic Growth Council, which I share with the good Senator from Lincoln, Senator Dow. 'The vision is a high quality of life for all Maine citizens. Achieving this vision requires a vibrant and sustainable economy supported by vital communities and a healthy environment.'

If we were to ask all of us in this room what it would take to raise per capita income in Maine, if we all said the same thing we could do it tomorrow. Some of us would say lower taxes. Some of us would say investing in higher education. Some of us would

say better health care. It isn't that we all don't want this, it's that we don't really have a consensus about what it would take to do it. I also want to say if we could get two federal dollars for every highway dollar we spent would we be complaining about how much state money we are spending on the highways? I don't think so. I think there is this underlying fear that as we increase MaineCare we are somehow increasing dependence on a system and people that don't want to work. I don't think that is true. Some may. I know it's not true. If that is our rub, then we just need to have the vote. Some of us don't believe that and some of us do. Let's not pretend that one of these reports will get us to prosperity and the other one won't. We're just down to our core value system and I think we ought to be proud of it, each and every one of us. Let's vote that way. Thank you, Madame President.

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

Senator **PERRY:** Thank you, Madame President. I'll just take up a couple of minutes and when I'm done you may argue that this doesn't have much to do with the question in front of us. It is my favorite speech and I've never used it here in the Senate. It is relevant to some of the stuff I've heard. I just want to tell you about my 12 years of experience here. When I got here I heard constantly that we don't do enough for business and we don't invest in the economy. That is the perception in the public. Maine attracts business leaders from all over the world here. They summer here and open up newspapers and read pieces about what a terrible place Maine is to do business in and our tax burden and this and that. We're not telling the world, in my opinion, the truth about Maine and what a great place it is. We're not telling the world about some of the things we actually have done. Just talking about the things I recall from my 12 years. When I got here 12 years ago the sales tax was at 6%. We rolled it back to 5%. We had a snack tax. We repealed it. We created the Homestead Exemption, \$13,000 off the top of anyone's assessment on their primary residence. We've taken the Circuit Breaker from a \$1,000 maximum benefit to a \$2,000 maximum benefit. We got rid of the income cliff. It's a phase out system where you can qualify for a benefit up to a family income of \$100,000. We've done that. I've watched the BETR program reimbursement funded from somewhere around \$6 million to a high of nearly \$80 million. We just recently repealed the personal property tax on business equipment to encourage investment in equipment here in the state of Maine. While we did that, we told people who enjoyed BETR to forget the 12 year limit that they had to live under and we extended it to forever. We did that just a couple of years ago. We created Pine Tree Economic Development Zones. If someone wants to locate in Maine there is no corporate income tax the first five years with 50% the next five years. I don't remember all the benefits that go with it, but there are plenty. We changed to a single sales factor for corporate income tax that virtually wiped out the corporate income tax burden for Maine manufacturing. We just did that last year. We've put almost \$800 million of new additional education funding in the past budget and this one without all the tax increases that Maine Municipal recommended to us after the vote passed. We did that by squeezing all of State government and eliminating hundreds of jobs. We've done dozens of targeted tax exemptions and tax breaks to encourage certain industries in segments of the economy. Workers' Comp, I wasn't part of that,

we all know that's come down dramatically over the years. I was part of some tax increases. When I got here the cigarette tax was 37¢ a pack. It's now \$2. McDonald's type restaurants were at 5%, now they are at 7% along with Class A restaurants that serve alcohol. Those are the two major, and I'm sure you folks around here can come up with some more around the edges. Those are the two major tax increases we have done. When I got here another thing I kept hearing was how we borrow. All we do is borrow. We keep borrowing and borrowing and how we are strapping debt on our kids. When we got here we had bond indebtedness that we felt was too high. We would only authorize 90% on any given year to go out of what we retired. We've brought it down in line and now we have a 5% rule and we are sticking to it. I think we've been very fiscally responsible in a lot of ways and we've done a lot to encourage manufacturing and business. I don't think that gets out there at all to the public, so I wanted to tell you about it tonight. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-806) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#333)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-806) **READ**.

House Amendment "P" (H-840) to Committee Amendment "A" (H-806) **READ**.

Senator **MILLS** of Somerset moved to **INDEFINITELY POSTPONE** House Amendment "P" (H-840) to Committee Amendment "A" (H-806), in **NON-CONCURRENCE**.

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

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

Senator **MILLS:** Thank you, Madame President. I think just a word might be in order about the content of House Amendment "P". As I understand the Majority budget, it eliminates the OPEGA office. House Amendment "P" would restore it, in a manner of speaking, but would take away three of the positions in that office. It's a small office to begin with. This would strip it of much of the funding that is within the office. I would hope that later this evening we will have a chance to present a better treatment of the OPEGA office. It is for that reason, for purposes of avoiding any conflict with this document as it comes from the House, that I have moved to Indefinitely Postpone House Amendment "P".

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Indefinitely Postpone House Amendment "P" (H-849) to Committee Amendment "A" (H-806), in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#334)

YEAS: Senators: BENOIT, COURTNEY, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MARTIN, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, HOBBS, MITCHELL, ROTUNDO, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **INDEFINITELY POSTPONE** House Amendment "P" (H-840) to Committee Amendment "A" (H-806), in **NON-CONCURRENCE**, **PREVAILED**.

House Amendment "W" (H-848) to Committee Amendment "A" (H-806) **READ**.

Senator **MILLS** of Somerset moved to **INDEFINITELY POSTPONE** House Amendment "W" (H-848) to Committee Amendment "A" (H-806), in **NON-CONCURRENCE**.

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

Senator **MILLS:** Thank you, Madame President. As I understand this particular amendment, it has to do with the hospital tax and

match and an effort to substitute that revenue source for the doctor reimbursement component for hospitals. With due respect to my family, I move the Indefinite Postponement of this amendment.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **MILLS** of Somerset to Indefinitely Postpone House Amendment "W" (H-848) to Committee Amendment "A" (H-806), in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#335)

YEAS: Senators: BOWMAN, COURTNEY, DIAMOND, DOW, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, ROSEN, SHERMAN, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BARTLETT, BENOIT, BRANNIGAN, BROMLEY, BRYANT, DAMON, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, SMITH, SNOWE-MELLO, STRIMLING, WESTON

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **INDEFINITELY POSTPONE** House Amendment "W" (H-848) to Committee Amendment "A" (H-806), in **NON-CONCURRENCE, FAILED**. House Amendment "W" (H-848) to Committee Amendment "A" (H-806) **ADOPTED**, in concurrence.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "Q" (S-517) to Committee Amendment "A" (H-806) **READ**.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. This amendment was a long time in the making and it is a sincere effort to try to create a bipartisan product, a bipartisan budget. The Appropriations Committee did a wonderful job. We all know that. We heard from the good Senator from Androscoggin, Senator Rotundo, that they came within 98% of getting a total agreement. That's good work. Unlike what the Senator from Androscoggin, Senator Rotundo, said, this is the end product. I don't think it needs to be. I think there is room for more movement. Granted this amendment may not be perfect and it may not be the answer, but it does provide us an opportunity to work in a bipartisan manner. I think Mainers, your neighbors and mine, expect us to work together. They expect us to find solutions. They expect us to not get bound up

with partisanship. I sincerely believe that it is very important for this legislature to achieve a bipartisan budget. Again, this amendment may not be the answer, but this amendment is a sincere effort to see if we can arrive at some type of agreement. I think we still have a chance. It's Thursday night and it's getting later, but I still think we have a chance to do something as a full legislature. I think it's worth the time to make that effort.

This amendment removed the \$9 million of early sales by the Treasurer. It puts back the entire OPEGA program. That comes to \$10,187,000. How does this amendment raise that money? You've heard all about the childless adult program. That would be \$3 million. None of us want to hurt anybody. This will bring the 17,600 plus down to 15,000 in the program. Understand nobody is kicked off. You earn your way off by earning a job and then you come off. That's how we arrive at the 15,000. It also includes \$150,000 to do a study on this program. We've heard spin after spin from all sides about what this program is really about. Who are they? This amendment will spend \$150,000 to allow the Department of Health and Human Services to do that study that, I think, badly needs to be done. It also adds \$85,000 to keep the reoccurring drug program court that works well in Kennebec County, that keeps people with mental illness and substance abuse out of jail. It also takes money from the Healthy Fund, not money that has been dedicated anywhere, it's just money that is there. It also gives Clean Election a 10% reduction. The Efficiency for Maine Fund, it takes \$750,000 there. In the Circuit Breaker it does a much better job, in my opinion, than what the Majority Report did because this cut does not filter down to all income levels. It cliffs it off at \$75,000. It also takes \$250,000 out of out-of-state travel. There are OPEGA funds of \$562,000 that haven't been used. It draws on that money. It asks Legislators to pay 5% of health insurance. It's adds another \$1 million to the net operating loss that businesses can get refunds for through the years.

What we've tried to do is bring the parties together and that is what this amendment is really all about. I talked with people on both sides of the aisle. I have no idea what's going to happen tonight. I don't know who is going to vote for what. We simply, and I simply, gave it our best shot in terms of why we need to do something and why we need to try to get a bipartisan effort. Again, I don't know how many Senators are going to vote for this, but I do know that people of this state expect us to do all we can to reach a bipartisan budget. With that, Madame President, I've made my case and I'll accept the results. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I often get up before you and am not sure what I'm going to say until I actually open my mouth. We'll go on this journey together. I would categorize the proposal put forward by the Senator from Cumberland, Senator Diamond, as a compromise between the Majority Report and the Minority Report.

This is not a diversion, Madame President, I think it is relevant to what is before us. Each of you, a month or so ago, were given a book. A very thin book by former U.S. Senator David Boren, who has served the people of Oklahoma for 18 years in the U.S. Senate. He was a distinguished member of that august body. He chose not to run for re-election and became the President of the University of Oklahoma. In his Letter to America he outlines the problems that face us, as a people, and his book

is prompted by his great concern that our best days may be slipping away from us. He talks about a variety of things that we need to focus on. To the good Senator from Penobscot, Senator Schneider, he talks about the war that troubles all of us, whether we are Republicans or Democrats. I would categorize it as not taking money out of today's pockets but taking it out of our children's pockets and our grandchildren's pockets because it has largely been driven by an inflation of the federal debt. It's talks about the crumbling infrastructure and all of us, as we drive back and forth to Augusta, get to experience that up close and personal every day. It talks about the concern he has for the declining middle class and saying that no great power, no great nation, has survived without a strong and vital middle class and that America, today, is faced with a problem akin to what we faced in the 1920's when the disparity between the top and the bottom was too great. In David Boren's view, that is best corrected by making higher education available to as broad a spectrum of the population as possible. He goes on and lays out other concerns, but the thing that struck me the most was his concern for the divisiveness that permeates the Legislative process nationally and very often times permeates the Legislative process locally. David Boren believes fervently, as I do, that the best solutions are crafted when both parties are robustly engaged and robustly buy into the solution. Like the Senator from Cumberland, Senator Diamond, I have no idea where this is going, but I do believe that we are better served when we work together and end up voting together and owning the direction that we are taking the state together. I very much hope that you will support the amendment before us and look forward to the counting of the votes, Madame President. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I agree with so much of what my colleague, the good Senator from Cumberland, Senator Turner, just said. I have a question about this particular amendment because it concerns me so greatly as somebody who considers herself to be very fiscally responsible. Do I understand correctly that in order to garner \$9 million from a sale that we will be making later on down the line we will be losing \$6 million in order to garner the \$9 million? At the same time will we have to make all of these cuts? I would like to pose that question through the Chair to anyone who may answer.

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. My understanding of the \$9 million, I don't understand the selling of the securities, is that if we sell this year and the next two years then we don't have those two years for future budgets, whatever that amount is.

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

Senator **MARRACHÉ:** Thank you, Madame President, men and women of the Senate. I rise because I want to speak that I did help put together this compromise. Why did I do so? Because I

was involved with the budget. Health and Human Services and my fellow colleagues worked well together and we came up with an almost unanimous report out of our committee. We sat around the table with Appropriations and we saw them working together the same way; listening to us and taking what we had to offer and putting it into place most of the time. Then it stopped. I don't know why that happened. I've heard stories, but I'd like to think that, if you are a little bit Pollyanna about it, if you had been given a little more time we might have a budget that is bipartisan. I'd like to see that happen. I wanted to be a part of trying to make that happen. That's why I am supporting this amendment. Is everything in this amendment perfect? Absolutely not. Is everything in that budget perfect? Absolutely not. I'd like to see us work together and come together and that's why I am supporting it. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. We've heard a lot this evening about the bipartisanship that has characterized the effort that brings this bill before us. I think that the amendment that has been offered by the Senator from Cumberland, Senator Diamond, takes us the rest of the way and provides a realistic vehicle to bring us together in a bipartisan approach to the budget. It is certainly not everything that any one of us would want, but that is the nature of achieving a bipartisan consensus.

I want to speak particularly to the issue of OPEGA. I applaud the Senator from Cumberland, Senator Diamond, for including in his amendment the language that will restore OPEGA fully. It is almost with a sense of disbelief, for me, that we are even debating this. It's sort of unbelievable that we have to defend the Office of Program Evaluation and Government Accountability from a shortsighted attempt to first eliminate it and then to gut its effectiveness. OPEGA was a hard fought reform that I am told passed this Body by a vote of 30 - 4 after a spirited fight where some member of leadership at that time strenuously resisted it. The non-partisan Government Oversight Committee, on which I served, engaged in a lengthy and thoughtful process to devise and develop our approach to implementing the OPEGA law. Along the way we fine-tuned our procedures and our processes to ensure an impartial, straight forward, and thorough review process. It has been a model of bipartisan cooperation as we have developed work plans and identified areas to prioritize for reviews. It has been just 2-1/2 years since we brought OPEGA to a full compliment of staff, seven people. A director, a principle analyst, a senior analyst, three analysts, and one administrative secretary. We expect a lot from them. In the short time they have been at their work they have produced. Already they have recommended savings estimated conservatively at nearly \$2.2 million. They have identified \$167,000 in misused funds, including possible fraud. They have made recommendations that, if implemented, could avoid future costs of \$20 million. They have conducted performance audits on a range of programs; adoption assistance, our State information and technology system, the guardian ad litem program, economic development programs, voc rehab, and currently underway is a review of the Department of Health and Human Services contracting where they are looking at \$139 million in contracts. They have already issued preliminary recommendations for saving nearly \$2 million in those contracts and they are not even finished. They are also

looking, in fact they have had a public hearing, on the Government Oversight Committee on March 31st on State Boards and Commissions. They have set an example, consistently, doing their work under budget. As a fiscal watchdog, you could say they have quite literally put their money where their mouth is. It is disheartening, and it adds to the public's cynicism about the legislative process and the work that we do under this dome, that a proposal to eliminate OPEGA literally emerged from the ether in the dark of night. A supreme irony when you consider that this is an agency whose very mission is to shine sunlight on the inner workings of State government. It's extremely ironic that it may fall victim to a proposal that was struck in the dark of night.

The other Body sat back, ever so slightly, from this ill-conceived plan but still would severely hamper OPEGA's ability to fulfill its mission by eliminating positions from its already lean operation at a time when we are struggling with the budget issues that we have been discussing here tonight in such a heartfelt way. It's certainly not the time that we should eliminate the one entity that exists with the core mission of identifying deficiencies and savings and ways to make government work better. If ever there was a time when we needed a fully functional and strong OPEGA it is now. I hope that you will join me in voting for the amendment before us. Once again, I thank the Senator from Cumberland, Senator Diamond, for including this language.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I'd like to back up for just a moment because I failed to do it earlier and I should have. I, too, want to congratulate the Appropriations Committee and the members of leadership for working so very hard together. I sat with you. I had not been outside for days, as you had not been outside for days, as you worked together in a true bipartisan way. It was fabulous. So close but so far. Let's talk about that for a minute. I'm going to have to address OPEGA, but very briefly because it's already occupied far more airtime than it deserves. We've cut \$170 million or more in the State budget. Hospitals have paid, schools have paid, kids have paid, elderly people have paid, and businesses have contributed because we are doing shared sacrifice. Nobody ever thought about eliminating government oversight. What legislator in his right mind would want to lose oversight of the Chief Executive's branch of government? That's our job. We want to know what they are doing. There was a suggestion, there was a proposal, to remove some of the functions. The Senator from Cumberland, Senator Diamond, could tell you that it worked very well as a way of reviewing State government. It wasn't elimination of government oversight. It was changing how we do it and asking for shared sacrifice from our own bureaucracy. This was a legislative cut. That's all. It's done. I believe the other Body has restored funding. Here's an opportunity to restore more. I would like for you to just put it in perspective. The principles that we used on our side of the aisle, and we shared them with you and I think you had your own, was that sacrifices were going to be shared fairly and across the board with everybody. We avoided short-term cuts that result in false savings. I'm going to address that in just a minute because that is part of this amendment, in my opinion. We want to make strategic investments in the economy and there are things there for education and training for jobs. All that is there. We want to stabilize the critical safety net. While we are fighting and

concerned, the good Senator from Washington, Senator Raye, is very concerned about restoring fully OPEGA and I applaud him for that. He's a good member of the committee. We serve on it together and I enjoyed very much working with him.

Nobody seems to be worried about the 2,000 people who will no longer get health care services because we're going to cut \$3 million from the non-categoricals, which we said we won't call them that anymore, they are childless adults. I don't mean to bore you, but I want you to put faces on these people for just a minute. What if one of those 2,000 people was a 50-year-old woman from Brewer who used the non-cat program for about three years. She has a chronic condition, for which she was able to receive treatment and was able to have critical surgery. She's now employed full-time and gets insurance through her employer. Is that your image of a non-categorical? There is a 23-year-old woman from Lisbon without health insurance and having serious health problems related to her diabetes. When she received help from this program she got her health back. She's now employed full-time as a nurses' aid with health insurance provided by her employer. The last one I will use, there are plenty more and I can't go to 2,000, is a 50-year-old woman who used this program while both working and finishing her degree as a non-traditional student. She received treatment for hypothyroidism and cancer. This health care allowed her to continue to work and finish school. She, too, is now employed full-time with a good paying job and with employer sponsored health insurance. Those are non-categorical people. Those are childless adults. It's only 2,000 and things might be more sustainable if we don't worry about them, but I hope one day we can give as much concern to that as we do to an agency that oversees state government. I inquire if anyone on the Appropriations Committee, without being disrespectful, can answer, is there a single dollar of savings given to the Appropriations Committee that appears in this budget?

THE PRESIDENT: The Senator from Kennebec, Senator Mitchell poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President. The answer is no.

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

Senator **BARTLETT:** Thank you, Madame President, men and women of the Senate. At this late hour the issue for me is not so much knowing what I want to say but how to get it out. I really appreciate the effort made by the good Senator from Cumberland, Senator Diamond, and others of you who worked hard on trying to put together a compromise at the eleventh hour. I've already talked about my concerns about cutting folks off from health insurance. I won't repeat that discussion. I did want to point out a small piece of the budget that may seem insignificant but I think has great ramifications. A lot of talk in this debate has been about the importance of bipartisanship. I agree. We should always be looking to reach across the aisle and vote for bipartisan proposals. I think it is equally important that we work in a bipartisan way in committee and hold true to those commitments we make with each other on those committees. One issue that concerns me in this proposal is a cut from the conservation program fund, otherwise known as Efficiency Maine.

Efficiency Maine is a program that helps residential consumers as well as businesses, large and small, to improve the efficiencies in their homes and offices in order to save them money on their electrical bills. It is not paid for with General Fund money. It is paid for out of a charge that we pay each and every month on our electricity bills. In our committee there is discussion every biennium about whether to continue this program, whether to reduce it, or to expand it. The concern is always raised in our committee that if we expand this program we are asking electricity consumers to contribute more at time when prices are rising. If we raise the amount that we collect, or even keep the amount that we collect steady, there is a chance that at some late hour someone will swoop in and take the money out of that fund; the money that has been given to us by electricity ratepayers in trust that it will be returned to improve efficiencies. In our committee we have repeatedly gained bipartisan support for Efficiency Maine but it's been through the commitment that we would all defend it if it ever came under attack. We believe that is vitally important because the folks that regularly come forward and express concerns about the money that we are taking off those electricity bills and insist that this money goes directly back into lowering electricity costs. That makes sense. There is a certain symmetry there. It is that bipartisan commitment that I've made from the moment I joined the Utilities and Energy Committee four years ago that I must oppose this amendment or any proposal that takes money away from the ratepayers.

As a final note, I think it is bad public policy in a time of rising electricity prices to take money out of the fund designed to help people to deal with it and lower their energy costs. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. Gee, I didn't think I was going to get up again tonight. I'm standing here because I did go down to the other Body earlier on today and asked myself why I did that because I was so furious listening to some of the debate down there. I'm a little bit frustrated by what I've heard from my good colleague, the Senator from Washington, Senator Raye. My committee, the State and Local Government Committee, was asked to vet whether or not we could achieve savings, or if it would be appropriate to achieve savings, by looking at how OPEGA could collaboratively work with the other non-partisan offices under the dome. This was not done in the dark of night. This was an open, frank, and honest discussion in which this language was suggested about potentially streamlining state government. I think most of us here would like to see a streamlined state government. Do I think OPEGA has done a good job? Yes, I do. Do I think perhaps they could do a better job if they worked collaboratively, in a sort of synergistic way, with other non-partisan offices under the dome? I do. I also think they can do it for less money. When we look at amendments that are cutting the most needy people, or suggest cuts to the most needy people, that also translates to a shift onto taxpayers eventually to bear the burden of those people showing up, when they are not covered, in our emergency rooms and the loss of draw down to the tune of \$6 million, I certainly am looking, and willing to look, at turning over every stone to find some savings. That includes OPEGA. I absolutely want government oversight but there are people who have been under this dome for a lot longer than I who have experienced very good government oversight, which has achieved a huge savings in the past, without the bureaucracy of

OPEGA. That doesn't mean I don't support the work of OPEGA. I do. My committee, the State and Local Government Committee, vetted this issue at length and we unanimously approved a letter that went to the Appropriations Committee. I told my committee the language that we were interested in. I said to my committee that anybody who disagrees with this language might offer any language that they wished to put in this letter and I would support that going over to the Appropriations Committee. Any language. It distresses me when I hear the 'dark of night' used because that goes out to the people of the state of Maine and that is absolutely, positively, false. We had a full committee vet this issue and a unanimous letter that went to the Appropriations Committee in support of somehow using more collaborative means to streamline state government. Sometimes, folks, we have to walk the walk. We can't just talk about it. We have to walk it. This means sometimes we have to give up the notion of siloing things in order to better achieve savings. I personally think Beth Ashcroft and her folks do a very good job but I do think that they could use the work and expertise of others under the dome and achieve efficiencies and so did my committee.

I also want to speak to this amendment and the issue of the legislators paying health insurance premiums. This may seem like a small thing to people but legislator health insurance premiums means a reduction of a large amount of money to legislators, like myself, who might not otherwise be able to afford to stay under the dome. In other words, we have to be careful. I asked a young woman here, a Girl Scout, just the other day what she thought a State of Maine Legislator makes for a wage. She said \$100,000. Folks, this is something that we need to have the people of the state of Maine understand. I'm e-mailing people at 2 o'clock in the morning. I probably make 2¢ per hour. I don't know what it is, but it is not a whole lot. That includes my benefits. I don't want people who want to serve to be excluded from public service because they can't afford to run. It's a little bit elitist to say that we are going to cut roughly \$10,000 or \$11,000 a year from legislators through their benefits. I constantly talk to people about what they think we get paid because most of the time it's \$140,000. That's what they answer. I think the message needs to go out to people that we are a good deal for people. In fact, the reason why I bring this up is because we get bills to raise legislator pay and I have held the line. I have essentially supported cuts by not raising legislator pay because since I have been here, my short time in this legislature, we have struggled with our budget. I didn't feel like it would be appropriate for us to raise our pay when we are cutting from needy people. Someday we are going to have to do that, folks, because we are excluding some people from being able to serve. That's just wrong. That means we have only the wealthy people, in general. There are some people who will struggle it out and tough it out. I know that. Some people can't afford to do that. It's not a lot of money that we make here.

I really appreciate the concept of the bipartisan thing, but there are some real problems with this amendment and I just think it's in keeping with understanding that the message gets sent out to people that things are not done under the dark of night. I don't want people to think that. It's not true. If it is, it's only because we're working until 2 o'clock in the morning often. Yes, I work in the dark of night or the wee hours of the morning, but it's to write my constituents e-mails, not to try to do something underhanded and un-serving of them. I believe in serving them by streamlining government, looking for cuts which won't hurt people, and that's why I supported this. Yes, I want government

oversight. I just think we can do it less expensively. Thank you, Madame President.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. Beth Ashcroft runs one of the most effective, least costly, agencies in state government. The one thing that she should be prized for above all other attributes is the independence with which she writes her reports and does her analyses. In the process of her work during the last several years she has stepped on a few toes. Some of those toes are in this Chamber. If we don't have the courage to support the independence of that office, and the fine work that is coming out of it, we deserve the editorials that are being written in condemnation of the idea that we should destroy that office. I think it would be a shameful thing to take it away. I will say one other thing, this party has invited the father of OPEGA to join us next year. He may or may not make it. I don't want to wish upon you what will happen if even for a moment you consider destroying his baby. I think it's well worth saving on the merits. We struggled long and hard over the issue of whether to create this office. Now that we have a half a dozen or so very interesting reports on the desk, it does seem that office has proven itself. It runs on a budget that is much less than the amount of money that we give it. To take away even three positions, as the other Body thought to do, would be a big mistake.

I want to address one other issue. One of the first votes that I cast when I came here in the middle of the winter of 1995 was to preserve something called the Maine Health Program. It was a state only program created with no Medicaid match at all to try to fund health insurance, in a limited way, for people who were below 100% of the poverty level. I remember defending it as sort of a K-Mart health insurance because the menu of benefits that we afforded under that program were focused and targeted towards preventive care only. We cut out hospital coverage completely for this population. Budget constraints made it difficult to sustain the program into the troubled times of the 1990's. We did what has been done under the childless adult waiver, we capped enrollment. Eventually the program, even as the economy began turning around, came under such attack, from a budgetary perspective, that it was eliminated over my own objections because I thought that it was worth continuing that social experiment. Six or seven years ago I played some role in creating this, what we call, non-cat program or childless adult waiver. I followed it, from some distance, since its inception and have become increasingly concerned that we have not subjected this program to proper evaluation. I'm aware that over half of the money goes to hospitals. Some of that, I think, is for preventive care and testing, but much of it is not. I have seen no studies which show us what this population looks like, who's in it, who gets out of it, how they get into it and out of it, qualification and eligibility, and what are the true medical needs of this population and how could we best meet those needs within the meager resources that are available to a poor state like Maine. If you think this is the route to universal health care read the Boston Globe. A very wealthy state like Massachusetts has made, what I regard, a noble effort and experiment to try to extend coverage to all of its citizens and it is precisely the extraordinary cost of that effort that has proven, I think, to many states like California that they would not try to go down that road. To the extent that you

think, or that we want to assume, that merely insuring this population is an adequate proxy for public health improvements, that is a pathway that we cannot afford to take. We can't afford to continue it. We've tried this before, 20 years ago, and it failed. This program has been under nothing but tension since it began to ramp up in 2002 and 2003. My own belief is that there hasn't been any serious thought to how to manage this program. That became readily apparent when the budget from the Administration came out in January with ideas in it that we would begin to trim costs in this program by eliminating all prescription drugs. I thought to myself, 'Nobody is doing any serious thinking about this program.' If there is anything that these folks seem to need it is, for a large segment of this population, the psychotropics that keep them out of jail and Riverview, and for another segment of this population it is the diabetic medications and blood thinners and the like which keep them out of the hospitals.

I went on the website of the Centers for Medicaid and Medicare services to find out about the waiver. I was reading the waiver document itself, as it was renewed last fall. I stumbled across a name and a phone number. The letter said that if you had any questions about the waiver program to call this lady at this number at CMS. I'm dialing up my phone. There is a woman that answers on a recording and I left a message. A day and a half later I got a call. It was this woman from CMS. I told her it was the first time I'd put a voice, let alone a face, onto this huge bureaucracy and I understood she was in charge of our waiver program. She said, 'Yes.' I said, 'I'm calling you because I'm interested in knowing what levels, because I'm very interested in this population because I represent a lot of people who are eligible for this program.' I think it is an interesting and very important public health initiative. I said, 'I'm frustrated because we're pouring, at some times, \$80 million or \$90 million a year, state and federal, into an insurance product for this population and I'm being told, from time to time, that we lack flexibility in how to spend money on this population because we have these rules down in Baltimore.' She said, 'I don't know that this is so true.' I said, 'What do you think we would need to do in order to develop a more intelligent way of allocating scarce resources, state and federal, to the medical care and improvement of public health in this population? What about what I would call a longitudinal population survey? What if we just took 200 or 300 people who have been in the program at one time or another and did a complete profile so that we would know what the medical needs are of these people and would be able to redesign benefits so that we could touch and focus on preventive care, which is the touchstone of being able to improve public health, and not just throw money into the pockets of the various providers on faith, that somehow providing an insurance product to a population that has no assets to protect, and that merely insurance as the proxy for improving health is somehow the way that we should continue as a poor state to manage this issue.' I am not sanguine about the possibilities for passing something called universal health care in America. I think that the political forces that aligned against it in 1994 are still as powerful now as they were then. I think we, the state of Maine, are going to be living with the responsibility of the care of this population, in one form or another, for some time to come. We can't afford to go the Massachusetts route of attempting to provide an insurance product for our entire citizenry, but I think we can do, and I think we will have the flexibility when it comes time for renewal of this program, to consider how best to spend the finite quantity of

money to reduce the waiting lists, which we would all like to do, and focus the money intelligently on the kinds of care that will do the greatest good for the greatest number in a population whose health, in many cases I'm sure, is desperately deserving of improvement.

That's the theme behind the survey component of this amendment, and for my own sense of significance, I think it may be the most important element. I am frustrated beyond patience at having to allocate tens of millions of dollars on the basis of anecdote. As one friend of mine says, the plural of anecdote is policy. We are making policy on the basis of some very persuasive stories. I don't diminish the significance of anecdote. It's very powerful. We trial lawyers trade on it, trust me, but it's not fair for us to be an \$80 million or \$90 million program without having any decent notion of who these folks are, what their needs are, and how their medical needs can best be met with the sparse dollars available to us. I think all budgets are ugly. This one is no less ugly than others that I have suffered through. This amendment is ugly. It's no less ugly than the Majority Report. It has the virtue of creating an interest on this side of the aisle, though not overwhelming support. I think if there was ever a time in our history where we need to hold hands and stride out of this building together this may be it. I don't know why you folks in the Majority want to own this budget any more than we do. There is plenty in it to hate. Why don't we go home, as I've said so often, and take our medicine together and follow the advice of the good President of the University of Oklahoma? Thank you very much.

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

Senator **SULLIVAN:** Thank you, Madame President. I actually am standing here in support of this amendment. I don't disagree with any speaker here. Maybe pieces of some speakers. It's a lousy budget. It's a terrible time to be alive. There is an awful war going on. It's late at night. I'm tired. I've read the book Letter to America and I agree with much of it. I used to have, in the other chamber, something that has now been upstairs in a place that I can't stand. It's a little dragonfly. Anybody that has seen me knows that most of the earrings and necklaces that I wear are dragonflies. My son gave me, when I first ran for office and won in the other chamber, a small silver bar, not the type that some of you might be familiar with, that says a great quote from Winston Churchill. 'Never, never, never give up.' I'm a slow learner. I have fought for four years upstairs in a committee room for something I truly believe in but know that it is not perfect as it is and won't be perfect later. This budget will never be perfect. There is pain in this budget. I wish there were more pain for some and less for others. People, we were sent here to work and to govern. Compromise means that nobody is happy with a budget. If we were all going to agree, and everything was what we wanted, we wouldn't need committees, public hearings, and we'd just have a great time. That's not what this is all about. I am extremely pleased to tag onto this. I thank the Senator from Cumberland, Senator Diamond, for allowing me to go in and be revitalized every so often in the last couple of weeks upstairs in my committee room.

We need to work together. We need to pass the budget. I sort of like the Senator from Somerset, Senator Mills' idea. Why does just one side want to take blame for this. It is not a great budget. That's not a criticism of the Appropriations Committee or leadership on either side. It is a fact. We are in tough times.

Some say a recession is coming. I believe it is here. There are no new taxes in here. We have moved many things forward. I'll take 7/8th of a loaf. Heck, I'd take a free dinner right now. I'd take 7/8th of a loaf of bread any time. That's what we are being offered.

I'm used to being a skunk at a picnic. Unfortunately, I'm still the skunk and this is no picnic. I will tell you that it is an honest attempt to make something work, have us walk out of here, and all be together saying it's terrible.

I think the Health and Human Services Committee has done an outstanding job. I've said that to many members in the other chamber and I've said it to the Senator from Kennebec, Senator Marraché. I don't know if I said it to the Senator from Cumberland, Senator Brannigan, because I'm usually too busy laughing at his comments because he's quite an entertainer and has that sense of humor.

If I talk long enough I can actually offer my prayer tonight and I don't have to be here tomorrow early, Madame President. I'm going to vote for this and I'm going to hope that it passes because I'm still an idealistic person who says, 'Never, never, never give up until the die is cast.' Thank you for giving me a chance, Senator Diamond, to offer something where we can be united as we try to work for the citizens of Maine. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. I wish you had a queue there so we could see who is in line. I was afraid I was going to be behind the Senator from Somerset, Senator Mills. I'm glad I'm behind my good friend of long standing, the Senator from York, Senator Sullivan. We've known each other for many years.

I just have a few observations on what we're doing here, if I may. There is a saying we all know, 'All politics are local'. Tonight I'm hearing, 'All budgets are local.' I think the Senator from York, Senator Sullivan, kind of alluded to that. We're talking about detail after detail after detail. Probably great for committee work. Maybe political points here. Maybe some things that are laid out that we could talk about later. I've been here nine years. Rather quietly. I just hang around the corridors, just like everyone else does. I think this is the first time we've had a chance to have a little baby step on bipartisan work. I think we had some Democrats and Republicans that wanted to see that done. They did it. In some cases their butts may be on the line. Maybe not. That's what is an important point to me, that we could have the public perceive us as willing to stand here, in this chamber, and make a bipartisan agreement. We do it in committee all the time. We fight and we fume on Agriculture with the Senator from Androscoggin, Senator Nutting. We have our disagreements. We usually have 12 - 1 reports. A gentleman in the other Body doesn't seem to go along with that. I have the greatest respect for the Senator from Cumberland, Senator Diamond. He is a man of integrity. We've had a difficult deal with the jail bill. I would make a plea, we represent 30,000 people but I would think we'd say we represent 1.3 million people. That is essentially what the Senator from York, Senator Sullivan, said.

I like a little poetry. I wish I'd brought Robert Frost along. Maybe, Madame President, you could recite The Road Not Taken. 'Long we stood and looked down each as far as we could to where it bent in the undergrowth.' Paraphrasing the rest, you could have taken either road. We took one. The one less

traveled by. The other one was grassy and want for wear. In the end we saved that road for another day. At the end we say with a sigh some years hence because basically we never got back there. It seems to me that we are on two roads that diverge in the yellow woods and we're standing here. I much appreciate the words of the Senator from York, Senator Sullivan, the Senator from Cumberland, Senator Diamond, and the good Senator from Oklahoma. Thank you.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll try to keep it brief. I just wanted to speak for a moment about OPEGA and our committee. I, too, serve on the State and Local Government Committee with the Senator from Penobscot, Senator Schneider. I love our committee. I think we work very hard and I don't know if you've noticed, probably not, but we have a lot of bills that come out with unanimous decisions. We did write a letter. It was approved. My recollection of that is that at no time did our committee feel that OPEGA should be taken and put in with other groups. Somehow that was misunderstood, I believe, when it went to Appropriations because it was across the board, I would say unanimous. The conversation was very positive around OPEGA, the need for independence, the need for oversight, and how much we had used it just in the conversations that we were having while trying to come up with our budget cuts and our way of contributing to this budget from our committee at the request of Appropriations. I think we went above and beyond. We pulled from some resources that had been guarded and needed and gave those up. We worked very hard on that. When it came to consolidating some of those programs, it was very clear in that letter. I know I had spoken quite firmly on the mike with the Senator from Penobscot, Senator Schneider, and Representative Barstow, about OPEGA being on its own and we all agreed in that letter. I wish I could find it. I thought I had it on my desk. I think that the Chair and co-Chair of the committee did a great job writing it. I think it was just misinterpreted. I'm going to support this amendment because I think it is a good start. It's a good place to be in. It feels comfortable. I think we do have to have OPEGA. I think it's important to have truth, transparency, and independence in a program. I'm only a first time Senator, but from what I've seen we depend on that for information. When we lose that I think we've lost a lot. If it's going to be overseeing, and looking into some of the things that are happening in Health and Human Services, I can't think of a better program to be overseeing that than a bipartisan, honest to God, independent program overseeing it and looking into it. I think that's where we will find out who those most needy are, they will be taken care of, and we will be able to allocate money for them. We can do it with the sure bet that this has been fine-tooth combed. I truly believe that. I agree with a lot of things that have been said here today.

I have to say that if we're going to share stories, I'll just tell you really quick, my mother has always said to me, 'Paula, you know it's what you do when no one is watching that really counts.' I have to say that for years, as an activist for volunteerism and a small business owner, I have always given as generously as I could. I've tried to not only help people but to assist people in helping themselves. I think there is a big difference between helping someone and assisting people to be independent and to be able to do for themselves. There is a pride in that, when you

can say, 'I did assist them.' I've worked with a lot of young entrepreneurs not so that I could get credit for that in any way, but so that I could help them to help themselves and achieve the things that I had achieved, which is a great feeling. When I look and I see these young women actually owning their own businesses or when they send a note to me and say, 'Thanks, Paula. Thanks for the chat. It really helped.' It's very rewarding because I didn't have to help them. They helped themselves. That's what is important.

I think that we are off to a good start here. I feel very comfortable with this. I believe it's going to help the people that need to be helped. I'm sorry if that is offensive to some people. I don't think we can help everyone. I don't know that we need to help everyone. I think that we need to take care of the people that cannot care for themselves. I believe that we need to take the people that can care for themselves and help them to care for themselves. I believe that there are so many programs. I have gone over so much paperwork and there are so many good programs on the books right now that we've invested time, energy, and money into. We should be so proud of these. I congratulate anyone that's been here for a long time, have worked on these programs, and put them together. Often times they take a hit from the public and they will say, 'Why do you need this' or 'Why do you need that'. There are some really good programs on the books right now. People could get off welfare if they even knew about some of the great things that go on up here and if they even knew that they could have these opportunities. I don't know that they do and that's where I think OPEGA is coming in very handy. They will be identified. For heaven's sake, when we can identify those people maybe we can show them what's available to them, that's already in place, that's already being paid for, and assist them to be more independent on their own. That would be a very good feeling for me, personally, as a Senator. Thank you very much for listening to me.

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

Senator **NUTTING:** Thank you, Madame President and ladies and gentlemen of the Senate. I've never been so proud as I have been of several members of this Body over the last few months. Appropriations and the committees have worked very well together. I've been very proud to have been part of this bipartisan effort the last ten days and to try to continue to work and work on the last 2% of the budget, frankly, that wasn't unanimous. My people sent me here, I believe, to work with all legislators. It never has been, and it never will be, my motto to say, 'Well, we got the blank Republicans now and I'm happy about it'. I never said that and I never will. I'll have some disagreements with them, but this state, this legislature, has never ever passed a single party budget in an election year. Never. Frankly, I believe that this amendment represents what the Appropriations Committee could have come up with if they could have done one thing; locked the door and made sure that neither side's leadership was allowed to enter the room.

I have a big issue with a \$9 million Treasurer's sale. I had a big issue with selling all the liquor business early to get some quick cash. I had a big problem with selling the lottery early to get some quick cash. Ladies and gentlemen of the Senate, the market is terrible right now. It was up 100 points more yesterday alone. It is not the time to sell three years of securities to try to get some quick cash. It just isn't. This amendment does not

allow that to happen. It makes cuts in other areas that some people don't want to cut, but fiscally it's the responsible way to go, I believe.

We've had a little discussion on the Co-occurring Disorders Court, \$85,000. The Muskie Institute has looked at this. This, so far, has saved almost \$1 million in jail costs. I've attended the three graduations that they've had. These are people who have been in jail, who have committed really bad acts, and this program has given them their lives back by a court order to stay on their treatment plan in order to stay out of jail. I saw people who have jobs now, who have their families back, their children back, and are not in prison. They are earning a good salary and paying taxes. As far as I can see, there is only one option to keep that fine program going and it is with this bipartisan amendment.

We've had a lot of discussion on OPEGA. I also can't support the elimination of OPEGA or the motion in the other Body to keep it going on life support. Poor OPEGA. In my opinion they've made three mistakes in the last year. They pointed out that the number of upper level government supervisory positions are up 44% in the last ten years. A lot of people did not like that. They pointed out that we have 42 economic development programs, many with little accountability. A lot of people didn't like that. Lastly, poor OPEGA voted to review how the money is going to be spent, and has been spent, in the Fund for a Healthy Maine. That was very controversial.

I think this is a good effort. It's a balanced effort to make cuts, to be fiscally responsible, and to maintain 5,000 people more in the non-cats program than we did through much of 2006, when I never saw a single headline about the fact that we were down to 10,000 people. This amendment will maintain 15,000 plus people in that program. I urge your adoption of an amendment that is not perfect but I believe this is what our constituents sent us here to do, to continue to work and work and realize that April 1st is not tomorrow, April 1st is next Tuesday. We can still continue to work. I pledge myself to do that. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. There has been a lot of discussion tonight about bipartisanship and I just want to speak for a moment about what true bipartisanship means to me. Bipartisanship, I believe, means when we come together, in the public, and openly discuss our differences and respectfully work through those differences and come to solutions and conclusions. With all due respect to my six colleagues who worked on this amendment, what was missing in this amendment was transparency and true bipartisanship because it was not transparent. Yesterday I asked one of my colleagues who was involved in the group who the others in the group were. That information could not be disclosed to me because they were all sworn to secrecy. I found it very troubling. I couldn't even get the names of the six. The amendment hasn't been vetted publicly up until this point. That concerns me.

We talk about transparency tonight, working in the dark of night. I would feel much more comfortable had this been worked out in public with full knowledge of the public and the public being able to participate and be represented. I look at the amendment and I worry that what we have represented here are those changes in the budget that six members would personally like to have made in the budget. I hope I'm wrong. I don't mean to be

unfair. When we talk about bipartisanship we have to talk about transparency and openness and enabling the public, through their elected officials, to participate. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Early on in the 123rd Legislature both sides of the aisle made a very important point of how important transparency and accountability was. There were press releases. There were press conferences. Any of us who really dug in to heavy-duty committees know how hard it is sometimes to find transparency and accountability. You work really hard with the people who come before you. You ask really good questions but you still never really know if the decision you are making is the best one. What OPEGA did was help us do that work better. It brought transparency and it brought accountability. Interestingly, it was not transparency that diminished OPEGA in the budget. There was no public hearing. There was no time for public comment. It was at night when this was presented. Very little public was there. The letter that the Senator from Sagadahoc, Senator Benoit, mentioned earlier was very clear in their instructions. In fact, it says, 'The committee does not favor any diminishment of the missions, goals, and independence of OPEGA.' That is exactly what happened. OPEGA needs to have the power and the ability that gives us the ability to be better decision makers and to have the confidence that the good information that we have, and the good work that it can produce, will produce a better government for the people we serve. We must always be held accountable for not just talking but for following up. If we want transparency and accountability, I think there is no better example than OPEGA. The diminishment of it diminishes our work.

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

Senator **MCCORMICK:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise this evening in support of the pending motion. First I'd like to add my voice in recognizing and thanking all the members of this Body for their work in getting us where we are today. There was an extraordinary amount of work done by many committees. There were many concessions by both sides along the way. The result is that we have carried this budget 98 yards down the field, with bipartisan support, in spite of the fact that there is something in there for each of us to hate. This amendment offers us the opportunity to look once again at the remaining items on the Majority and Minority reports and we're doing that in a lengthy and spirited way. It allows us to determine, individually, if there is more good than bad in the changes this amendment proposes and we may yet, tonight, get to express that feeling. Hopefully it will allow us to decide, together, to carry this budget the final two yards. If I did not believe this amendment could get us there, and get us there together, I would not have chosen to be part of its creation. You could ask for a show of hands, I don't believe it was a secret to many people at all. I think many people in the building understood what we were doing and who we were. I thank the Senator from Cumberland, Senator Diamond, for bringing this amendment forward. I ask for your support and thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. Just very briefly. I wanted to respond to a couple of things that have been said during the course of the debate. First, I want to echo comments of the good Senator from Somerset, Senator Mills, in terms of the importance of the provision that will allow us to better understand the population served by the childless adult waiver. I think it's very important to all of us, as policy makers, to have the best possible understanding of that population and how they can be best be served most effectively.

I also want to respond to the comments of the good Senator from Penobscot, Senator Schneider. First, with respect to OPEGA, it was specifically and purposefully designed to be independent. The idea of rolling it into some other entity with a different culture and different goals, I think, is more than just a matter of saving money. I think it's a matter of undermining a very important government reform. As for the suggestion that OPEGA has a bureaucracy, because that was the word that was used, I would remind this Body that, at it's full compliment, there are seven people at OPEGA. By any measure, it is lean and mean.

Finally, on the issue of legislators and health insurance, we heard remarks earlier this evening from the good Senator from Kennebec, Senator Mitchell, about the need for shared sacrifice in this budget. How can we even think of excluding ourselves? We've talked about how there is a lot in this budget to hate but there are people all across this state who are going to feel some effects of this budget and whom we are asking to share in the sacrifice. Foster parents, schools, and many others. I think it's only fair, and the moral thing to do, is for us to share in that sacrifice as well. I think it is a very minor sacrifice for us to make.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I'm going to be brief. I really am. I hate to interrupt this sort of canonization of OPEGA but I am going to just because it was mentioned about economic development programs. They cited that there were 42 programs that did not have a very good evaluation. Only 12 of those programs come under the Department of Economic and Community Development. Two of them, MTI and the Small Business Development Centers, have independent third party evaluation and audit results. OPEGA missed those and tagged those programs as needing more scrutiny. The majority of the economic development programs are actually tax incentive programs, including BETR, that we had been looking at in the BRED Committee and have not yet found a way to evaluate. We're already working on that. I'm not against OPEGA. I'm not for OPEGA. I just don't know how it got to be some sort of saint.

I want to say something about partisanship. I don't think there is anything wrong with partisanship. It's the partisan bickering people don't like. There hasn't been any bickering. Okay, so we got 396 pages of a budget and there is only a little we don't agree on. This is bipartisanship. This is what happened in the Appropriations Committee. We should all be proud of that. The part that we can't agree on is the part that the minority party

prefers. You should be really proud of that. I don't see any need to try to make people that don't want to vote for this vote for something else. I don't see that having two or three of you vote for something else makes it any more bipartisan than the 380 pages of agreement. We're not bickering. Partisan values are good. I'm a Democrat. I like the Majority budget. I'm going to vote for it. If you don't like it I don't think you should vote for it but I don't think we should pretend that by morphing something together we've been more bipartisan. People sent us here and said, 'Don't raise taxes.' We didn't. They said, 'Keep the wheels on.' We did. A number of the people in the halls last week said, 'Keep the safety net.' We did. I just hope we can vote pretty soon because I think I'm proud to be a Democrat and I know you are all proud to be Republican. We ought not shy away from that. We're not bickering. Everyone came from committee work that mostly had unanimous reports. I'm proud of that. I'm proud of the work that the Appropriations Committee did and the fact is that we didn't agree on 2.4% of the entire budget. All this work that everyone has done was done in a bipartisan way, the 380 pages. The parts of it that the majority likes, the Democrats like, let's vote for that. The parts that the Republicans like, let's vote for that. This other thing, let's not vote for that. Thank you.

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

Senator **MILLS:** Thank you, Madame President. This has gone on much too long, but after having disparaging the very notion of arguing by anecdote; I forgot to tell the conclusion of the anecdote that I was in the middle of. The upshot of it was CMS enjoys looking at evidence not anecdotes. We should as well. That is the reason for suggesting that there should be a competent survey of this population that we all care about. The response I got was, that in this environment within the labor program, flexibility on the part of CMS is readily available to respond to evidence of how better to spend state and federal dollars on this joint enterprise, protecting some of our most vulnerable people. I want to say to you that it was a very stimulating conversation. I recommend that you do the same. Go directly to these bureaucracies and get straight answers. It's quite revealing. That's the end of my anecdote and I hope the end of this discussion.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First, let me say that I also concur that the report showed that the operation of Co-occurring Disorders Court in Kennebec County was a worthwhile effort, but the same organization that said that also said the same about the program for single adults. The same organization that the good Senator from Somerset, Senator Mills, and I are on the board of.

I'm coming on this, perhaps, in a different direction but I think it's time that members of this Body understand how we got to where we are. I will attempt to do it briefly. We worked very hard in the committee and we were almost there. The first time that it appeared it was going to fall apart was Wednesday night. I come from a different perspective than most because I serve on the Appropriations Committee and am a member of leadership. We had a joint leadership meeting in which we were told by members of the minority party that there would be no agreement and that

the end had arrived. The next morning we continued to work in the committee and narrowed down the issues one by one. We were down to a list of probably ten items. I don't remember the exact number and I don't have them here. At this point a member of the minority leadership came and pulled their members. House members left. The new chair of Appropriations, the Senate President, went to the Senator from Cumberland, Senator Turner, and said, 'Don't leave now because Peggy will never forgive you.' The good Senator stayed. One member of the other Body, a member of the minority party, also stayed. That's when we, in the majority party, added the items that are now in dispute. Could we have come to a final conclusion? Yes, we could have. I say that as a member of leadership and I say that as a member of the Appropriations Committee because we were willing to work through the night. You can't work through the night when members of the minority party were pulled to go home. Not from this Body. That was the end. I feel very bad about that because the items remaining were so few that we could have done it. I apologize to members of this Body for having to relay that but I just had to tell you that it was the most frustrating experience I've had because I've been through an awful lot of 2/3rd budgets. When I'm told there will be no 2/3rd budget by the minority what am I to do? That was given to us as plain as day. I'm sorry that it happened and I don't particularly care what happens to this amendment. It's not the product of the Appropriations Committee, all 13 members. If the 13 members had been given the opportunity to continue there would have been a final product. Again, I want to publicly thank the good Senator from Cumberland, Senator Turner, who stuck with us to try to put this to bed.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I really feel compelled to clarify some things. Perhaps in the late night we remember things differently. I will tell you the facts as I know them. The Appropriations Committee did good work. They worked long and hard and they agreed on most things. When leadership did get together the question was, 'Can we get past this one thing? The non-categoricals.' The answer was, 'No. We cannot give.' That was from the other leadership. There was an impasse. There was no pulling of committee members. We were told by a staffer that the majority party had an agreement with the Executive, they were reworking their report, and it might take hours. We told those on our committee who had finished their work that they didn't have to stay. They were not pulled and they were not given any kind of orders. There were some members who did stay, were called immediately, and did go to the horse shoot and did complete some work. Those who left were told it was going to be hours. If you can't agree, there always will be an impasse. It was very clear what it was. Leadership did not stop the process and the committee could have continued but there was an impasse.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Adopt Senate Amendment "Q" (S-517) to Committee Amendment

"A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#336)

YEAS: Senators: BENOIT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, MARTIN, MITCHELL, NASS, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **ADOPT** Senate Amendment "Q" (S-517) to Committee Amendment "A" (H-806), **PREVAILED**.

Off Record Remarks

On motion by Senator **NASS** of York, Senate Amendment "B" (S-499) to Committee Amendment "A" (H-806) **READ**.

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

Senator **NASS:** Thank you, Madame President. There is one major item, at least major to me, that we haven't had any discussion about tonight and that is education. This amendment proposes to reduce at least some portion of General Purpose Aid that was proposed to be cut in the Majority Report and in the report as amended. There have been some comments tonight about General Purpose Aid. I've heard these comments before, about how we've dumped a lot of money, \$800 million, in education as a result of a referendum vote a few years ago. Unfortunately, the attitude around here seems to be that we've gotten kind of resentful of that. That's a lot of money. We could be doing a lot of other things with that money. Maybe we've forgotten that the voters told us to do this. They told us to do it immediately. That was four years ago. We still haven't made it and we're not going to make it now. I'll tell you how that is going to play at home, or at least in my home area. I have one superintendent who writes up his annual report. Even though we've been giving him a lot more money, every year, year after year, what's happened with that district is we've given him a little less more each year than we gave the year before. He writes it up like he's getting a cut in state aid even though he's getting more money, but it's a little less than the more he got the year before. That makes sense to me, I hope it does to you. Somehow that's a cut in state aid. That is the condition that we're

dealing with in General Purpose Aid now. This cut in General Purpose Aid is essentially going to give permission to our school officials to raise property taxes. It's all going to be about this cut in General Purpose Aid. This amendment tries, at least partially, to do something about that.

I'm a little resentful of all the money we sent down. The promise of property tax relief has not been achieved. It's documented every year in the L.D. 1 report. We've just seen a new one in the last couple of months. It would be nice if it was not this way, but it is not. We have not figured out how to provide property tax relief by sending money down to the towns, the school districts, or anybody else. It turns out it doesn't work very well. I'm suggesting we pay for it with another major issue, that's to do something about the cost of State employee health insurance. It turns out that if you suggest or change our current health insurance plan for State employees by requiring about 10% of the premium be paid, which is a pretty good standard in the private sector, and if you raise the co-insurance or deductible slightly, you have created a partial payment here of about \$12.5 million. In essence that is what this is. Thank you.

Same Senator requested a Roll Call.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-499) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President. A point was just raised by the good Senator from York, Senator Nass, that I would like to address because it really hasn't been discussed tonight. That has to do with State employee health insurance. I know this is a big issue for many people. I just wanted to assure everyone here that the Appropriations Committee looked at this issue very carefully. We spent a lot of time with Frank Johnson talking about this. In fact, the State employees had given up \$20 million that appears in the majority budget and minority budget that has come through health care. What we came to understand is that by incentivizing people to live well saves you more money in the long run than cutting their premiums. I think the \$20 million that they were able to offer up through their incentivizing is proof of this. We did look at this very carefully and rejected premiums from health care because we thought the plan that they were working under was much more effective. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "B" (S-499) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#337)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, DAMON, DIAMOND, GOOLEY, HOBBS, MARRACHE, MARTIN, MCCORMICK, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, BRYANT, COURTNEY, DOW, HASTINGS, MILLS, MITCHELL, NASS, PLOWMAN, SAVAGE, SMITH, SNOWE-MELLO, WESTON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-499) to Committee Amendment "A" (H-806), **PREVAILED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "J" (S-510) to Committee Amendment "A" (H-806) **READ**.

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

Senator **COURTNEY:** Thank you, Madame President. I will not say that I am going to be brief but I will try to. Here's another opportunity to restore the local aid to education and try to live up to the commitment that was required by the voters a few years ago. This amendment restores \$37 million plus to GPA through the formula. It takes it from the Undesignated Fund balance. For some of us, not sending the full to the GPA amounts to a property tax increase. I fear many communities across the state are going to see this increase. I also would like to see a little bit more tax relief from the \$800 million that we sent to the local communities. Unfortunately, it wasn't designed that way. We've heard concerns about one-time funds and increasing the structural gap. I guess I would suggest, as I thumb through both versions of the budget, that if you go into part H and look down to section 2 and section 3, there are some one-time gimmicks to come up with \$27 million from health insurance excess, the equity reserve balance, and retiree health insurance excess. This money is one-time money. It's not going to be available next year. Maybe even less will be available when you look at the return on investments going forward. I would suggest that it's raining at home and it's time to go into the Rainy Day Fund and provide some property tax relief.

In addition to that, let's not back off from this commitment to education. Let's take advantage of some of the things that we've done already like the budget validation vote. Let's send the debate about property tax back to the local community where it belongs rather than have the local community and the school board stand up and say, 'It's not my fault, Augusta's not keeping their promise.' Let's try to keep the promise and let's have that discussion at home. Let's put the pressure where the expenditures lie. Thank you, Madame President.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-510) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to remind everybody of the discussions we've had tonight about fiscal responsibility, the importance to create sustainable savings, and not to draw upon one-time money. It's for that reason that I urge you to support this motion so that we don't take one-time money from the Budget Stabilization Fund. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President. I just want to reiterate my point about fiscal sustainability and the comments from the Chair of the Appropriations Committee. Both sides of the Appropriations Committee suggested it would take a one-time \$27 million amount to use for this budget. I would suggest that we need to go a little further because it's raining at home.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "J" (S-510) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#338)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, ROSEN, ROTUNDO, SAVAGE, SHERMAN, SMITH, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, PLOWMAN, RAYE, SCHNEIDER, SNOWE-MELLO

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-510) to Committee Amendment "A" (H-806), **PREVAILED**.

On motion by Senator **SMITH** of Piscataquis, Senate Amendment "F" (S-503) to Committee Amendment "A" (H-806) **READ**.

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

Senator **SMITH:** Thank you, Madame President. I have an amendment here that is not an Appropriations matter. I have a matter here that is a Utilities matter that has suddenly appeared in the budget mysteriously. It is Part KK and it is found on page 305 of the budget. Part KK would reestablish the office of the State Nuclear Safety Inspector and let me give you a little background on this. With the decommissioning of Maine Yankee, the State of Maine, acting through its public advocate and the Maine Public Utilities Commission together with Maine Yankee, conducted a set of detailed discussions and negotiations through the early part of 2004 on the appropriate level of assessment needed to fulfill the State's responsibilities at the Maine Yankee site once the closure of the plant occurred. Obviously, those responsibilities were greatly diminished with the closing of the plant and decommissioning of it. These negotiations led to a settlement agreement that was signed by the parties in the middle part of 2004 and in August of 2004 was ratified by the Federal Energy Regulatory Commission, FERC. When the legislature next met in 2005, it was approved and ratified by this legislature. This settlement agreement has now been fully in force and effect since the legislature ratified it in 2005. The settlement agreement contemplated that the federal repository for high level nuclear waste would not be available for delivery of those casks that are on the Maine Yankee site until at least 2023 and probably later. A budget was agreed to, as to what it would take to oversee the proper care of those casks during that period of time, and the agreement under the settlement agreement was that starting about this time the assessments on Maine Yankee, which had been at the \$360,000 level, would be reduced this year to \$296,000 and in 2009 to \$170,000 a year thereafter. This issue next appeared before this legislature last year when L.D. 1918 was introduced, raising the issue of whether the assessments under the settlement agreement were properly sized. In a unanimous committee report from the Utilities Committee, it was determined that they were but the committee decided that it would like to have the Office of Public Advocate, the Department of Public Safety, and a couple of other State agencies along with Maine Yankee meet quarterly to review activities on this site and to report to the legislature annually. That became the content of L.D. 1918 and it has been tabled in this Senate since February 25, 2008. If this amendment is not adopted it will attempt to unravel the settlement agreement which was approved by the legislature in 2005 and approved by FERC and would set us on a course of much higher assessments against Maine Yankee, which is essentially ratepayer money. It is going to be a substantially higher assessment which the electric ratepayers for Central Maine Power Company, Bangor Hydro, Maine Public Service, and the others are going to have to pay going forward forever in contradiction to this well considered settlement agreement which was arrived at several years ago. I hope that you will support my motion this evening to adopt this Senate amendment.

Same Senator requested a Roll Call.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-503) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO**: Thank you, Madame President, men and women of the Senate. I wanted to clarify why this appears in the Majority Report. We did away, in this report, with the Nuclear Safety Advisor. As we were having that debate it became clear to us that, as of this fall, there would be no one left in State government who had the knowledge to provide guidance to us in terms of nuclear safety because the agreement that had been reached in 2005 phased out the nuclear engineer who was the one person in State government who had that knowledge. We felt it was very important to the people of Maine to have that safety in place, and that person with that knowledge in place, knowing that it would just take one radioactive lobster or one radioactive fish and we would be sunk in terms of our economy. That's why this position is there. It's there with no cost to the General Fund. Thank you.

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

Senator **BARTLETT**: Thank you, Madame President. I rise to speak in support of the pending motion for Indefinite Postponement. This issue has been before the Utilities and Energy Committee. The good Senator from Piscataquis, Senator Smith, made the point that this position, nuclear safety advisor, was set to expire under the agreement that was reached and ratified by the legislature. Then L.D. 1918 was introduced last year. Our committee was very divided over what to do. We could not figure it out last year because there was so much division within the committee. We held it over to this year. When we first tried to vote we came up with three competing reports. We were having a very difficult time coming to consensus. There were those who felt that the full amount of money being cut should be restored to cover both the nuclear safety inspector and the nuclear safety advisor positions. There were those who thought there should be some hybrid in between and there were those who thought nothing should be done, that both should be left to expire. This is a case where the policy committee was not able to provide a definitive recommendation. What we did do in L.D. 1918 was not squarely address the issue, we punted. We said what we ought to do is set up a process for recognition every single year to figure out what the needs are. What we did not squarely consider at that time was the fact that the nuclear safety inspector position would expire before the first round of negotiations. That was not something that was fully processed. The issue first came to our attention as part of the Appropriations review. I sat jointly with the Appropriations Committee as they were hearing this portion of the budget. At that point, I specifically raised the issue that we needed to make sure that some of the responsibilities that were going to be disappearing with the nuclear safety advisor would rest somewhere. It was through that process that we learned that because the nuclear safety inspector position was going away there really was no suitable person to impose these duties on. That is the situation we left the Appropriations Committee with because in L.D. 1918 our committee punted. That issue had to be resolved. I think what the Appropriations Committee did, in terms of both incorporating the key provisions of L.D. 1918 to make sure there is an ongoing negotiation while also retaining the nuclear safety inspector, was the balance to be struck to make sure that we are protecting the public pending those further negotiations and discussions. I just wanted to be very clear that our committee, in my view, did not directly address this issue and that the resolution that the

Appropriations Committee worked up was a fair compromise of the issues that were left unaddressed.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "F" (S-503) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#339)

YEAS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-503) to Committee Amendment "A" (H-806), **PREVAILED**.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "P" (S-516) to Committee Amendment "A" (H-806) **READ**.

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

Senator **NUTTING**: Thank you, Madame President, ladies and gentlemen of the Senate. I know the hour is late but this is an issue that I feel very strongly about. I'll try to be as brief as possible. In a nutshell, in my opinion, I'm offering this amendment because I'm convinced that Maine's critical safety net has not been maintained. I would like to ask a question. What is this Body's top priority? Is it continuing funding for the hundreds and hundreds of non-class members, non-MaineCare mentally ill, who have been worked with for 20, 30, or 40 years that have now been abandoned? Is our top priority to continue funding for newly created or newly funded political appointee positions? I know Tri-County Mental Health, in my area, sent a letter the first of February to 78 individuals they have worked with for years and years and these people are totally abandoned. That has happened, regrettably, all across the state. The Court Master, I know, is very concerned with this line. I know that the Health and Human Services Committee and the Appropriations Committee have really struggled with this line, the non-MaineCare and non-

class member line, and whether or not we were going to eliminate \$1.8 million of funding for the community integration services for this item.

I've worked for five years now, as a Senator, through two different administrations on this subject matter. I was very proud to have sponsored the bill that resulted in Section QQQ being part of last year's budget which called for \$10.1 million worth of cuts in upper level management positions. I was hopeful that we would finally make some progress in this area. Section QQQ did result in some upper level cuts being made last summer and fall but the Appropriations Committee also voted last summer and fall to cut Act Team funding for the mentally ill as part of QQQ to cut the developmentally disabled disability fund as part of QQQ. I maintain that those were not cuts in upper level positions. Last fall, out of frustration after I proposed 51 upper level, non-essential positions that we could look at for cutting, the Appropriations Committee did something very good. They gave this list to the committees of jurisdiction to have them look at, discuss, and be voted on. I have never witnessed, in my 16 years in the legislature, such a circling of the wagons by this administration to propose cutting anything and anybody but these newly created or newly funded political appointee positions. I am very supportive of the fact that both Republicans and Democrats on the State and Local Government Committee have been attempting for weeks to discuss these position and vote on them and have not been allowed to.

As I mentioned earlier in the debate about OPEGA, one of their preliminary reports points out the fact that we have a 44% increase in upper level positions in State government in the last 10 years. I know that both committees struggled with this line and trying to restore this cut. I am putting forward this sustainable cut in order to try to help these truly helpless people who have struggled all their lives and have had to be worked with for a long time on a daily basis. They should be fixed, I believe, in this budget and not part of some other new State budget bill that we're going to work on by itself next week. The positions I am calling for eliminating are the new Assistant Press Secretary position in the Governor's office, a position that was not there in the previous administration; the new Deputy Director of Constituent Services; and the new Deputy Director of Boards and Commissions, both positions that were not here in the previous administration. I'm calling for the elimination of one of the two Special Assistants to the Commissioner of Conservation. I'm calling for the elimination of the brand new Land Owner Relations position and the elimination of the vacant Legislative Liaison position in the Department of Labor. We're close to being done with session and I don't think we're going to be in session again, I hope, until next January. I think the Department can survive without a Legislative Liaison. This amendment calls for the elimination of the newly funded position of PR Assistant in the Department of Education. This amendment calls for the elimination of the International Tourism Marketing person in DECD. This amendment calls for the elimination of the Legislative Liaison in the Department of Professional and Financial Regulations. This amendment calls for the elimination of the Contracted Independent Attorney to the Senate President and the full time, year round, attorney to the Speaker of the House. We have the AG's Office to look at bills if we have a question about them. This amendment calls for the elimination of the Legislative Liaison in the Department of Environmental Protection and one of two Special Commissioner Assistants in the Department of IF&W. These eliminations I don't take lightly.

These are very fine people. I want to say that again. These are very fine people.

When I weigh these eliminations versus the abandonment of hundreds and hundreds of severely mentally ill people who are not on MaineCare, that are not class members, I clearly have to say that my priority is to continue funding, in this budget, to help these folks who really can't help themselves. When I hear the suggestion of some that protecting these political appointee positions is somehow more important than these hundreds of people that we've abandoned it makes me sick to my stomach. Our safety net has not been maintained and many fine safety nets were reinstated. This one they were not able to. My priority, again, is the people that can't help themselves, and sadly, this group has demonstrated for years and years that they can't help themselves. Two in our area are already in and have been committed to mental health hospitals. That's going to cost thousands and hundreds of thousands of dollars unless we step in for this group of people and help them. I think we need to do that and fund that in a sustainable way. That is something that, for me, is a high a priority, the group that we've abandoned. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "P" (S-516) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just wanted to comment on a few issues that were raised by the good Senator from Androscoggin, Senator Nutting. It's true that we very much struggled with Health and Human Services over these particular lines dealing with adults with mental illness. I want to remind people that earlier in the evening an amendment from the other Body was supported that does put additional funding into this area. It's important for people to remember that. I also wanted to mention that, as the good Senator said, the Appropriations Committee did send out to all of the Legislative Oversight Committees the appropriate names that he had shared with the Appropriations Committee to get feedback from all of you on which of the positions that he had suggested to us were ones that you felt could be taken. We were very mindful of the fact that these positions titles represent people who are doing work and we were trying to figure out if there was work that was being done that wasn't necessary. We, on Appropriations, realized that we were not the experts. You needed to tell us. We got reports back from all of you. The State and Local Government Committee choose not to comment and I would like to speak to their report a little bit more in just a moment. We heard from the Insurance Committee, who said that they didn't care one way or the other in terms of what happened to the position that was sent to them. We got from the rest of you bipartisan majority reports saying, 'Do not cut these positions. We need these people to do this work.' It's not as though the positions were not looked at carefully by all of you. We took your recommendations and acted accordingly. I don't want to put words into the mouth of the good Senator from Penobscot, Senator Schneider. Perhaps she would like to comment on the action the State and Local Government Committee took. We certainly were not under the impression that they were told they could not do this work. The letter we got from them stated that

they didn't feel comfortable commenting on our request because it was a request that had been brought forward by an individual legislator to the Appropriations Committee. As I said, perhaps the good Senator from Penobscot, Senator Schneider, would like to clarify that. That was our understanding in Appropriations. Thank you.

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

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

Senator **MARTIN:** Thank you, Madame President. Very quickly, in reference to the recommendation of Environmental Protection, the committee reviewed that and choose to keep the position. This is the individual that does the outreach and trying to work with people that violate the law, and are violating the law, regarding outdoor burners.

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

Senator **SCHNEIDER:** Thank you, Madame President. My good colleague has suggested I get up and explain myself and I will do that. I'll be brief. It was the position of the Chairs of the State and Local Government Committee that no one single legislator ought to be able to drive the work of every single other Joint Standing Committee, that it was our feeling that it could open a Pandora's Box to each individual one of us going to the Appropriations Committee with our own set of desires for the budget and then having the Appropriations Committee request that each committee look at these and drive the work of every committee. For us, it was an issue of process, one which we felt was inappropriate and a reach for one committee to determine the work of another committee. It became not a request for input for us but we had heard through the Chair that some on the committee would take our lack of input as an automatic endorsement of the suggestions made by my good Senate colleague, the Senator from Androscoggin, Senator Nutting. This was not, in any way, a position which was in opposition to the Senator from Androscoggin, Senator Nutting's interest and research in looking for potential cost savings. It was an issue of process, one in which we do object to and one in which we do believe is inappropriate, one which I would hope leadership would look at for the future to avoid this from occurring in the future. Do I think that each of us has the ability and should lobby and discuss our interests in the budget and bring those forward to the Appropriations Committee? Yes, I absolutely do. I do not believe that this should then be essentially a mandate for our committees to address, by the request of the Appropriations Committee, specific issues that they feel they want to have heard in those Joint Standing Committees. It is an issue of process, one in which we hope that this will be looked at in the future to avoid this from occurring again. I think it was done with the best of intentions, but I don't think it is something that should be repeated. Thank you.

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

Senator **BENOIT:** Thank you, Madame President, ladies and gentlemen of the Senate. I would like to say that I agree with the Senator from Penobscot, Senator Schneider, when she says that it was the opinion of the Chairs of our committee. It was, however, not the opinion of the rest of the committee and we did try to discuss this and was told exactly as has been said, that it was in the interest of one person doing the work and creating this on their own when it should have been done in another manner. It was made clear that we were not going to be able to do that as a committee. My thought on it was that anyone should have the right to be able to bring forth any savings that they can find at a time like this where we are all being asked to look for savings. I think our strength was in a committee report. I feel very bad that we did not have a minority report, although I think if had we been able to vote on that I think that we would have had a majority report because many of us were very much in favor of having the Senator from Androscoggin, Senator Nutting, come before the committee and discuss with us his findings. We were just not able to do that. We ran out of time. I feel that it's too bad. I can speak for myself and I can speak for the majority on my committee, we all felt that if someone has enough courage to take on this type of a position, and speak directly and honestly in their thoughts about it, that we should at least give them time to address our committee. We felt bad about that. I, personally, felt bad that we were not able to do it. I will be supporting this amendment because I think that if someone has taken time to look into these issues, and I have looked into some of them and I agree with it, I think it is the right thing to do at time when we need to save every penny we can. Thank you.

The following proceedings were conducted after 12:01a.m., Friday, March 28, 2008.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. Just briefly. I'm not big on talking about process and who did what to whom but I think that there is a theme to these position changes that I think ought to be commented on before we vote. There has been a trend, just in the time that I have been here, for one department after another to feel somehow compelled to create positions having to do with public relations, public outreach, landowner relations, and the like. It's to the point now where they are proliferating throughout state government. If there is one general criticism that I have of both the Majority and Minority versions of the budget document that comes to us is that it doesn't deal very well with looking critically at upper level or medium level positions that have been added to state government in recent years. I think in this environment it is perfectly appropriate to look at them. I think one reason, perhaps, that these weren't looked at with as much care is because there is only one or two here, one or two there, and if you are a committee that is busy and you've only got one such position in the department that you are overseeing you say, 'Well, it's only one position.' You move along. When you add them up, as the Senator from Androscoggin, Senator Nutting, has it does get to be a small crowd. I can only say that in regard to the need for

legal counsel in the Speaker's Office or in the Senate, I'm certain that the Senator from Piscataquis, Senator Smith, the Senator from Oxford, Senator Hastings, the Senator from Aroostook, Senator Sherman, and myself would be glad to help you out with any small problems that you have. There are many fine lawyers in OPLA and the Revisor's Office and of course a whole floor of them in the building next door. Thank you very much, Madame President.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll be very brief. I did neglect to note and to point out this amendment, out of the \$1.4 million that has been cut from this line, tries to reinstate \$852,000 of funding for these people that have demonstrated, over a 20, 30, and 40 year period, that the only way to keep them out of the hospital and out of jail is daily intervention. These people are able to have a job a few months a year. They don't qualify for MaineCare but they have demonstrated for years that without intensive interaction they end up in jail or in a mental health hospital, costing the State millions and millions of dollars. I urge your support of this amendment to clearly establish which one of these is our top priority. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. One last brief statement on this topic. It is very appropriate to be looking at these positions, which is why the Appropriations Committee was very grateful to the good Senator from Androscoggin, Senator Nutting, for coming to us with his list. What we found, however, was that the title doesn't always tell the whole story. As we heard back from all of you, what we learned was that often people who have a title that sounds like they are just taking care of public relations or liaison to the legislature was actually doing a whole host of other things as well. It has been scrutinized very carefully. We will continue to look at this and I thank the Senator from Androscoggin, Senator Nutting, for bringing it forward.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "P" (S-516) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#340)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "P" (S-516) to Committee Amendment "A" (H-806), **FAILED**.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "P" (S-516) to Committee Amendment "A" (H-806) **ADOPTED**.

On motion by Senator **RAYE** of Washington, Senate Amendment "E" (S-502) to Committee Amendment "A" (H-806) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. This amendment addresses a very serious concern that was shared, unanimously, by the members of the Health and Human Services Committee. The Administration proposed a consolidation of mental health crisis services. We have, as part of the bill that is before us, an amendment that was put on by the other Body, and we agreed to keep on, that addresses a portion of the concern by postponing the effective date of the cut until March. There is another piece that remains very troubling to all of us who studied this issue as members of the Health and Human Services Committee. That is that it consolidates mental health crisis services from the current 11 districts down to 7 districts. It came to our attention through the course of our work that it would create tremendous upheaval at a time when we think the crisis service system is going to be under increased pressure because of cuts that we've made elsewhere in the budget. We think it's a poor time to move forward with that aggressive form of consolidation at this time. This amendment would simply soften the blow by reducing it to 8 districts as opposed to 7 districts. The fiscal note, if you look at it, will indicate that there is no net fiscal impact. There is no cost to this. We've been told by mental health providers that this would be a very important point in terms of making this change more bearable and create less upheaval within the system at a time when it's going to be under increased pressure. Given the fact that it would help that situation greatly and would not create any cost, I hope that you will join me in supporting this amendment.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-502) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just wanted to assure everyone that the Appropriations Committee looked carefully at this and what we've done in our Majority budget is to delay the implementation of the

consolidation, which gives us plenty of time to work out problems if, in fact, they exist.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "E" (S-502) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#341)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "E" (S-502) to Committee Amendment "A" (H-806), **PREVAILED**.

On motion by Senator **RAYE** of Washington, Senate Amendment "K" (S-511) to Committee Amendment "A" (H-806) **READ**.

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

Senator **RAYE:** Thank you, Madame President. This is another issue that arises from our work on the Health and Human Services Committee. As we have engaged in this very difficult process of reviewing the cuts proposed by the Governor, it became apparent to many of us that we really need to have a thoughtful, thorough, and careful review of the state's mental health system. We want to be sure that, as we continue to face these budgetary difficulties in the coming sessions, we have all of the information that is necessary for us to make thoughtful and wise decisions and to maximize efficiencies, ensure the careful use of resources, ensure high quality services, and design a process that will ensure that when there are cuts to be made to our mental health system that we are cutting direct services last, that this is the last option that we pursue. This proposal is a proposal that was actually intended to be included in the Minority Report from the Appropriations Committee but, through an oversight, it was left out. We are proposing it here as an amendment on the floor. It would create a Blue Ribbon Commission to study these very issues. It would be comprised

equally of officials from the Department of Health and Human Services, including the Commissioner and those who are responsible for adult, child, and elder mental health services, as well as mental health service providers; a representative of NAMI Maine; and also both a consumer and a family member of a consumer to help come back with recommendations that would be reported back by April 1, 2009 to the Health and Human Services Committee so that we would have the benefit of their guidance as we consider these very difficult issues that we know are going to continue to confront us down the road. I hope that you will join with me in supporting this amendment.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "K" (S-511) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. This was a proposal that was never brought to us by the Health and Human Services Committee and it is not clear to me where the rest of the committee stands on this. For that reason, I am moving Indefinite Postponement. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "K" (S-511) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#342)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "K" (S-511) to Committee Amendment "A" (H-806), **FAILED**.

On motion by Senator **RAYE** of Washington, Senate Amendment "K" (S-511) to Committee Amendment "A" (H-806) **ADOPTED**.

On motion by Senator **RAYE** of Washington, Senate Amendment "C" (S-500) to Committee Amendment "A" (H-806) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. Very briefly, this is an amendment that would follow along with the recommendation made by the Minority on the Health and Human Services Committee. It's in keeping with President Clinton's welfare reform law that was passed in the last decade and imposes a 60 month limit on state TANF benefits. Currently there is a 60 month limit on federal TANF benefits but in Maine we use state funds to allow an open-ended benefit after the federal 60 months expires. This would simply impose the same limit as the federal government does.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-500) to Committee Amendment "A" (H-806).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want you to know that the Appropriations Committee did look at this and what we learned was that more than 70% of the recipients of TANF received benefits for one year or less and 85% of the recipients received benefits for two years or less. For that reason we really felt it was not necessary because we really weren't talking about significant numbers of people at all. Thank you.

Same Senator requested a Roll Call.

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

Senator **STRIMLING:** Thank you, Madame President. It always astounds me that when we're looking to go through our budgets we try to hit the poorest people first. There have been a few speeches tonight by the good Senator from Washington, Senator Raye, about making sure that we don't get those people who receive the services first. This is one of those where we have chosen the poorest of the poor. We are talking about very few folks who are on for longer than 5 years. Just so you understand a little about who we are talking about. We're talking about people who are permanently disabled. We're talking about grandparents who are taking care of their children. We're talking about people who are employed but not able to earn enough to be able to move off. These are the poorest of the poor in our state. These are the people that we need to take care of more than anybody because they don't have the means to take care of themselves. There are all kinds of welfare in our system that I'd be happy to join you in cutting. It would not be the human welfare kind, which seems to be chosen first. This one is so egregious that I had to stand up and speak and encourage my colleagues to vote for the pending motion.

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

Senator **RAYE:** Thank you, Madame President. I would remind my colleagues that this would simply align Maine with the same policy that President Clinton had in his welfare reform legislation.

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

Senator **BRANNIGAN:** Thank you, Madame President. The federal government does pay for people after 5 years because they are the ones who give us 2 for 1 on this. The few people that are left, about 4%, have such debilitation that they stay on. That's about 493 families out of 13,000 families that are on at a certain time. It's very few people. Very disabled and the federal government does participate. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "C" (S-500) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#343)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MOORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-500) to Committee Amendment "A" (H-806), **PREVAILED**.

On motion by Senator **RAYE** of Washington, Senate Amendment "D" (S-501) to Committee Amendment "A" (H-806) **READ**.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. This amendment was prompted by a proposal from the Chief Executive. As you may know, in the supplemental budget there was a proposal that would have eliminated State SSI benefits for a certain group of legal immigrants. This is a

program that was established for those who have literally sought refuge in the United States from other nations around the world. After five years this group of legal immigrants become ineligible for Federal SSI benefits. The Governor had proposed eliminating those State SSI benefits that kick in after the five years. Our committee, I believe unanimously, felt that this was a policy that we could not support. This is a group of people who are elderly and/or disabled. They literally have been plopped down in a foreign country. We believe that they do, desperately, need our support. They don't have the ability or the skills to support themselves. We were touched by their plight and not inclined to support the proposal to abandon them. However, it did bring to light, for a number of us on the committee, the fact that Maine is virtually alone in offering this State SSI benefit upon the expiration of the Federal benefits. I think there may be one or two other states that offer this. This amendment would effectively grandfather anybody who is already in Maine and who may be about to begin the five year time period in which they would be eligible for Federal SSI benefits under this program. We don't want to cut off anybody who's already here. We also don't necessarily think that it's a proper thing for Maine to be virtually alone among the states in offering this benefit in the future. What this would do is grandfather all those people who are here but it would terminate, beginning October 1, 2013, the provision of the State SSI income to legal immigrants. Any legal immigrant who is enrolled in the program and receiving State SSI income as of September 30, 2013, would continue to be eligible. That way we are making sure those people who are already here and came here with the understanding this was available would be protected.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-501) to Committee Amendment "A" (H-806).

Same Senator requested a Roll Call.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to clarify what the situation is with these legal immigrants. My understanding is that if they become American citizens after five years they can qualify for SSI. The issue is that these are disabled elderly, very elderly, immigrants. I don't know about you but if I were 80 years old it would be very hard for me to learn English so that I could become an American citizen. This is what we're talking about. There are 27 people, total, in this state that would fall into this category. We aren't talking about a large number. I also want to clarify that many states do help this group of people but it's through their general assistance programs. Maine is not alone. Help is being provided to legal immigrants after five years. In other states it's just happening through another program. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. Boy, when you talk about going against kicking the poorest of the poor off you couldn't start much closer than this. I often question why, when we have these political battles about immigration in this country and it's always framed around, 'Oh, no, no, no it's just

illegal immigration that we don't like,' whether that is really true. It's moments like this that make it clear to me that this is not true. It is, unfortunately, about immigration and the fact that we would want to decide to kick 27 or 31 people off this who are all elderly and disabled, who are trying to become citizens of this country but it is taking them longer than our regulations allow. They are trying to become citizens. We talk about how we like legal immigration. We like people who do it by the rules and yet here are people doing it by the rules, trying to get there but need a little extra time to become citizens, and you are saying, 'Sorry, see ya.' That is not okay, Madame President, and I encourage my colleagues to vote for the pending motion.

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

Senator **RAYE:** Thank you, Madame President. I rise just to clarify the confusion of my colleague from Cumberland on this motion. We are not kicking anyone off the program. That was the Chief Executive's proposal and we rejected it. This is a proposal that would be prospected in nature and specifically grandfathers anybody who is in Maine already with the understanding that this benefit would be available to them. They would continue to receive the benefit.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me just remind the Senator from Washington, Senator Raye, that after September 30, 2013, if someone marries someone along the border they, at that point, become an illegal alien. In the period after 2013, obviously, would be prevented if the need arose for them to get the benefit.

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

Senator **BRANNIGAN:** Thank you, Madame President. The Senator from Washington, Senator Raye, said in his first offering that we were moved by these folks and their plight. I believe in 2013 we would still be moved by them and I don't think we should jump ahead and not be moved. Thank you.

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

Senator **RAYE:** Thank you, Madame President. I'd like to respond to both my friend from Aroostook, Senator Martin, and my friend from Cumberland, Senator Brannigan. First of all, this is not related to the border. This is a specific program for resettled refugees. I don't believe that would be relevant to that particular situation. I think the distinction, for my friend from Cumberland, Senator Brannigan, is that we have a group of people who came here, are here now, and made the decision to settle here based on the understanding of what was available. I think that this would be extremely unfair to remove that benefit from them. What we would be doing is establishing rules that would be known for the future that would be different. I see those as two very different situations. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. I don't want to prolong the discussion much longer, however the way that the amendment is drafted now it does relate to the situation I laid out.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **ROTUNDO** of Androscoggin to Indefinitely Postpone Senate Amendment "D" (S-501) to Committee Amendment "A" (H-806). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#344)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, SHERMAN, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SMITH, SNOWE-MELLO, TURNER, WESTON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-501) to Committee Amendment "A" (H-806), **PREVAILED**.

Committee Amendment "A" (H-806) as Amended by House Amendment "W" (H-848) and Senate Amendments "Q" (S-517); "P" (S-516); and "K" (S-511) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#345)

YEAS: Senators: BENOIT, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, MARRACHE, MCCORMICK, MILLS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SNOWE-MELLO, SULLIVAN, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, HOBBS, MARTIN, MITCHELL, NASS, PERRY, ROTUNDO, SCHNEIDER, SMITH, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) AS AMENDED BY HOUSE AMENDMENT "W" (H-848) AND SENATE AMENDMENTS "Q" (S-517); "P" (S-516) AND "K" (S-511) thereto, in NON-CONCURRENCE**.

Sent down for concurrence.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED** to Friday, March 28, 2008, at 10:00 in the morning.