

MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
April 7, 2010

Senate called to order by President Elizabeth H. Mitchell of
Kennebec County.

Prayer by Senator Margaret M. Craven of Androscoggin County.

SENATOR CRAVEN: Thank you, Madame President. Good morning. I was born and bred up in Ireland, which makes it more extraordinary that I have the privilege of serving in this Body. I'm doubly humble today to be invited to lead you in prayer. Today I'm going to share two Irish blessings. They are our tradition and without an author.

May the blessing of light be on you, light without and light within. May the blessed sunlight shine on you like a great peat fire so that stranger and friend may come and warm himself at it. May light shine out of your two eyes, like a candle set in the window of a house, bidding the wanderer come in and avoid the storm. May the blessing of the rain be on you. May it beat upon your spirit and wash your hair clean and leave there a shining pool where the blue of heaven shines and sometimes a star. May the blessing of earth be on you; soft under your feet as you pass along the roads; soft under you as you lie on it, tired at the end of the day, and may it rest easy over you when at last you lie under it. May it rest so lightly over you that your soul may be out from under it quickly, up and off, and on its way to God. Now may the Lord bless you and bless you kindly.

This is the second Irish blessing. If there is righteousness in the heart there will be beauty in the character. If there is beauty in the character there will be harmony in the home. If there is harmony in the home there will be order in the nation. If there is order in the nation there will be peace in the world. So let it be.

Reading of the Journal of Tuesday, April 6, 2010.

Doctor of the day, Dr. Judith Chamberlain, MD of Brunswick.

Off Record Remarks

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

ENACTORS

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

Acts

An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments
S.P. 582 L.D. 1504
(H "A" H-829 to C "A" S-501)

An Act To Amend the Laws Governing the Misclassification of Construction Workers
H.P. 1102 L.D. 1565
(H "C" H-826 to C "A" H-746)

An Act To Make Administrative Changes to Tax Laws To Maintain a Balanced Budget
H.P. 1321 L.D. 1830
(C "A" H-825)

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

An Act To Amend the Tax Laws
H.P. 1084 L.D. 1540
(S "A" S-514 to C "A" H-754)

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)
S.P. 704 L.D. 1799
(S "A" S-515 to C "A" S-483;
H "A" H-813)

In Senate, April 5, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS AMENDED BY SENATE AMENDMENT "A" (S-515)** thereto **AND HOUSE AMENDMENT "A" (H-813)**, in **NON-CONCURRENCE**.

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

Senator **ALFOND** of Cumberland moved the Senate **INSIST**.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **ALFOND** of Cumberland to **INSIST**.

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 (4/6/10) Assigned matter:

Bill "An Act To Allow Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment"

S.P. 495 L.D. 1360

Tabled - April 6, 2010, by Senator **NUTTING** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto

(In Senate, April 6, 2010, Reports **READ**. Motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-513)** Report **FAILED**. On motion by Senator **MARRACHÉ** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512)** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-512) **READ**. On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-517) to Committee Amendment "A" (S-512) **READ** and **ADOPTED**.)

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "B" (S-520) to Committee Amendment "A" (S-512) **READ**.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, currently when law enforcement comes out to someone's home to take someone with a persistent and severe mental illness in for an evaluation in an emergency room that law enforcement officer must rely upon direct knowledge, viewing, and statements from a person that directly saw the person with the mental illness and talked to that person. The work session on this bill was held because of time constraints on the day of my father's funeral. I was not able to be there. This was incorrectly changed so that third-party and fourth-party information could be used. That is not my intent. What this amendment does is put the law back to exactly the way it was. I

have to have witnessed something and tell that directly to the policeman. This amendment, in lines 34 through 36, puts the statute back exactly the way it was before. I would urge you to support it. Thank you.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, I certainly support this patching up of this bill. It certainly isn't the fundamental or kind of help we need. I was told that there was going to be an amendment to restore the examiners but I haven't seen that. Given that it passed handily, it won't be offered. We certainly need other due processes put back in because there are some very unintended consequences here. Thank you, Madame President.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "B" (S-520) to Committee Amendment "A" (S-512) **ADOPTED**.

Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517) AND "B" (S-520)** thereto.

Ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (4/6/10) Assigned matter:

Bill "An Act To Amend the Maine Medical Marijuana Act" (EMERGENCY)

S.P. 719 L.D. 1811

Tabled - April 6, 2010, by Senator **COURTNEY** of York

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-519)** thereto, in **NON-CONCURRENCE**

(In House, April 5, 2010, **PASSED TO BE ENACTED**.)

(In Senate, April 6, 2010, **RULES SUSPENDED**. On motion by Senator **DIAMOND** of Cumberland, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)**. **RULES SUSPENDED**. On motion by Senator **DIAMOND** of Cumberland, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-508). On further motion by same Senator, Senate Amendment "A" (S-519) to Committee Amendment "A" (S-508) **READ** and **ADOPTED**.)

Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-519) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-519) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Establishing a Joint Select Committee on Health Care Reform Opportunities and Implementation
H.P. 1262

Tabled - February 17, 2010, by Senator **BARTLETT** of Cumberland

Pending - **PASSAGE**, in concurrence

(In House, February 4, 2010, **READ** and **PASSED**.)

(In Senate, February 9, 2010, **READ**.)

PASSED, in concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

An Act To Amend the Laws Governing the Legislative Youth Advisory Council

S.P. 386 L.D. 1022
(C "A" S-357)

Tabled - February 23, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate February 4, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)**.)

(In House February 18, 2010, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish the Commission To Study the Rule-making Process under the Maine Administrative Procedure Act
H.P. 1272 L.D. 1784
(H "A" H-808; H "B" H-818
to C "A" H-777)

Tabled - April 5, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In House, April 5, 2010, **FINALLY PASSED**.)

(In Senate, April 5, 2010, on motion by Senator **ALFOND** of Cumberland, **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777) AS AMENDED BY HOUSE AMENDMENTS "A" (H-808) AND "B" (H-818)** thereto.)

On motion by Senator **BARTLETT** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777) AS AMENDED BY HOUSE AMENDMENTS "A" (H-808) AND "B" (H-818)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-777) as Amended by House Amendments "A" (H-808) and "B" (H-818) thereto.

On further motion by same Senator, Committee Amendment "A" (H-777) as Amended by House Amendments "A" (H-808) and "B" (H-818) thereto, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-522) **READ**.

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

Senator **BARTLETT:** Thank you, Madame President. This amendment simply changes it from a formal study, which included legislative members as well as members from the Secretary of State's Office, the Attorney General's Office, and one public member, and instead authorizes the Committee on State and Local Government to meet in order to consider these issues and to invite those parties to attend and participate in that discussion.

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "A" (S-522) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-522), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **BARTLETT** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)
S.P. 704 L.D. 1799
(S "A" S-515 to C "A" S-483;
H "A" H-813)

Tabled - April 7, 2010, by Senator **RAYE** of Washington

Pending - motion by Senator **ALFOND** of Cumberland to **INSIST**

(In Senate, April 5, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS AMENDED BY SENATE AMENDMENT "A" (S-515)** thereto **AND HOUSE AMENDMENT "A" (H-813)**, in **NON-CONCURRENCE**.)

(In House, April 6, 2010, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

Senator **MILLS** of Somerset moved the Senate **RECEDE**.

On motion by Senator **BARTLETT** of Cumberland, 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. Men and women of the Senate, I've moved that we recede so that we might, upon reflection and after a night's sleep, reconsider the action of yesterday. I think that the posture of this bill, as it's presently structured by this chamber, puts in jeopardy not only our ability to apply for Race to the Top money but it also renders us in jeopardy of having the feds call back stimulus funds that they've already given us and also deprives us of other sources of federal revenue. Quite frankly, it's high time that our K-12 system had the ability to do a better job of evaluating teachers. The Majority Report, by a vote of 11 - 2 out of the Education Committee, supplied all that we needed to do to put ourselves in a good position to retain the funds that we received, to acquire new funds that might possibly be coming our way, and to institute a system, or a series of systems, that we have not previously been able to implement for evaluating teachers and to reward, frankly, the good teachers. If I was in that profession, and I was good at it, I would want to be recognized for being a good teacher. I think it would be helpful to the system as a whole to have an evaluation system in which we differentiate between those who are performing well and those who are having trouble. For all of those reasons, Madame President, I move that we Recede so that we might give further attention to this important issue. 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, for anything as important as the millions of dollars that are at stake, I would ask you to support the motion that is before you. The action by this Body asks that a group of people agree so that we can go forward and comply with the federal government. We will leave here not knowing if that actually takes place and we are in compliance. There is one way to be sure that you are not putting in jeopardy the \$60 million. I see my good Senate Chair over there twitching in his seat. This money, the stimulus money, Race to the Top money, the Teacher Incentive Fund money, is all connected to the fact that we have data that can be connected between student achievement and teacher performance. We will be leaving and letting a group of people meet in the Cross Building to agree to that. If they do not, we do not have the structure that we need. The bill that came out of the committee 11-2, or 12-1 perhaps, did exactly what we needed to do and we could leave here allowing a group of people to advise and work to develop models that our local districts can choose from. Instead, we have taken action that absolutely restricts what our local school boards, teachers, and administrators can do and puts in jeopardy all of the federal funds. I'm unwilling to do that so I ask you to support the pending motion.

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

Senator **RAYE**: Thank you, Madame President. Men and women of the Senate, when we last debated this issue one of the lingering concerns that I had that troubled me, and I asked questions about during that debate, was the issue around the formation of this five member group. I'm wondering if we can get clarity for the record as to what assurances we have that no single member of this group would have veto power over the recommendations that would emerge from it. Do we have that firm clarification and would the group continue to exist and do its work if one member chose not to participate any longer? Thank you.

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you, Madame President. In respect to the final question, having reviewed the language, I see nothing in it that would require unanimity. It simply requires the group to approve it. Under the normal processes there is no unanimity requirement. That certainly has not been written into this proposal. Thank you, Madame President.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE**: Thank you, Madame President. It may not be required, but would it be possible under the language that is before us?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you, Madame President. We routinely require groups to meet, be consulted with, and to approve things. The basic standard is that any group would operate under Robert's Rules of Order. Certainly if a consensus of a group, every single member of the group, decided they were going to take action by consensus, in theory, that could happen but that would require a consensus, unanimity, to move in that direction. Absent of that, it would simply be a majority vote as part of a group under standard Robert's Rules of Order for their meetings. Thank you, Madame President.

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

Senator **RAYE**: Thank you, Madame President. I just want to clarify, for the record, that it seems to me to be somewhat an open question given that the fact that this could, I believe, jeopardize not just the Race to the Top funds but more importantly, in my view and as I understand it, \$60 million that the state has already received for school funding could potentially be required to be returned to the federal government. That being the

case, I am going to err on the side of caution and I cannot support the underlying amendment.

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

Senator **ALFOND**: Thank you, Madame President. Ladies and gentlemen of the Senate, I am so perplexed by a piece of paper that the Senator from Waldo, Senator Weston, has put out. If anyone reads these points, which are very accurate points, the only way the State of Maine is going to jeopardize any future dollars or current dollars is by doing nothing, by killing this bill. If we do nothing, if we get nothing out of this legislative session, we jeopardize this money. If we get the original bill or the amended bill out of the legislature and signed by the Governor, that \$60 million will be intact and then we have the potential of \$100 million. That is what's at stake. If anyone believes that by us passing nothing out of this chamber is going to be a good thing then all of your comments are accurate. I do not believe that, and there is nothing on this sheet, if in fact we pass the original bill that came out of committee or the amended bill that came out of this chamber, that we would be jeopardizing \$60 million or up to \$100 million. The stakeholders group is going to get together and review models. Those models can come from the grassroots, from our local communities, or those models can come from anywhere in the country. No one has veto power. It's as simple as that. Robert's Rules, we've looked at them. You've looked at them. There is nothing in there that says anyone has veto power. In addition, the biggest part of this bill is that it removes a piece in State law that says student assessments can't happen. Both the amended bill and the original bill removes that from State statute. That is the biggest part of this bill. Again, I can't make it any clearer. The only way that we are going to jeopardize current funding and future funding is by passing nothing. In the original bill or the amended bill both of those pieces of funding, both current funding and future funding will remain intact or we have the potential to receive them. 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, it is entirely possible to make things worse. It's entirely possible to pass a piece of legislation that is even more restrictive than what has been on the books for the last 25 years and take this funding and throw it out the window. It's very possible and this bill is worded as an insidious and deliberate effort to be ambiguous. The amendment is in the form of a directive to five groups, over whom we have no control because these are private agencies, saying to them, 'You folks take the next 15 months,' therein hangs a huge delay putting us in jeopardy, 'Take 15 months by the end of which you, collective, the five of you, must come up with some new rules and, by the way, when you finally work your way through that whole process you take away all local control, all local options, to adopt any form of assessment other than that which has emerged from these five people who do not work for state government.' If one of them fails to show up at the meeting and says, 'I'm not accepting the legislator's directive because I don't like the way this meeting is going,' that entity can jeopardize the entire thing and throw our funding into jeopardy. I think this is an insidious bill. It is deliberately ambiguous. It is written because the people who

wrote it do not want to grapple with the tough issue of who's going to decide how to evaluate teachers in this state. We've got some decisions to make and we have an administration in Washington that wants us to make those decisions. Chambers like this all over the United States are grappling with these very issues. Quite frankly, the educational establishment of this country has failed us. This nation is in trouble because we're not educating our children nearly as well as they are in other countries. Part of the reason, one of the many reasons, and it's not about money, folks, because we spend a whole lot of money on education. One of the many reasons we're failing our children is that we no notion of how to assess the performance of people in the classroom. School districts all over Maine have no idea how to do it. If we pass this bill in this form, with this amendment on it, they still won't have any idea how to do it and we will shackle them, even those who are brave enough to try to negotiate with their local unions to get this done, from being able to do it. I think it puts us in a worse posture than the present law because at least at present it feasible, it is legally possible, for a local school committee to adopt some form of assessment system, as long as they don't use the State assessment system and as long as they don't use the State student assessment system. We are depriving them of that power by creating this amorphous directive to a group that we don't employ and that we don't have any direct control or say over. My reading of this bill is that any one of them would have the ability to throw the entire process off the rails. That's why I'm opposed to it. The reason I got a little excited about it is because I don't like laws that are deliberately ambiguous. I don't like to be involved in situations where we are walking away from tough decisions. We were elected to come down here and make hard decisions. Today is the day when we should make a hard decision and follow the leadership, frankly, that we are receiving from Washington.

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

Senator **BARTLETT:** Thank you, Madame President. I took a moment during this debate to go back and look at the Committee Amendment and the Senate Amendment, which amends that amendment. I want to clarify a couple of things addressed by the previous speaker because I think there has been an attempt here to read ambiguity in where there is none. If you read Section 3 with respect to the review of models, it indicates that the Commissioner shall invite representatives of particular stakeholder groups. Invite them. They are not required to participate, but the Commissioner is required to invite them to the table to review these proposals. That was point number one. Point number two, with respect to the timing, in the handout that has been distributed by the Senator from Waldo, Senator Weston, it indicates that we must be in compliance by September 30, 2011. If you go back and look at the Senate Amendment it includes that the models must be approved no later than July 1, 2011. There is not ambiguity. There is not a way to delay this past September 2011. Both issues have been directly confronted and I think it's unfortunate that in this debate we seem to be trying to read in problems that contradict the language of the bill. If we let this go forward the stakeholder group will be convened. They can choose to participate or not. If they don't participate they can't complain when models get approved that they don't like and they will be approved by July 2011. Thank you, Madame President.

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

Senator **WESTON:** Thank you, Madame President. Men and women of the Senate, the original committee bill does prescribe an advisory group to be invited by the Commissioner. What we have before us is a decision-making group that will be making the decision for your local school. There is a difference and that's why the amendment is here. If it was the same we wouldn't even need this amendment. If our local schools can take from models that are developed and develop their own, that's what our original bill allowed them to do. They are being restricted in this amendment and, in so doing, perhaps not right away, it does put in jeopardy all of the things that are on the sheet that you got. The sheet that you got with my name on it is directly from the Department of Education this morning. I know the good Senator from Cumberland says it's only about the original bill and that nothing is in jeopardy, but it is in jeopardy as we speak because I know we don't depend upon the other Body, but we do interact with the other Body

THE PRESIDENT: The Chair would advise members that it is in appropriate to discuss actions of the other Body. This is the Senate. It is independent.

Senator **WESTON:** Thank you, Madame President. In the position that we are in, the other Body has given us an action that we have to act upon. They have decided that it is in jeopardy. The entire bill is in jeopardy. We are taking a major step backwards and I ask you to ask yourself why. Why, when the good Chair and most of the committee did the hard work with the committee, with all of those stakeholders, and came up with a roadmap that would allow our districts some choice, give our schools some sorely needed money, and make that decision here? Why would you toss it away and hope the right thing is done?

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Recede. 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 (#407)

YEAS: Senators: COURTNEY, GOOLEY, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **RECEDE, FAILED**.

On motion by Senator **ALFOND** of Cumberland, the Senate **INSISTED**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent

H.P. 1253 L.D. 1759

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-831)**.

Reports **READ**.

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

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, this was a piece of real estate that we worked out something between the armory, the State of Maine, and University System at Fort Kent. You will notice that it was a 12-1 report. The 12-1 report was to be sure we protected the interest of the committee. I think that would be fair to say. I have sent a note to my lead on that and we both are in concurrence that this should be allowed to go. I just wanted everybody to know that before we voted. Thank you.

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

READ ONCE.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

House Amendment "A" (H-831) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1324

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT LEGISLATION THAT STRENGTHENS ENFORCEMENT OF DOMESTIC SOURCING LAWS AND PROHIBITS PURCHASING FROM NONDOMESTIC SWEATSHOPS

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

WHEREAS, small businesses in the State face unfair competition from nondomestic businesses commonly known as "sweatshops" that cut costs by unlawfully sacrificing humane working conditions and disregarding workers' human and labor rights; and

WHEREAS, more than 20,000 manufacturing workers in the State have lost their jobs since 2000 because of the uneven field of competition in the global economy; and

WHEREAS, Mainers believe that jobs should fairly compensate hard work with a livable wage, that the health and safety of working people should be protected and that all forms of unlawful workplace discrimination and abuse should not be tolerated; and

WHEREAS, local and national governments have a moral obligation to ensure that sweatshop contractors cannot underbid responsible businesses and that the sweatshop practice is not rewarded through public contracts and taxpayer dollars; and

WHEREAS, Maine is a leader in sweatshop-free government purchasing, enacting with a broad bipartisan majority and strong support from diverse constituencies in the State the first sweatshop-free purchasing law in the nation, and, in all, 9 states, 40 cities and 15 counties have committed to buying only sweatshop-free products; and

WHEREAS, the Federal Government buys more than \$4,000,000,000 of apparel every year, most of which should by law be bought from domestic manufacturers; and

WHEREAS, domestic sourcing requirements are not being implemented as intended by the United States Congress when government subcontractors obtain goods from nondomestic sources, such as when clothing purchased by advertising agencies and given away by military recruiters, when uniforms worn by private military contractors and when safety gear used in reconstruction or American Recovery and Reinvestment Act of 2009 projects are all made overseas; and

WHEREAS, federal government procurement from domestic manufacturers is vital to economic recovery, is good for businesses in the State and also strengthens national security because dependency on foreign sources for military items could lead to supply problems during wartime; and

WHEREAS, there are no procurement laws prohibiting the Federal Government from purchasing products made in nondomestic sweatshops; and

WHEREAS, requiring nondomestic suppliers to the Federal Government to maintain humane working conditions and respect workers' human and labor rights can help improve global manufacturing and reverse the course that is costing workers in the State their jobs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact and the President of the United States sign legislation to strengthen enforcement of domestic sourcing laws, such as the federal Berry Amendment and Buy American Act, to require the Federal Government to give preference in procurement to domestically produced, manufactured or domestically grown products and to prohibit procurement of manufactured goods from nondomestic suppliers unless the suppliers comply with internationally recognized core labor standards; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States and to the United States Congress and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1325

JOINT RESOLUTION HONORING THOSE MAINE FISHERMEN LOST AT SEA

WHEREAS, every day, men and women along Maine's coast leave safe harbors to go and fish for the diverse array of species with which the Gulf of Maine has been blessed; and

WHEREAS, lobstermen, ground fishermen, shrimpers, scallopers, sea urchin harvesters and others set out each day to pursue their livelihoods in a challenging and often treacherous environment; and

WHEREAS, sadly, there are inevitably some who do not return home. Commercial fishing is one of the most dangerous occupations one can pursue, and even the most experienced fisherman can fall victim to treacherous conditions; and

WHEREAS, 46 of Maine's commercial fishermen have been tragically lost at sea since 1993, when a tradition of memorializing these individuals was begun at the Maine Fishermen's Forum to ensure that they are not forgotten; and

WHEREAS, the Maine Fishermen's Forum is a long-standing Maine institution dedicated to educating the public, fishing industry members and managers about marine resource issues and providing a neutral platform for constructive discussion and decision-making; and

WHEREAS, the loss of these brave and hard-working men reverberated through their communities and altered the lives of their family members forever. We acknowledge their passing with deep regret and express our sympathy to all who knew and loved them; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the memory of the Maine men who lost their lives in pursuit of their livelihood from the sea:

| Name | Home port | Date lost at sea |
|-------------------------|-------------------|--------------------|
| Carroll MacLean | | March 24, 1993 |
| Donald Costain | Newagen | August 19, 1993 |
| Thomas Schwartz | Harpswell | August 31, 1993 |
| Matthew Rice | Jonesport | October 16, 1993 |
| David Maxwell | Biddeford | November 3, 1993 |
| Ronald Haskell | Little Deer Isle | November 11, 1993 |
| Christopher Caramihalis | | January 14, 1994 |
| Jerry Moody | Roque Island | March 7, 1995 |
| Roy Hutchins | Petit Manan Point | September 9, 1995 |
| David Fahey | Bailey Island | March 19, 1996 |
| Milton Anthony | Roque Bluff | July 29, 1996 |
| Joseph Smith | | October 15, 1997 |
| Lewis Green | Mt. Desert | February 6, 1999 |
| James Huntley | Jonesport | August 9, 1999 |
| Winfred Alley | Great Wass Island | August 16, 1999 |
| Paul Wood | Jericho Bay | August 20, 1999 |
| Allen Ayers | Mackerel Cove | October 19, 1999 |
| Larry Rich | Raymond | January 25, 2000 |
| Harry Ross | Raymond | January 25, 2000 |
| Geoffrey Martin | Freeport | June 6, 2000 |
| Sean McDougall | Freeport | June 6, 2000 |
| David Stortz | Rockland | August 29, 2000 |
| Carlyle Minott | | October 24, 2000 |
| Dawson Allen | Jonesport | December 14, 2000 |
| Michael Laytart | Jonesport | December 14, 2000 |
| Dwayne Smith | Jonesport | December 14, 2000 |
| Edgar Mcleod | Portland | January 19, 2001 |
| Mark Doughty | Rockland | August 5, 2001 |
| Thomas Fronteiro | Rockland | August 5, 2001 |
| James Sanfilippo | Rockland | August 5, 2001 |
| Frank Parker | Bailey Island | March 23, 2003 |
| Philbert Buteau | Bar Harbor | April 14, 2003 |
| Roy Bickford | | October 13, 2003 |
| Gary Thorbjornson | Port Clyde | July 14, 2005 |
| Steven Smith | Hollis | September 13, 2006 |
| James Weaver | Port Clyde | November 26, 2006 |
| Sean Cone | Bar Harbor | January 31, 2007 |
| Daniel Miller | Bar Harbor | January 31, 2007 |
| Byron Gross | Little Deer Isle | October 26, 2007 |
| Christopher Whittaker | Matinicus Island | October 27, 2008 |
| Loren Lank | Roque Bluffs | March 25, 2009 |
| Logan Preston | Roque Bluffs | March 25, 2009 |
| Joseph Jones | Lubec | October 21, 2009 |

| | | |
|----------------------|-----------|-------------------|
| Darryl Cline | Lubec | October 21, 2009 |
| Norman Johnson | Lubec | October 21, 2009 |
| Christopher Hanahann | Harpswell | December 31, 2009 |

; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Fishermen's Forum.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent
H.P. 1253 L.D. 1759
(C "A" H-761; H "A" H-831)

In House, April 7, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-831)**.

In Senate, April 7, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761) AND HOUSE AMENDMENT "A" (H-831), in NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **BARTLETT** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election" H.P. 1313 L.D. 1826

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-830)**.

Signed:

Senators:

DIAMOND of Cumberland
CRAVEN of Androscoggin

Representatives:

CAIN of Orono
MARTIN of Eagle Lake
WEBSTER of Freeport
ROTUNDO of Lewiston
MILLER of Somerville
CONNOR of Kennebunk

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond
NUTTING of Oakland

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-830)**.

Reports **READ**.

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

On motion by Senator **RAYE** of Washington, 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 (#408)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senators: NUTTING, PLOWMAN

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-830) **READ**.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-830), in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

H.P. 1313 L.D. 1826

Tabled - April 7, 2010, by Senator **RAYE** of Washington

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-830)**, in concurrence

(In House, April 7, 2010, 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-830)**.)

(In Senate, April 7, 2010, Reports **READ**. On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-830) **READ**.)

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "B" (S-524) to Committee Amendment "A" (H-830) **READ**.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, just a little history. Early on in this session I went to my leadership and I told them that I supported a moderate bond package and hoped that we could work together to find some kind of bond package to support. In the absence of an agreement, I still felt it was important to put something forward. What is before you now is what I had hoped that we might have negotiated. The amendment includes \$39.5 million in bonds. That is made up of \$24 million for highways, another \$6 million for the Portland port project, \$2 million for clean water, \$2.5 million for sewer, and then another \$5 million for the dental school. These were my priorities in a bond package. I wanted to reflect that. I think that the items that are in this amendment would be job creators for the state of Maine and would trigger a lot of federal money, especially the dental school bond in particular. It is important to me because of the need to serve rural areas of the state. I would hope that the Body would support this amendment.

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

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-524) to Committee Amendment "A" (H-830).

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, we don't do this lightly. We thank the good Senator from Lincoln for his effort, but I think at this point we will ask you all to support the Indefinite Postponement.

On motion by Senator **RAYE** of Washington, 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 Indefinitely Postpone Senate Amendment "B" (S-524) to

Committee Amendment "A" (H-830). 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 (#409)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, ROSEN, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senator: PERRY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-524) to Committee Amendment "A" (H-830), **PREVAILED**.

On motion by Senator **SHERMAN** of Aroostook, Senate Amendment "F" (S-528) to Committee Amendment "A" (H-830) **READ**.

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

Senator **SHERMAN:** Thank you, Madame President. We all know kind of where we are at and apparently there isn't much negotiation room here. Some of us said we would vote for a package if there was some sort of negotiations. We are now looking at \$107 million worth of bonds. Some of you know that I am very interested in the railroad, so this amendment takes that complete bond package out of there and replaces it with what I think I could have lived with. I'll very briefly take you through it. If you look at this, there is \$27 million for the Montreal-Maine-Atlantic, \$5 million for Lewiston-Auburn, \$5 million for the Mountain Division Railroad. In part B we moved some money down from \$10,250 million down to \$9,050 million. Safe drinking water on page 4, move money down so it becomes a little less onerous, from \$3.4 million down to \$2 million. Malfunctioning sewer systems, \$1 million that draws down money. Waste water treatment facility revolving loan fund, up a little bit. We have a couple other in the waste water treatment facility grants at \$600,000. There is a piece on agriculture water source development, which is needed in Aroostook County, a little over \$1 million. Overboard discharge is \$500,000. The Department of Health and Human Services on page 7 is still in there at the tune of \$5,000,000. The community based dental care clinics that people were concerned with, it has \$3.5 million to use in the community based teaching clinic. Some of you were interested in the dental piece, it is being matched by \$3.5 million more and

then \$1.5 million to upgrade community based health and dental care clinics. This is a grant total of somewhere around \$37 million to \$38 million. That was a package that I could have supported. We've all had conversations in the halls concerning the ramifications of what was being done here and 'I don't want to spend \$500,000 on the Montreal-Maine-Atlantic.' People in the hall saying, 'Did you hear this? Did you hear that? Did you hear the other thing?' I think in regards to that railroad, the adults should have gotten a room someplace and hammered this out. They didn't do it and so you hear all sorts of things in the hallway.

I know we have some people who are interested in the railroad. L-P is one of these and you've heard this. I've had people say they were this, that, or the other thing and they won't leave. I said, 'Go Google LPX.' That is the website that talks about the Louisiana-Pacific. I use that. I won't talk about Fraser. They built a plant outside of Houlton, Maine. Sixty-three foot structural materials. Sixty-four foot structural materials. They did their due diligence. They came from California and some man came to run it. They looked at buying lumber from both sides of the border. 60 - 40 mix, Canadian and American fiber, that's what they call it these days. They have a \$6 million to \$8 million payroll. There is a multiplier factor of 8 million cubic feet of fiber they buy. Someone said, 'Aw, they won't leave.' Governor Baldacci was up there three times four years ago breaking champagne over things during his campaign. This is the message that you may send. You talk about Maine being business friendly. I hate to use the corporate because apparently anyone that's in a corporation people hate for whatever reason. They think they have all sorts of money. Corporations will be looking at this. Do you want them in Maine or not? Do you want Fraser in Maine? Just coming out of bankruptcy. Fraser people are here. I don't know how many of you have talked to them or how many you have talked to from L-P. You are going to have a message sent, if that trail goes, to the rest of the United States and any company that wants to come in here that we're not open for business. Georgia-Pacific used to be here. It's in Florida. Next to the broccoli guys. Jackson Labs, where has part of that gone? Florida. These are real live businesses that do business plans. They do due diligence. They know their numbers. If you talk with them, which I guess people don't care to apparently, their business plan said they were going to send this structural material west of the Rocky Mountains, from Maine to California. Sort of like the 49ers years ago. Lots of Maine people were out there generations ago. Their due diligence says they can compete on the west coast if they have rail to get there. If you are talking about doing it by truck, talk to the tuckers and talk to the people at L-P. You may make it to the Mississippi River with the structural materials. You know your geography. What's the population west of the Mississippi? What's the population west of the Rocky Mountains? That's where they were going. In some cases it might be to Prince Rupert to go on to China. L-P has been sending materials to Great Britain. They are trying to keep going and trying to keep their people there. They have struggled along, going piece by piece. They've put material together off to Great Britain. This isn't a little, if you pardon the language, rinky-dink outfit. They will make a decision and it will rest on your shoulders not mine because we tried to do this. I know some of this is political, but I won't use that. I won't use political again, but it could be considered political, which I won't say. Taking a little message from my seatmate here. I'm just disappointed that we've dug our heels in. We had \$85 million that we kind of agreed to in 2009 and then we have another \$85 million, give or

take a penny or two, so that's \$170 million we're going to put out. I'm going to stay where I am. You may not see me again. That'll be fine. I don't feel self-conscience about it but what I do feel is that we need some individuals in this legislature, both ends, that have actually run some businesses and put money on the line. I look around and I see a few but not many. This more than a big deal. It could be the end all for some of the folks that want to have an income, sales tax, all those things that take place. That's why that's here. An effort to compromise. I guess apparently that compromise is not going to be done. Thank you, Madame President.

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, I want to thank the good Senator from Aroostook, Senator Sherman, for his sincere and well thought out amendment but I would at this time move Indefinite Postponement.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-528) to Committee Amendment "A" (H-830).

On motion by Senator **RAYE** of Washington, 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 Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. This is a heavy duty item for me. It comes down to like who blinks first, a game of chicken. I spent a lot of time up in Aroostook County over the last 50 years. I've been involved in this particular issue with the railroad because I've been on the Transportation Committee. I'm firmly in support of what I guess I'd call it a bail out. There is a lot at stake here, like the good Senator from Aroostook just said. I've been around a long time and I've seen a lot. We're going to make a heavy decision here in a minute or two. He mentioned all of the companies that depend on the railroad in northern Maine and there are some that almost 100% dependent on the railroad, not so much on trucks. If we don't help alleviate this problem there could be as many as 30,000 additional trucks on the road because there won't be a railroad facility available. I hope everybody will vote for this particular amendment. Thank you very much, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Indefinitely Postpone Senate Amendment "F" (S-528) to Committee Amendment "A" (H-830). 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 (#410)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, RAYE, ROSEN, SCHNEIDER, SIMPSON, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RECTOR, SHERMAN, SMITH, TRAHAN

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-528) to Committee Amendment "A" (H-830), **PREVAILED**.

On motion by Senator **NASS** of York, Senate Amendment "H" (S-530) to Committee Amendment "A" (H-830) **READ**.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is the first of, I think, two proposed amendments to this bond proposal that tries to work with the money that we have going out to the citizens both this coming June and coming November. What we are proposing here, basically, is to reorder some of that money and do away with the current proposal in front of us which adds, essentially, borrowing and proposes borrowing over and above what is going to be presented to the voters in June and November. Where are we? In June we are looking at a proposal that we agreed to last year that adds about \$68,750 million in a whole series of small proposals. In November the total is \$10 million, mostly for Lands For Maine's Future and I think a small parks piece. This proposed amendment, basically, I'm just going to run quickly down through these changes that we are proposing to the current June and November issues. We proposed to reduce the Historic Preservation Commission bond by \$250,000, still leaving about \$1.25 million. Reduce the Communities for Maine's Future by \$1 million, leaving \$2.5 million. Reduce the Economic Recovery Loan Program by \$250,000, leaving still \$2.75 million. We also reduced the Weatherization Energy Efficiency Programs by \$7 million, still leaving \$5 million. We propose to reduce the Higher Education Building Renovations by \$8.5 million, still leaving \$4 million. Relative to the November piece, we would reduce the bond proposal for Lands For Maine's Future by \$5 million, leaving \$4.5 million. In place of all these things we would propose to add \$20 million for highway reconstruction and highway capital paving. Also it would add \$1 million to the Drinking Water Program and \$1 million to the Waste Water Treatment Program. I think the theme of this is to reorder those programs going out in June and November to do what I think is more important. Obviously that is a value judgment. Make a judgment a year later, after we decide what to do would be proper and appropriate, to reexamine what we are going to give to the voters or ask them

to approve in June and November, without adding to borrowing or redoing what we did a year ago.

Same Senator requested a Roll Call.

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, again I thank the good Senator from York, Senator Nass, for his well-intended amendment but I would move Indefinite Postponement.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-530) to Committee Amendment "A" (H-830).

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

Senator **SULLIVAN** of York requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#411)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-530) to Committee Amendment "A" (H-830), **PREVAILED**.

On motion by Senator **NASS** of York, Senate Amendment "I" (S-533) to Committee Amendment "A" (H-830) **READ**.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, the theme on this one, Madame President, is pretty much the same. We're asking to reorder in

this case only the November proposal, which will be in front of the voters on election day. The current proposal is for a total of \$10 million, \$9.5 million which would continue to fund Land For Maine's Future and \$500,000 to fund what I call a parks program or would be sent to the Department of Conservation to maintain the park system. The proposal here is to reduce that amount by \$6,000 proportionally and to allocate that money to a teaching dental school or clinic in the state of Maine, which we have all heard a lot about and probably have some opinion about at this point. That's simply moving money around, doing something different on the November bond proposal.

Same Senator requested a Roll Call.

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, again I thank the good Senator but I would move Indefinite Postponement.

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-533) to Committee Amendment "A" (H-830).

On motion by Senator **RAYE** of Washington, 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 (#412)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, NUTTING, PERRY, RAYE, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MILLS, NASS, PLOWMAN, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-533) to Committee Amendment "A" (H-830), **PREVAILED**.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "G" (S-529) to Committee Amendment "A" (H-830) **READ**.

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

Senator **DIAMOND:** Thank you, Madame President. This is a technical amendment due to some drafting errors and the date of this bill. As a result of that we had to change the date, which first appeared as June 30, 2010, to June 30, 2011. There was also an error on the fiscal note itself. There was a transfer from the Short Term Emergency Contingency, so this was corrected as well. Thank you, Madame President.

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

Senator **ROSEN:** Thank you, Madame President. Men and women of the Senate, I just want to quickly pose a question related to the proposed amendment before us. It's my understanding that the intent of the amendment, of course, is to provide the funds from the contingency account that was part of the supplemental budget that passed to provide funding for the FY 2011 year. The question is does the amendment require amending emergency legislation that was just recently enacted? The question I pose is whether the final action on this particular component requires a 2/3 vote of the full membership as opposed to a 2/3 vote of those present and voting?

THE PRESIDENT: The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, thank you to the Senator from Hancock, Senator Rosen, for posing that question. Yes, in fact, as we know, bonds already require a 2/3 of those members who are present and voting. This is what we did not want to deal with and should not have to have dealt with is the emergency which required 2/3 of those elected members. I think that would explain the difference between the two different 2/3 votes. If I have not done that sufficiently, please pose another question.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "G" (S-529) to Committee Amendment "A" (H-830) **ADOPTED**.

On motion by Senator **RAYE** of Washington, 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 Adoption of Committee Amendment "A" (H-830) as Amended by Senate Amendment "G" (S-529) thereto. 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 (#413)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senator: GOOLEY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (H-830) as Amended by Senate Amendment "G" (S-529) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AS AMENDED BY SENATE AMENDMENT "G" (S-529)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Resolve

Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

H.P. 1272 L.D. 1784
(S "A" S-522)

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:

Resolve

Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

H.P. 1272 L.D. 1784
(S "A" S-522)

On motion by Senator **BARTLETT** of Cumberland, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

H.P. 1272 L.D. 1784
(S "A" S-522)

Tabled - April 7, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 7, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-522)**, in **NON-CONCURRENCE**.)

(In House, April 7, 2010, **FINALLY PASSED**.)

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

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

ENACTORS

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

Emergency Measure

An Act Regarding Mental Health Treatment

S.P. 495 L.D. 1360
(S "A" S-517; S "B" S-520
to C "A" S-512)

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

ENACTORS

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

Resolve

Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent
H.P. 1253 L.D. 1759
(H "A" H-831)

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1326

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT THE FISCAL YEAR 2011 FEDERAL APPROPRIATION FOR THE NORTHEAST GREAT WATERS RESTORATION AND CONSERVATION INITIATIVE

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

WHEREAS, the Northeast Great Waters Restoration and Conservation Initiative, now before the United States Congress, was created in direct response to the success of regions, such as the Chesapeake Bay, Puget Sound and Great Lakes regions, in securing federal funds for their individual ecosystem restoration plans; and

WHEREAS, the Gulf of Maine was left out entirely because it does not have a comprehensive program of the size and scale of the other regions, and the restoration, conservation and preservation of the great waters of our State and nation are of economic and environmental benefit to all our people; and

WHEREAS, the well-being of the freshwater and saltwater shorelines of the New England region are vital to human health and our regional economy, providing food, recreation, transportation and drinking water; and

WHEREAS, the Gulf of Maine has been recognized as a great water by the America's Great Waters Coalition, an unprecedented collaboration of state and federal agencies, nonprofit organizations, scientific research institutions and others concerned with the health of the Gulf of Maine and interested in

creating and implementing a comprehensive plan for restoration and conservation; and

WHEREAS, the State of Maine has the longest coastline on the Eastern Seaboard and is a region of ecological variety and vitality, from the sand beaches of York County to the bold coast of Acadia and the greatest tidal surges in the United States in Washington County, containing regions of beauty, plenty and opportunity and providing sea harvests, tourism and ocean-generated clean energy; and

WHEREAS, 6 northeastern states have joined in the Northeast Regional Ocean Council, an organization created by New England governors, in an appeal for a unified \$70,000,000 fiscal year appropriation to advance implementation of restoration plans for the regions' 4 great waters ecosystems, including Lake Champlain, Long Island Sound, Narragansett Bay and the Gulf of Maine; and

WHEREAS, the Gulf of Maine would receive approximately \$30,000,000 of the regional request, of which \$10,000,000 would be spent in the State, for efforts including combined sewer overflow abatement, nutrient modeling, invasive species control and toxic pollution monitoring and the international Gulfwatch Contaminants Monitoring Program, among other ongoing efforts; and

WHEREAS, governmental and nongovernmental agencies and parties are working together with their counterparts in all other New England states in support of this fiscal year 2011 request for balanced development and protection of our critical shoreline resources; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to urge and request that the Congress of the United States support this important project of restoring and conserving the Northeast Great Waters and we urge each Member of the Maine Congressional Delegation to work to support a \$70,000,000 appropriation in fiscal year 2011 for the Northeast Great Waters Restoration and Conservation Initiative; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Medical Marijuana Act
S.P. 719 L.D. 1811
(S "A" S-519 to C "A" S-508)

On motion by Senator **TRAHAN** of Lincoln, 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 (#414)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: DAVIS, NASS, TRAHAN

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data
S.P. 704 L.D. 1799
(S "A" S-515 to C "A" S-483;
H "A" H-813)

On motion by Senator **RAYE** of Washington, 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. Men and women of the Senate, I just wanted to indicate on the record that my vote in opposition to this bill does not indicate that I am opposed to the underlying bill. I'm simply opposed to the form in which the bill was amended because I think that the amended form does a great deal of harm to the educational infrastructure of this state. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#415)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, GOOLEY, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication: S.C. 774

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

April 7, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and

Financial Affairs during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|---|----|
| Total Number of Bills and Papers | | 12 |
| Unanimous Reports | 9 | |
| Ought to Pass | 0 | |
| Ought to Pass as Amended | 3 | |
| Ought Not to Pass | 6 | |
| Divided Reports | 3 | |

Respectfully submitted,

S/Bill Diamond
Senate Chair

S/Emily Ann Cain
House Chair

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/6/10) Assigned matter:

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land
H.P. 1291 L.D. 1803
(C "A" H-723; H "A" H-824;
S "B" S-509)

Tabled - April 6, 2010, by Senator **NUTTING** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 5, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723) AND HOUSE AMENDMENT "A" (H-824) AND SENATE AMENDMENT "B" (S-509)**, in concurrence.)

(In House, April 6, 2010, **FINALLY PASSED**.)

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

The Chair laid before the Senate the following Tabled and Later (4/6/10) Assigned matter:

Bill "An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members"
S.P. 747 L.D. 1832

Tabled - April 6, 2010, by Senator **SIMPSON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

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

(In Senate, April 6, 2010, **RULES SUSPENDED. READ TWICE**, without reference to a Committee.)

On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "B" (S-531) **READ and ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-531), without reference to a Committee.

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:

COMMUNICATIONS

The Following Communication: S.C. 761

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

April 5, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 25 |
| Unanimous Reports | | 19 |
| Ought to Pass | 1 | |
| Ought to Pass as Amended | 13 | |
| Ought Not to Pass | 4 | |
| Referred to Another Committee | 1 | |
| Divided Reports | 2 | |
| Committee Bills & Papers | | 4 |
| Pursuant to Public Law | 2 | |

Pursuant to Statute 1
 Pursuant to Resolve 1
 Gubernatorial Nominations 13

Respectfully submitted,

S/John M. Nutting
 Senate Chair

S/Wendy Pieh
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 762

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
 DEVELOPMENT**

April 5, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research & Economic Development during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 26 |
| Unanimous Reports | 20 | |
| Ought to Pass | 4 | |
| Ought to Pass as Amended | 12 | |
| Ought Not to Pass | 3 | |
| Referred to Another Committee | 1 | |
| Divided Reports | 6 | |
| Gubernatorial Nominations | 22 | |

Respectfully submitted,

S/Elizabeth M. Schneider
 Senate Chair

S/Nancy E. Smith
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 763

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 25 |
| Unanimous Reports | 19 | |
| Ought to Pass | 4 | |
| Ought to Pass as Amended | 10 | |
| Ought Not to Pass | 4 | |
| Referred to Another Committee | 1 | |
| Divided Reports | 4 | |
| Committee Bills & Papers | 2 | |
| Pursuant to Resolve | 1 | |
| Pursuant to Joint Order | 1 | |
| Gubernatorial Nominations | 1 | |

Respectfully submitted,

S/Stanley J. Gerzofsky
 Senate Chair

S/Anne M. Haskell
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 764

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 38 |
| Unanimous Reports | 26 | |
| Ought to Pass | 3 | |
| Ought to Pass as Amended | 13 | |
| Ought Not to Pass | 9 | |
| Leave to Withdraw | 1 | |
| Divided Reports | 11 | |
| Committee Bills & Papers | | 1 |
| Pursuant to Resolve | 1 | |
| Gubernatorial Nominations | 19 | |

Respectfully submitted,

S/Justin L. Alford
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 765

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|---|----|
| Total Number of Bills and Papers | | 12 |
| Unanimous Reports | 6 | |
| Ought to Pass | 0 | |
| Ought to Pass as Amended | 3 | |
| Ought Not to Pass | 3 | |
| Divided Reports | 6 | |
| Gubernatorial Nominations | 3 | |

Respectfully submitted,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 766

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LABOR**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 23 |
| Unanimous Reports | 15 | |
| Ought to Pass | 1 | |
| Ought to Pass as Amended | 8 | |
| Ought Not to Pass | 3 | |
| Referred to Another Committee | 1 | |
| Leave to Withdraw | 2 | |
| Divided Reports | 7 | |
| Committee Bills & Papers | | 1 |
| Pursuant to Public Law | 1 | |
| Gubernatorial Nominations | 3 | |

Respectfully submitted,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 767

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

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 29 |
| Unanimous Reports | 20 | |
| Ought to Pass | 0 | |
| Ought to Pass as Amended | 13 | |
| Ought Not to Pass | 5 | |
| Referred to Another Committee | 1 | |
| Leave to Withdraw | 1 | |
| Divided Reports | 9 | |
| Gubernatorial Nominations | 3 | |

Respectfully submitted,

S/Nancy B. Sullivan
 Senate Chair

S/Pamela Jabar Trinward
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 768

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES**

April 5, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|---|---|
| Total Number of Bills and Papers | | 9 |
| Unanimous Reports | 8 | |
| Ought to Pass | 1 | |
| Ought to Pass as Amended | 5 | |
| Ought Not to Pass | 2 | |
| Divided Reports | 1 | |

Gubernatorial Nominations 1

Respectfully submitted,

S/Dennis S. Damon
 Senate Chair

S/Leila J. Percy
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 769

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON NATURAL RESOURCES**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 31 |
| Unanimous Reports | 28 | |
| Ought to Pass | 4 | |
| Ought to Pass as Amended | 19 | |
| Ought Not to Pass | 5 | |
| Divided Reports | 2 | |
| Committee Bills & Papers | | 1 |
| Pursuant to Resolve | 1 | |
| Gubernatorial Nominations | 3 | |

Respectfully submitted,

S/Seth A. Goodall
 Senate Chair

S/Robert S. Duchesne
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 770

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|---|---|
| Total Number of Bills and Papers | | 8 |
| Unanimous Reports | 6 | |
| Ought to Pass | 0 | |
| Ought to Pass as Amended | 4 | |
| Ought Not to Pass | 1 | |
| Referred to Another Committee | 1 | |
| Divided Reports | 2 | |
| Gubernatorial Nominations | 4 | |

Respectfully submitted,

S/Deborah L. Simpson
 Senate Chair

S/Stephen R. Beaudette
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 771

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

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 33 |
| Unanimous Reports | 26 | |
| Ought to Pass | 5 | |
| Ought to Pass as Amended | 11 | |

| | | |
|--------------------------|----|---|
| Ought Not to Pass | 10 | |
| Divided Reports | 6 | |
| Committee Bills & Papers | | 1 |
| Pursuant to Public Law | 1 | |

Respectfully submitted,

S/Joseph C. Perry
 Senate Chair

S/Thomas R. Watson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 772

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON TRANSPORTATION**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
 The Honorable Hannah Pingree, Speaker of the House
 124th Maine Legislature
 Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 28 |
| Unanimous Reports | 23 | |
| Ought to Pass | 3 | |
| Ought to Pass as Amended | 11 | |
| Ought Not to Pass | 8 | |
| Leave to Withdraw | 1 | |
| Divided Reports | 5 | |
| Gubernatorial Nominations | | 3 |

Respectfully submitted,

S/Dennis S. Damon
 Senate Chair

S/Edward J. Mazurek
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 773

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 39 |
| Unanimous Reports | 38 | |
| Ought to Pass | 2 | |
| Ought to Pass as Amended | 28 | |
| Ought Not to Pass | 8 | |
| Divided Reports | 0 | |
| Committee Bills & Papers | 1 | |
| Pursuant to Public Law | 1 | |

Respectfully submitted,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/31/10) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Protect Maine Workers"

S.P. 593 L.D. 1545

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-495)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-496)** (5 members)

Tabled - March 31, 2010, by Senator **JACKSON** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-495)** Report

(In Senate, March 31, 2010, Reports **READ**.)

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, I'm wondering if somebody could just explain where we are in the posture of this at this point?

THE PRESIDENT: If the question is about the posture in the process, we are in the position of accepting the Majority Ought to Pass as Amended Report. The Chair is not in a position to discuss the merits or the substance. Is that the question of the Senator?

Senator **COURTNEY:** Thank you, Madame President. We will accept the report and then we can discuss it? Is that correct? Thank you.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-495)** Report **ACCEPTED. READ ONCE.**

Committee Amendment "A" (S-495) **READ.**

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-536) to Committee Amendment "A" (S-495) **READ.**

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "A" (S-536) to Committee Amendment "A" (S-495).

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

Emergency Measure

An Act Regarding Mental Health Treatment

S.P. 495 L.D. 1360
(S "A" S-517; S "B" S-520
to C "A" S-512)

Tabled - April 7, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517) AND "B" (S-520)** thereto.)

(In House, April 7, 2010, **PASSED TO BE ENACTED.**)

On motion by Senator **DIAMOND** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517) AND "B" (S-520)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520) thereto.

On further motion by same Senator, Senate Amendment "C" (S-534) to Committee Amendment "A" (S-512) **READ** and **ADOPTED.**

Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517); "B" (S-520) and "C" (S-534) thereto, **ADOPTED, in NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517); "B" (S-520) AND "C" (S-534) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Bill "An Act To Protect Maine Workers"
S.P. 593 L.D. 1545

Tabled - April 7, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "A" (S-536) to Committee Amendment "A" (S-495)

(In Senate, March 31, 2010, Reports **READ.**)

(In Senate, April 7, 2010, on motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-495)** Report **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-495) **READ.** On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-536) to Committee Amendment "A" (S-495) **READ.**)

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

Senator **COURTNEY:** Thank you, Madame President. I'm wondering if the sponsor would be good enough to explain the amendment.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'll do the best I can. This amendment adds language to this bill that clarifies how a lease can work between a company that is employing bonded workers and a person that is a bonded worker, which we have had a considerable amount of trouble with. In the original bill we had no leasing and in this we're set a process up so that there could be leasing. There is a large piece in there about a clearing house for landowners to have a clearing house that has loggers apply to it, be certified, and have their skills tests run through it to eligible employers so there is no argument that they can't find available U.S. workers. It talks about how the information that this clearing house receives will be forwarded onto the department. If a skills test is actually failed by a U.S. worker there will be written a reason why they failed the skills test. There is a piece in here that could be a little confusing but I guess what the department is going to do is populate a list of eligible logging contractors that employ bonded labor. They get on the list by not actually having violated any federal or state labor law in the employment of foreign workers. With this list the landowners would be certainly able to hire these contractors that employ foreign labor without any penalty at all. It sets up a process for people coming off the list if they have been found to be guilty of violation of any employment law, federal or state. If the landowner wants to continue to employ or to subsequently employ a contractor that had used foreign labor that the laws were broken then they could be subject to a fine that would be somewhere in the same regard as what the cost of losing the Tree Growth would be. Parts of this amendment have been proposed by the industry to try to fix a problem that they recognize is there. Other parts have been added by people that think there is a problem also. That's the best I can do with that.

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

Senator **TRAHAN:** Thank you, Madame President. May I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **TRAHAN:** Thank you, Madame President. Could the sponsor of the amendment please explain the merits of a \$50,000 fine for a violation of not being on the list? There are so many things out there that are much more heinous than not being on a list that are fined for much less. I'm just wondering where that came from.

THE PRESIDENT: The Senator from Lincoln, Senator Trahan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you, Madame President. Ladies and gentlemen of the Senate, the \$50,000 fine, which would be for contractors who violated or hired people and violated a federal or state labor law in regard to foreign labor, was a number that was come up with because under the law that we did pass you were going to lose your Tree Growth, which was \$2.20 an acre. The penalty was on 1/2 township, which was 13,000 acres. We were figuring that it was going to be close to \$50,000 under the Tree Growth bill, so we kept the same number there. I don't think it is heinous if you are the one that was violated and didn't get the job yourself. I certainly think this is a high stakes industry that a lot of Maine businessmen have a lot of money invested in with their own equipment. Not being able to find work in the Maine woods is, I think, a serious issue. It's appropriate that there is going to be a list of eligible contractors that have not violated the law. You are more than welcome to hire them and bring in all the foreigners that you want under that system, but if we know that they have violated the law we're not interested in letting people hire those contractors. I'm not going to call it a compromise, but it's something that we worked on.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-536) to Committee Amendment "A" (S-495) **ADOPTED**.

Committee Amendment "A" (S-495) as Amended by Senate Amendment "A" (S-536) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-495) AS AMENDED BY SENATE AMENDMENT "A" (S-536)** thereto.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Bond Issue

An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election

H.P. 1313 L.D. 1826
(S "G" S-529 to C "A" H-830)

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

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

Senator **DIAMOND**: Thank you, Madame President. Ladies and gentlemen of the Senate, this is what we've been waiting for for a

while, not only this evening but maybe for weeks and months. This is the bond package that many of us have worked on and others have had good reasons to participate in. I think there have been good discussions and good debates back and forth. We talked about this in the Appropriations Committee as many of you have, if not all of you have, in your various roles here in the Senate. This package has transportation infrastructure, \$17 million for the Aroostook rail, \$5 million for the Lewiston-Auburn rail, \$5 million for the Mountain Division rail, \$7 million for the mega berth in Portland, \$1 million for the small harbor program, and \$38.4 million for the highway program. That's \$69.8 million. That is jobs, ladies and gentlemen. That is what this is about. That is jobs. The Associated Contractors tell us that 24 jobs for every million dollars. That's a rather conservative figure. We're looking at 2,750 jobs there. In this bond package is energy, off shore wind, \$5 million. With that comes a match of \$24.5 million. Also water is part of this bond package. Drinking water \$2 million with a 5 to 1 match, that's \$10 million. \$3.2 million in waste water with another 5 to 1, that's \$16 million. A combination of \$26 million for those two items under water. Dental, UNE, York County, \$3.5 million for the clinics and another \$1.5 million for the rural community clinics. That is probably one of the most important parts of this bond package. Our rural areas are in dire need of this dental clinic and all that comes with it. The Mountain Division, the rail line that goes from Portland to Fryeburg, there are six companies on that line right now. Lumber, gravel, concrete, and a pellet company that's trying to get in. This rail line is already owned by the State of Maine and it's just a \$5 million contribution and we get this freight line started. This is about jobs. This is where it is. This is our opportunity.

I know some of the concern is that \$85 million is something that some people may say is too high. Let's see what Standard and Poor's has said this March regarding the State of Maine and what we are able to do. I quote, 'In our opinion the AA rating reflects Maine's unemployment rates which are better than the national levels despite recent unemployment declines, adequate to good income levels, and favorable debt position with a low debt burden and a rapid amortization of debt outstanding.' Moody's opinion, as of January 2010, lists among the long term credit strengths of the State of Maine. We have the capacity. We have an opportunity to create jobs. We have an opportunity to create a tremendous improvement in our dental program in this state for our kids and rural areas. We can help with water with a 5 to 1 match. Energy, an additional \$24 million match. All of this seems to make sense. All of this brings us to the point where, when you add in the jobs that go with this, it seems like a common sense thing to do. I would ask for your support on this. This is our time. This is our chance. This is what we've been waiting for. We campaign on jobs. We tell people back home we want jobs. This is our chance. It's right here now. This is where the vote is going to be taken in the next half hour. Let's not back away from that opportunity. I ask you to join me in this opportunity and support this bill. Thank you, Madame President.

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

Senator **ROSEN**: Thank you, Madame President. Members of the Senate, let's get right to a couple of fundamental points in the discussion of the report that you see before you and the divide between the members of the Appropriations Committee. There is a disagreement around this package and it's really primarily

based on the size of the level of GO borrowing for this legislative session and the design. It's the opinion of five Republican members on the Appropriations Committee that, in fact, we cannot afford this. We agreed a year ago, Republicans and Democrats, to a biennial borrowing general obligation borrowing package of \$150 million. The proposal now before us is to add another \$85 million so that we will be in a posture to go forward with \$235 million of general obligation borrowing. That's a quarter of a billion dollars of GO borrowing, new debt. We feel that's too high. It's too much. It's beyond a reasonable capacity as we look ahead at the restraints that we are facing in the next legislative session. That's the fundamental disagreement.

Within the \$150 million of borrowing that we had all negotiated and agreed to, we expressed an openness to go back and redesign that package a year later after it was developed. That position has been rejected as well. I need to really take you back to last June when it was again approaching the last day of the legislative session and we had had some discussions around GO borrowing but been unable to develop a package. The chairs and leaders of the Appropriations Committee went downstairs to their office in room 228 at 8:00 am in the morning and sat down and said, 'Can we craft something, a structure, that we can send upstairs to the leadership and to the membership at large and put together a responsible reasonable borrowing package?' We agreed in room 228 to a biennial package, a \$150 million package, over the two years of the biennium to be rolled out at three dates; November 2009, June 2010, and November 2010. That's important because it was really a break from tradition. It was only the session before this one and, Madame President you recall in your position as the Majority Leader at the time, we tried to break the link, the traditional model, of negotiating general obligation debt, which ordinarily worked with the Minority Party linking success in budget negotiations to the ultimate success or failure in a general obligation bond negotiation. We had a series, over time, of Majority budgets and difficult GO bond negotiations. In the last session we took a leap of faith and we said, 'Let's try something different. We will agree to negotiating a biennial package. We will then de-link the tie to the budget and go forward in good faith and negotiate budgets.' It worked very well. I thought we were repeating that model this session. I think the fact that at least the members on the Appropriations Committee and our assumption that we essentially had negotiated a package for the session allowed us to go forward and successfully negotiate a series of budgets because we had separated the two. Through that series of budgets we continually were able to achieve additional savings in debt service because we didn't anticipate another new \$85 million borrowing package. Well, of course after we negotiated the two year package the revenue picture changed. It was \$400 million less than what we expected.

Where did the \$150 million come from? That was the Republican's effort to tie debt service to some kind of benchmark and we used the L.D. 1 benchmark. We said it's imposed. We collectively, previous legislatures, imposed it on counties, on schools, and on municipalities, so we'll impose it on ourselves, on one of our largest cost centers. We thought that was a reasonable approach. With the \$400 million less in revenues you can certainly argue with the model that we used that the original \$150 exceeded our capacity. That was negotiated and we certainly weren't going to back off from that. The \$85 million add on is a reach into the next session and a reach into a session beyond that. Actually it reaches into the next five legislative sessions and the next three gubernatorial terms because we don't

pay for it. We don't pay for it. We get to vote on it and put it before the voters in June, but we don't pay for it. We're concerned because of the budget picture that we know we're facing in the biennium. By all accounts the next Chief Executive and the members of the 125th Legislature are going to be facing a shortfall in the range of \$1 billion. When you take away the stimulus money, the AARA money, that's in this budget, when you look at the obligation to reach 55% of GPA funding, and when we look at the increase that we are facing from the funding requires for the Maine State Retirement System in the next biennium, which have all been presented to the committee, then you quickly get to about \$1 billion short fall. Just look at the retirement obligation that we are facing in the next session. \$150 million a year more. \$300 million more in liability in the next biennium. \$150 million a year more. What does that amount to? That is the General Fund share of the Department of Agriculture's budget, DECD, DEP, Department of Labor, IF&W, Marine Resources, Department of Conservation, and the entire Community College System combined. That's what \$150 million a year is. I'm not saying an unfounded opinion. We honestly feel that this goes beyond the reasonable capacity of the next legislature to be able to pay for. When we look at what the economic forecasters tell us, what their predictions are, what the revenue forecast tells us, the obligations that we are facing, and the loss of the stimulus money it's very, very real and it starts in January.

The Chair of the Appropriations Committee, the Senator from Cumberland, Senator Diamond, quoted the recent S&P report talking about the credit worthiness of our GO debt. Well every state's general obligation debt is a debt of the highest order. When you issue general obligation debt you are putting behind that project the full faith and credit of the state and it's paid for above all else. It's interesting that the projects that are listed in this \$85 million borrowing package never rose the level of priority to be included in any of the budgets. Apparently they are worthy for this elevated status of being funded through general obligation debt, which mean they come first before anything else and are paid off first before any other liability or any other promise. In that same Standard and Poor's report when they placed us on a credit watch they asked at the back of the report a question. The question they asked is, 'What would it take for this rating to move down?' For the State's credit rating to be moved lower by S&P. There were two points that they raised. One, increase use of non-recurring solutions to balance budget, creating persistent structural imbalances. Much of that billion dollars next time is a persistent structural imbalance. Two, failure to adopt a plan to cover expenditures once the federal fiscal stimulus monies are no longer available. I think the quote that we all know, 'To everything there is a season', needs to be taken to heart because there is a time for reckless abandon and there is a time for limits. This is a time for limits when it comes to reaching ahead and obligating the State to more debt. I know that it's frustrating. I know that members of this legislature have felt constrained and bottled up for two years, having to swallow budgets and being asked to make reductions, to being asked to hold back from pushing for more revenue, and you have done a great job. I know it's frustrating to the point of constipation, but I'm asking you to hang in there and to exercise limits and realize the constraints that we are facing financially as a state and look ahead and look at the greater obligations. The Republican caucus is not opposed to the use of general obligation borrowing. We participated in the agreement to go forward with \$150 million. The voters approved the November 2009 package. They have yet to act on the next

two. We know more today than we did a year ago and would be open to a renegotiation of some of the elements of the \$79 million that is left to be put before the voters. We do not believe that it is responsible or prudent to add another \$85 million on top of it. I urge you to reject the motion before us. Thank you.

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

Senator **CRAVEN:** Thank you, Madame President. Men and women of the Senate, there are more than 65,000 unemployed people in Maine today. Nearly 1 in 12 live in Androscoggin County. Many of these people are out of work for the first time. They've always had a job and always paid their bills on time. Now they find themselves collecting unemployment because of the greed and irresponsibility of people that live far outside of the state of Maine. The bond package before us offers many of those people a chance to do what they have always done, and that is to go back to work. This jobs package will help people in my district, but it will also help people all over the state of Maine. Just as jobs are needed in every corner of the state, improvements to our infrastructure are needed as well. This jobs bond addresses both of those issues. It puts people to work, rebuilds infrastructure, and helps power the economy of Maine. The \$5 million that will upgrade rail in the Lewiston-Auburn area is a perfect example. With this investment people will draw paychecks, improve the line, and have service in the region that will generate activity far into the future. This is the type of economic development we cannot afford to pass over. We have heard arguments that this is the wrong time, that Maine cannot afford this investment. Those claims ignore the facts. According to Standard and Poor's each Maine person supports \$361 of debt. In 41 states citizens support more than that. In New Hampshire each citizen supports \$519 and in Connecticut it is over \$4,500 per person. Furthermore, after spending thousands of hours in Appropriations over the years, I can personally attest to the prudent way that Maine manages our finances. Most states take 20 to 30 years to pay down their debt, Maine pays their debt in 10 years. This prudent approach has put us in a position to make this investment. It has put us in a position to create jobs. This is the right package and this is the right time. What Maine needs now are jobs and this bond package will provide that. According to the Maine State Treasurer, the cost to the General Fund in 2011 is 0.07%, for 2012 the cost to the General Fund is 0.36%, and for 2013 the cost is 0.40%. Certainly to create jobs and to put our constituents back to work, this is a very worthy investment. Thank you, Madame President.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is a very interesting conversation we are having here. I like the idea of jobs, jobs, jobs. Some gubernatorial candidates are saying the same thing. I have a couple of questions. I assume because this Democratic proposal is creating jobs, jobs, jobs that the proposals agreed on for June 2010 were not creating any jobs. I'd be willing to hear somebody say that. I'd like to have the folks in this room and whoever is listening hear what is in that 2010 bond that we agreed to and negotiated very eloquently. Historic Preservation Commission, this is the one that is going out, \$1.5 million. How many jobs

connected to that? Communities for Maine's Future, \$3.5 million with a match of \$3.5 million. This is in the June budget. Maine Technology Institute, \$3 million with a \$3 million match. How many jobs? If they aren't creating jobs then you should look at it. Brunswick Naval Air Station Redevelopment, \$8 million with a match of \$32 million. No jobs I guess. Food processing grants for state industries, \$1 million bucks. Economic Recovery Loan Program, \$3 million which was negotiated and agreed on. Small enterprise growth fund recapitalization, \$5 million. Under Part B that's \$25 million plus \$39 million draw down. No jobs that I'm hearing about. Part C, drinking water, \$3.4 million with a draw down of \$17 million. No jobs there either. Waste water revolving loan, \$3 million with a draw down of \$15 million. I hope I'm reading this correctly, someone will probably correct me if I'm not. Small community loan under Part C was negotiated last June, \$1 million bucks. Apparently no jobs there. Waste water treatment construction grants, \$600,000 with a match of \$900,000. No jobs. Overboard discharge, \$500,000. No jobs. Agricultural water source development, \$1 million with \$350,000 match. Net cost under Part C is \$10,250,000 with a match of \$33 million. No jobs still, apparently. Weatherization and energy efficiency, \$12,000. I understand there is going to be one hundred and something million dollars coming in for energy efficiency. Apparently we have no jobs so far in June. Higher education building renovation, \$15 million. No jobs there either. Marine wind energy, \$6 million. Under Part D we negotiated \$33 million. Then we come to the rail piece that I offered before and that kind of disappeared. In November 2010 we have Land for Maine's Future, \$9.5 million to buy up land in the unorganized territories, I assume, with a match of \$9.5 million. \$18 million for Land for Maine's Future. Department of Conservation, Parks, and Management, \$500,000. That was part of the agreement we negotiated. That's a total of \$10 million in Part E with a match of \$9.5 million. If I'm reading from the wrong paper I'd certainly be happy to hear someone say I am. That's a total going out and I guess apparently it's not going to create any jobs. I thank you and I hope we do what is appropriate with this bill.

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

Senator **BARTLETT:** Thank you, Madame President. I do, too, hope we do what's appropriate with this bill. I want to first respond to a couple of the points that have been raised. I'll begin with the last one. We're not here today to debate the merits of the bond proposal we passed two years ago. In any event, those proposals, many of which you articulated so eloquently, do in fact create a great many jobs. Right now the state of Maine is suffering. Thousands and thousands of people are out of work from one end of the state to the next. When I go out and talk to people I don't hear anyone telling me to just create a few jobs or not to create too many because they don't want the economy to be too strong. What this proposal is about is trying build upon a foundation we laid last year to create more jobs to get our economy moving forward and to make sure that we put this state on a positive track going forward and that we have a strong legacy to leave to our children.

I also want to address the issue about some sort of agreement around the bonds last year. We did work in good faith, Republicans and Democrats, to negotiate a \$150 million bond package of which we were all proud. We were very clear in those negotiations, however, that we were not negotiating a two-

year package. We were negotiating a package and we were very honest that we would be coming back this year and looking to see if additional bonding would be necessary in light of the state of economy. We had those discussions very frankly, so it isn't a surprise that we are back here today and we certainly never would have foreclosed on the opportunity to do what's right to put Maine people back to work.

With respect to the capacity issue, about which you have already heard so eloquently from the Senator from Cumberland, Senator Diamond and the Senator from Androscoggin, Senator Craven. I just want to make one more point. This bond package is in the neighborhood of \$85 million. We will be retiring over the next two years \$168 million worth of bonds. We are not over spending. We are not reaching beyond our capacity. We are well within it. If we were simply to go by looking at what we've been retiring in recent years we'd have a much bigger bond package. If we were truly to look at the capacity we'd be talking about a significantly higher bond package. What this proposal has tried to do is to look around the state of Maine. We don't want this to be focused on any one part of the state. We looked around the entire state and looked at what were the needs and where were the opportunities to put people to work or to protect jobs from Aroostook County down to York County, from Oxford County to Cumberland County. If you look in this package you will see we are reaching out to address jobs in every corner of this state. We put it together as leanly as we could to accomplish those objectives.

We stand here tonight in a truly defining moment. We, in this chamber at this moment, have it within our power to decide whether we are going to step up to the plate and help create 2,750 jobs or more through this bond package. If you travel the state you can see from one corner of the state to the other that people are hurting. They are desperate for work. They want our economy to grow again. While the economy has begun to turn around, the unemployment rate in the state of Maine and around this country is unacceptably high. This is an opportunity tonight to address it. The power is in our hands. The question is whether we are going to seize it and take this action or not. It is up to us, and us along. I hope that you will look carefully at this bond package. It truly will be a tremendous investment, not only creating jobs but creating lasting improvements and upgrades in communities across the state of Maine. This is our moment. Let's cease it together. Thank you, Madame President.

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

Senator GERZOFSKY: Thank you, Madame President. Ladies and gentlemen of the Senate, I normally rise to speak about what I know. Usually that is my committee work. I very seldom, if ever, get up and talk about other committee business if I wasn't a part of that committee. I've listened tonight to some words spoken by the good Chair of the Appropriations Committee, the Senator from Cumberland, Senator Diamond, and my old seatmate from the other Body. I heard some other comments made about some things I do know something about. One of them is about jobs. Jobs, jobs, jobs. That is what this is about, jobs. I'd like to say that six months ago, because of some bonds that were passed, we got to upgrade the lower Lewiston line of tracks and in Thomaston we got to open up a company that had been closed down for quite a while and employed 30 people and they are ready now for an expansion of another 30. A company that hauls

scrap. We've got 30 or 40 freight cars a week going up there now. We didn't have that a year ago when we talked about bonds but we have it now.

I heard something mentioned about the Brunswick Naval Air Station, something I know a little bit about. Something that I know is that there are 5,000 sailors in Jacksonville, Florida tonight who are spending their money there and not here because the federal government made a mistake and closed down my naval air station. We need these bonds and the authority to recreate those jobs. We know right now, Madame President, that we have companies that are lining up to come onto that base to hire our people because of the educational opportunities for job training that are going to be on that base because of the opportunities to redevelop that base that will create jobs here in Maine. Right now we are losing \$20 million of general revenue tax money because Florida is getting it, not Maine. To replace that money that we're going to need in our budget we're going to have to have some help and some bonding. Brunswick Naval Air Station isn't coming here asking for money like Loring and other places have. We've come here asking to be able to earn our way out of it. We came to Appropriations and they were very generous to us, not giving us money but by giving us the authority to be able to earn our way out of it. That's going to be with Maine jobs. They are going to be good Maine jobs. That's what these bonds and this debate is about. Don't let it cut you short on thinking about anything else besides creating jobs, because that is what this legislature is about. In hard times, like we've had before, we create jobs. Otherwise we don't earn our way out of this mess that we got into.

When we came here two years ago and the Governor asked for a \$306 million bond we had a different economy. We had to come back in and settle for a \$150 million bond because the Minority side was right and the economy took a dive. We settled for the \$150 million bond. Now the economy seems to be getting a little bit better. We have better job opportunities. We have better opportunities to attract good high paying jobs to Maine and this is what is going to create that. Don't let anybody be misled that this package and this debate is about anything besides jobs for Maine citizens so that we can get ourselves out of this mess, so that we can put back the money into our education and in our towns, so we can put back into revenue sharing because we might have some revenues to share. Ladies and gentlemen, please think about the future of your kids and this state and vote to move forward. Move forward by supporting this issue. The economy has changed. We're changing. If we don't create the opportunities for these jobs then shame on us. Shame on us. Thank you very much, Madame President, for giving me a moment to speak.

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

Senator RAYE: Thank you, Madame President. Men and women of the Senate, I rise in opposition to the measure before us. From the outset, I just want to remind my good friend, the Senator from Cumberland, Senator Gerzofsky, that we did in fact pass a bond issue for Brunswick Naval Air Station. I believe it was an \$8 million bond issue last year. It had, as I recall, bipartisan support.

I had hoped that here today, this evening, we could once again bridge the partisan differences that divide us on bonds. It was in that spirit that Republicans reached out to our colleagues across the aisle and, as the votes earlier today on several

amendments demonstrate, there was a willingness among Republicans to reach across the aisle and move ahead with a modest bond package aimed at vital infrastructure needs, one that would strike a reasonable balance to address those needs, guided by a sense of fiscal responsibility and cautiousness in terms of increasing Maine's debt. The fact is we generally do our best work around here when we do it together. Regrettably, while we offered that earlier today, that is not what is before us with this \$85 million package. We cannot afford this so therefore I urge you to join with me in opposing the measure before us.

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

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I'm going to be voting for this bond package and I will be very happy that I am because I'm going to go through it point by point on how many jobs are either created or saved by this bond package. We have a rail station. We have many people out in the hallways or maybe in our chambers now who are very worried about making sure that we put the \$17 million into it because there are about 750 to 1,000 jobs that will be saved if we do that. We also have the Lewiston-Auburn one, which is 120 jobs. The Mountain Division with 120 jobs. The highway, 835 jobs. We have the Ocean Gateway, which some people are calling the Mega Berth, 168 jobs. The drinking water revolving loan fund which will provide 304 jobs. We have the waste water treatment facility construction plan for 460 jobs. That's a lot of jobs, folks. There are a lot of people who are desperate for these jobs. I don't know about you but when I'm going out door-to-door and when I have my constituents talking to me, many of them are unemployed, they are fearful, they have children to feed, they have homes they want to try to keep and make their payments on, and they have families that are depending on them, whether it be elderly parents or what have you. They want to know that we're going to do the right thing and we're going to invest in ourselves so that everybody moves forward in the future. I tell a lot of people who are young, who have lost their jobs, to go back to school if they haven't already. To take a loan out because it's an investment in themselves and it's no different than what we are telling ourselves here. Invest in this state. Only we can do that. We will all benefit from it in the end. I urge you to vote with us. Thank you.

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

Senator **McCORMICK:** Thank you, Madame President. Men and women of the Senate, I rise to express my disappointment with the motion that is currently before us and my regret that we weren't able to come together with some sort of a package. It was fairly clear to me when the bond proposals were put out that our caucus expressed a desire for it to be a number less than what was proposed. I think I made it clear to people that talked to me that I was willing to support the roads, support the railroads, support the dental school, and support a number that was somewhat less than the proposals that were out there. Other members of my caucus expressed a similar possibility of support. Yet, what are we faced with? We're brought back with a number that is even larger than what we were talking about, \$85 million. Earlier today we came up with a vote that showed clearly that there is not a 2/3 support for \$85 million. We offered to negotiate

and hours later what do we have? \$85 million. We offered amendments, one from the Senator from Lincoln, Senator Trahan, of nearly \$40 million. All disposed of and what are we left with? \$85 million. I get it. You want \$85 million. You don't get it. Don't blame us, blame yourselves. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, I just want to weigh in on a couple of things because I wish that we had the enthusiasm to create jobs all session long that we have tonight when we are looking at borrowing money. We continually fight back and try to weaken bills. That makes it more difficult to do business and create jobs in this state. It seems like maybe that's we've done all session long, try to take a bill and make it a little better, make it so it doesn't put this guy out of business or make this guy have to fill out some 20-page form to prove that he's a subcontractor. There have been numerous attacks on job creation by this legislature and now we sit here and we get lectured that if we don't support this \$85 million bond we're not trying to create jobs. We've seen what government does to create jobs. We have a pretty good example at the federal level. You look at how the federal dollars were wasted and borrowed against. You know what, I honestly believe that the people are starting to say, 'Enough is enough.' We can't continue to borrow on our children's future. One thing we've tried to do this session is not throw bombs across the hall. If we have an argument we close the door and have a fight and we try to continue to work together. We've tried to do that. When we have done that as a legislature we've put out a better product that either of us thought we could come up with in the first place. When the good Senator from Penobscot, Senator Schneider, says, 'I hate this bond package' and I say, 'I don't like this bond package either', guess what, that's probably were it belongs. Then you get better government when you get two sides participating and two sides working together, compromising. We understand that this is what it takes. Our Appropriations Committee has been tremendously successful, probably historically successful, dealing with the most difficult times in 50 years and coming together with unanimous budgets and finding a way to bring almost everybody along.

You know, the bell is ringing in the other Body and I'm sorry that the Speaker left, but I had the honor of being down there a few minutes ago. I came in the 121st Legislature down in the other Body. My class down there is leaving tonight. I heard the Speaker say something as a compliment to the Minority Leader. She said that in order to be successful you have to be passionate about what you believe in. I'm paraphrasing. I apologize. I'm not getting it exact. I wish I had written it down. I'm going to get the record because I'm going to use it right someday. You have to be passionate and argue and fight for what you believe in, but don't take things personally. I found that I really enjoy this place when I don't take things personally. I enjoy the people. I enjoy having strong differences, passionate differences. I'll never give up my principles nor do I ever expect anyone else to give up theirs. When you get up here and you don't question the motives of the other side you get a whole different perspective. I understand this passion on both sides of this, but I've got to tell you that job create and the economy in Maine will not be saved within these walls. It's a much bigger project. We need to have government

get out of the way. We need to empower people. We need to look at some of the things that we can do to make it better. I hope when we come back here next session we're all empowered to make this place a better place to do business so that job creation, and the foundation of it, will be in the private sector. Thank you, Madame President.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm probably not the most appropriate person to speak on a bond package and I certainly haven't been involved in whatever negotiations. It seems like tonight people are trying to reach into last year's bond package and take away the things that they don't think are good or things that don't affect them to fund things that they think are good now. If it was such a great package that we were all together on last year then I don't understand what the attempt is in trying to get into those things from last year. You hear about how government has got to get out of the way. I hate to sound like a broken record on this issue, but I know I am because it's like the good Senator from Cumberland, Senator Gerzofsky, said, it's something I know about. Two weeks ago we had an issue in this Body that I was very passionate about. I was trying, at least in my mind, to create jobs for Maine people over foreign labor. I was told that the policy should be that Maine loggers are just going to have to accept their place because we can't hurt the Maine mills here in this state. That's exactly what the argument was. We can't do anything to affect Maine mills. We can't give 180 Maine people work because it might affect some mill somewhere. That's what was said to me, that was why we couldn't do this. Talk about government getting out of the way, well that's a government run program that brings foreign labor into this state and a few select people get to use it to displace Maine workers. People said that was appropriate, 'Just like it, Troy, and live with it.' Now that same industry that told you that you needed to have that program so that mills weren't hurt is telling you that we need this bond package because our mills are going to be hurt. You are apparently saying, 'Well, that's just too bad.' You can't have it both ways. If the industry can tell you on one side that we've got to do this because it's going to hurt our mills and on the flip side they tell you that we need this bond package to save a railroad in the state of Maine that is going to save some mills. I would think that this is something you ought to listen to because you did two weeks ago. I've been here for 8 years and I don't know crap about anything, but I do know that every time we've had a bond package I voted it. I can't remember anything that was significantly important for my district in them, but I voted for them because I knew they were good for the state of Maine. They've got something in this one that's called the Mega Berth. I don't know anything about the ocean or anything like that, but I talked to a couple of people and they say that is a pretty good project for that area of Maine. I'm standing here from the county of Aroostook that is severely depressed and has very few people as evidenced by the fact that there are only two people from this county that are Senators. We have no voting power really at all as the biggest county in the state of Maine. I'm asking that we pass a bond package because we need this railroad up there. I'm asking the people from Portland, who have 5 or 6 Senators because they have the population, to help me. I don't mean to pick on Portland, but just to give an example. They could throw

my little railroad right out of the package and go on probably without what looks like one vote now. They didn't choose to do that. My thought is to listen to the people that say that Mega Berth is a good project. It's going to put people to work in that area. Aroostook County gets a lot of help from the tax revenues that comes out of the Portland area, so I hope Portland does well so Aroostook can get some help. More importantly, the people in the Portland area are saying they are willing to help me keep a railroad going that is certainly going to keep jobs going in Aroostook County. Even though I don't know if the package is the right size or not and I don't know if every project in there is appropriate. I'm sure they are appropriate but I don't know much about all the projects, but I'm willing to support them because other people that live in those areas in the state of Maine say that they are good projects. All I have is my little idea that my railroad is a good project in my area. I'm willing to put it on the line for the whole package, to get what I want, and I think that everyone else ought to realize that. It is disingenuous for me to say, 'Help me, help me' but if it's not in my district then I really don't care about it. That seems to be what I've seen here. People trying to pick apart what they think is appropriate and what they don't think is appropriate. Well, the same people along side you might think differently. What's appropriate to you isn't to him. That is just the way the world works. I just don't see why anyone would ever get anything under that scenario. We have a problem in this state and in the world, we all know that this is going to put people to work somewhere in the state of Maine. It's got to be good for Maine if people are working.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I remember watching Alan Greenspan address Congress. He indicated that he had been wrong; that he thought the fox could watch the hen house and if government just got out of the way business would behave itself. Well, we've seen the results of that in this economy, nationwide and globally. We're suffering because of the misbehavior of banks and businesses. We're trying to put people back to work. We're here and we often look at other states and point to their success. The Carolina's bonding of billion dollars or so. It's a way for cash-strapped states to invest in their people.

When my colleague from York, Senator Courtney, says that we both don't like the bond package, I want to clarify a little bit. I would like to see a far larger bond package. I am not getting what I want here. I think we can bond much greater and I think the investment would be better for this state. I do believe in compromise. Wind was not included in a compromise, even when there is a \$24 million match, that is economic development. As the Chair of the Business, Research and Economic Development Committee it would be irresponsible of me not to want that investment. If we look with blinders, we only see debt. What we see, even in the largest year, is 4/10 of 1% of our General Fund revenue for debt service for this entire bond package. A minute investment in putting people back to work. Is it worth the jobs in Aroostook County? I don't live in Aroostook County but I believe in the people in Aroostook County. I believe in making sure that we save those jobs. I was invited up to Houlton to a business meeting. The number one issue was that we make sure that we salvaged that railroad because of all the

businesses along it. They urged me to make sure that this was a priority.

When we talk about investment, whether they are in our own communities or not, I don't think we should look at this as what's good for my district or my community or my town. This is about Maine. This is about Maine people. These are extraordinary times and our goals, collectively, should be to put people back to work. I've heard the words that this is a game of chicken. That's horrible. I am not like that. This is not about that. This is about maximizing the number of jobs with a minimal investment. I really hope that people will see beyond the politics of this, that they will see that over time money devalues. The investments in the bonds and paying back that debt service is very small. It will increase revenues by putting people to work. The ancillary benefits get re-energized into communities. Small businesses benefit. People are put back to work. Matches are drawn down from the federal government. It's an immense energizing of our economy.

I just want to close with a success story in my district, in Lincoln at a mill. FAME had to invest first to keep the mill going after it went down by irresponsible behavior in a private business. Government stepped in and put that mill into stasis. It was \$1 million. Then FAME lent \$1 million to the mill. That mill is successful. It wouldn't have happened without government intervention. We often slam government for the programs and the investments that we make, but these have really positive implications to our communities. Hundreds of people are back to work in my community in Lincoln. If it hadn't been for those investments that mill would not be there today. When we so cavalierly, to some degree, say we don't want government to be in our way I would say that there are occasions when government gives a hand up even when it does mean, at least in part, giving a hand out. We all benefit. I really hope that the politics will breathe, will think about the investments, the benefits, recognize that I, myself, am not getting what I want with this bond package at all. Hopefully we will come together and we will recognize that this is the right thing to do for this state, whether it's Aroostook County or Penobscot County or York County or Kennebec County. It's what is good for the health of the state. Thank you.

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

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, I've been disturbed to hear so much emotion, anxiety, and a sense of distrust between both sides of the aisle this evening because I think for the most part we've worked hard together for the last two years. Like my good friend, who's no longer in his seat, I try to stick to the things I know. In serving on the Natural Resources Committee we hear from clambers, desperate to have the state intervene to help clean up the water that's coming downstream and poisoning the flats, making them unable to earn a living when they have to be closed because of E. coli. My good friend from Androscoggin and I live with the Androscoggin River between us. I grew up just a few blocks from the river and when I was a small child I couldn't go out in the summer when it was a really hot and humid day because the river smelled so badly. We've been working for 30 years to clean it up but we still can't get an upgrade to class B because of discharges. If we could spend \$3.2 million somewhere in the state on waste water treatment and get \$16 million from the federal government I think that's important but it's

still not enough. A passionate plea from another Senator from Androscoggin County before the Natural Resources Committee showed us the problems from other parts of the state, down in Cumberland County and Penobscot County, from waste water not being treated and polluting our rivers. I don't think, in these difficult times with so many people out of work, that we should say, 'Well, we've already passed something last year, let's just leave it alone,' because people are still suffering and still without jobs.

As to the dental school and rural access grants, we know that people here in Maine do not have access to dentists and it was not brought home more pointedly when the war started and 25% of our troops, our reserves, were deferred from going overseas because of poor dental health.

This isn't a Democratic package. It's a package to put before the people of the state of Maine. We're not the last vote here, 2/3 in this room doesn't make the decision. The decision is to ask the people of Maine whether or not they think these are wise investments. You may disagree with us, but why don't we let the people of Maine decide and send it out to them so they can determine whether or not they think that having the drinking water revolving loan fund funded or the Maine wind energy fund, \$5 million to bring down \$24.5 million from the federal government, is worth having. I don't know about the rest of you but in my district everyone wants our roads fixed because they are a disaster and it is causing them a lot of expense fixing their vehicles. It's a jobs bond but it's an investment in our infrastructure and in our people. I hope you will reconsider. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I was not going to rise again but I congratulate the good Senator from Penobscot for coming up to Houlton. Usually people recruiting may come up, but I hope she sent some money up there and spent some money. Just a couple of other points, and I'm kind of talking to the good Senator next to me. I haven't heard the numbers of people already working in the state. I think the workforce is about 600,000 or better. I see a gentleman sitting up back that might have those numbers. It would be interesting to see. If we had some prior numbers and knew how many jobs were going to be created, to see what percentage of that, people employed and unemployed, would have some job, a rather small percentage. A couple of other things, we did offer a compromise on the railroad. That was reaching out. Like putting a signal out. It was sort of rejected, I gathered. We actually had three pieces of railroad, if you saw that. We had Lewiston. We had the Tenth Mountain Division. We had the Aroostook Division. I understand it's in this package. We tried this afternoon, it's been said over and over again, to reach out to folks and talk about this. I don't have this number either, I think the gross state product, the good Senator from York mentioned to let the government get out of the way and that's kind of another issue probably for another day, and there might be someone here to correct me, is about \$44 billion a year. I think. If someone raises their hand and says something else that's pretty good. If you have \$44 billion, it's probably down to \$40 billion but again I stand to be corrected, that's a fair piece of money. How much a small percentage is going to kick that along I don't know. I know that businesses, when they start to hire, we may be out of this a little bit where this is a double dip on the

stock market. We don't know. Those are numbers. I like numbers and it's nice to see those.

It's funny how things go around as you've been here a while. I was vice-chair in rural caucus along with Representative Carr, I don't know if he's tonight or not, and rural caucus was involved in the Millinocket mill. To their credit, the DEP ponied up about \$1 million initially to help keep the mill warm. That's to their credit and we should thank them for that very sincerely. As part of that, Representative Gifford, who wasn't a Representative then, worked in that mill to keep the rolls moving so they wouldn't warp. If you know anything about paper mills, you'd better not let them sit too long or they are not going to be functional. He worked for nothing at that mill and there were other people that kept that mill warm so they wouldn't have a toxic waste dump with the material that was in there that possibly could freeze. I give the good Governor credit for that. I give DEP credit for that. It was a targeted thing. I think in the end the gentleman who purchased the mill and made the contacts has a functional mill now. It's a classic example of where Maine targeted something and created jobs. I'd like to see this package targeted really to create jobs. It's a whole new world up there in Lincoln now. I don't go up the turnpike. It's too fast and I get scared of all those people driving 75 or 80 miles an hour through Bangor. If you drive up the east side of the Penobscot River and you can tell that the Lincoln mill is there because you've got additions to the town, the cars look pretty good, and some of the mill workers, and I hope they are not here to start to grumble because when you are making money sometimes you want just a little more, which is okay, but at least it's there to give. I'll give the State credit for that one. It would be nice if we really targeted where money is needed.

I read the proposal to you. I apologize to the Senator from Cumberland, Senator Gerzofsky, if I wasn't clear. The bond package for Brunswick is already in for June. I guess he misunderstood that as I read through. I apologize for not being clear enough to say that was already there. With that I'll sit down.

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

Senator PLOWMAN: Thank you, Madame President. Men and women of the Senate and guests in the gallery, I particularly want to talk to the guests in the gallery tonight because there is some history that you should probably be aware of. In 1992, when Maine had 1.2 million people, our State budget was \$2.6 billion. We went as high as \$6 billion a few years ago. We have come back from the \$6 billion figure to \$5.5 billion with less than 1.2 million people. As our population shrunk our budget doubled. During that time we also became indebted to the tune of \$10 billion. That's with a 'B'. One million people own a debt today of \$10 billion. Let me outline it for you. Our moral obligation bonds, that would be FAME, the Maine Municipal Bond Bank, and the Maine State Housing Authority, have indebted us to the tune of \$4.2 billion. Our pension obligation, to people who retire and the people who will retire, we owe them \$4 billion, with a 'B'. The General Facilities Bond Act, which does not need voter approval. By the way, everything I've mentioned so far doesn't need voter approval. This doesn't either. It has \$175 million debt. We also borrow for highway projects to get us through. Those are TransCap and GARVEE bonds. Neither one of these require voter approval. It comes to \$10 billion. How do one million people pay off a \$10 billion debt? How do you? In June, last years \$150 million package. In June voters will vote to give the

Historic Preservation Commission \$1.5 million. That was our priority last year. The Communities for Maine's Future, they are asking for \$3.5 million. That was our priority last year. Maine Technology Institute, \$3 million. Brunswick Naval Air Station Redevelopment, \$8 million. Food processing grants, \$1 million. Economic recovery loan program, \$3 million. Small enterprise growth recapitalization, \$5 million. That's what we call tinsel on the Christmas tree. What people really wanted was drinking water, community grants, hazardous waste control sites, waste water treatment, and agricultural water source development. By the way, that first group was \$25 million. You throw in \$25 million to boost \$10 million for the projects that all you folks are interested in, then you throw in \$12 million for weatherization, \$15 million for higher ed, and \$6 million for the Maine Marine Wind Energy Fund. All those, by the way folks, are not issued yet. They are not even approved by the voters. That's \$68 million.

Let me go to page 2 because page 2 continues what we voted on last year, which will be voted on in November. Land for Maine's Future. If you want Land for Maine's Future, invest in that railroad. That's a future. I agree, that's a future. When that idea was floated, no thank you, we'd rather turn that into a park in northern Maine because that's a better thing to do than invest in jobs. Department of Conservation and Land Management, another \$500,000. Many of these could have been a changed priority and you people would be looking at what you need and what the state really needs. Offers like that were rebuffed. Absolutely not just rebuffed, talks came to a standstill. I appreciate why you are here. You are the people that create jobs. For 14 years I've stood and spoke over and over again at how we whittle away 10 jobs here, 100 jobs there, or 1,000 jobs by making things like regulations onerous and expensive. A \$3 million fishway to have to be built by a paper company that invests \$1 million a year in new infrastructure and you say to them we need \$3 million to build a fishway which does nothing. We raise unemployment rates by double dipping. A bill this year to double dip. You can be on vacation and draw unemployment. Thank you very much, that's another tax on employers. Five new health insurance mandates this year which will drive up the cost of insurance, not just for Maine people but for their employers. We watch the newspapers as companies like Carlton Trucking Company in Hermon lay off 300 to 400 people. No big deal because we'll pass a bond package. Do we need some of this stuff? Absolutely. Could we have renegotiated what the people haven't even voted on yet? Absolutely. There are all kinds of things we could do.

I've got to tell you, to have the last night of session be when the legislature suddenly becomes concerned about jobs in Maine is a little disingenuous to everybody but the people here. The people in the state of Maine, the people who sign the front of paychecks, know what you are doing to them every day. They are powerless to stop it. Your answer is to just add another \$85 million to the \$10 billion that we already owe. It may not seem much because Washington spends it a trillion or two at a time. Why is there no tax revenue? Because you killed industry in Maine one by one by one by one. The only thing we have left to do is to build roads to keep our people who work to take care of each other in Maine. The only jobs left are the ones where we take care of each other. We don't manufacture. We don't invite capital investment here. God forbid somebody would bring their money here. Why would they? They've got a great financial advisor in New York who says, 'Good grief, do not go to Maine. You won't make a buck and if you do they'll find a way to take it.'

Get into something that is backed by bonds. Get into that, because that is how they solve their problems in Maine. They'll float a bond. Well, I've got to tell you, where are you going to get the \$10 billion for the first \$10 billion you owe? I don't know where you are going to get it. While I feel badly for the people who have come here tonight looking for \$85 million because to them that's the difference between getting something done or not, I'm going to have to say no because we have let this grow to \$10 billion and the only thing you will hear talked about tonight is the \$85 million and our ability to make those payments. It's like having a home budget where you can afford the house payment but you can't afford to heat, you can't afford to keep it up, you can't afford to feed your family, and you can't afford to do anything else. I don't understand why the rebuffing happened this afternoon. There are other ways to do this. There were plenty of other ways to do this. Saying no is sometimes appropriate. I'm going to tell you, tonight I feel it's appropriate because I don't know how to explain to my children where that \$10 billion comes from and neither do 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'll do a little explaining where the \$10 billion comes from. Let's take the moral obligation bond we've heard about this evening; FAME and Maine State Housing. I don't know if the average citizen knows what goes on at Maine State Housing. They probably assume there is a lot of General Fund money that goes there to support it. It is actually self-supporting with the spread and interest from the bonds they sell and the mortgages they give. They sell bonds, they give mortgages, people buy homes, they pay their mortgages back. Well that is how that \$4 billion is going to get paid back, by the people who bought homes. That's their mortgage payment. If everyone of them stopped paying maybe we do have a moral obligation but it hasn't happened yet in the worst economy we've had in 50 years. The same for FAME and the rest of this. Why don't we take the moral obligation bonds off the table. It's not part of our budget. Those were the big dollars you heard, \$8 billion I think. Not our budget. It's people's businesses and homes that we have helped them get. Our government has not gotten out of the way but helped assist people get a leg up, get a business started, or buy a home.

We heard about Lincoln Paper. That's a success story we're talking about tonight. I have my report from Maine Revenue that shows the BETR program that we've funded at a maximum of \$80 million a year. We could pay cash for all of this if we wanted to eliminate the BETR program. They are actually a double dipper to the tune of \$392,000. They have their \$600,000 in TIF and then their BETR check on top of it. They net \$392,000 off the taxpayer. That's a great success story. When I hear that it's not our job here to create jobs, I agree. We get out of the way. We've gotten out of the way with things like cutting sales tax, by attempting to lower the top income tax rate by 23%, and lowering burden by \$50 million. We've created Pine Tree Economic Development Zones. We've repealed the personal property tax on business equipment and on and on and on. Those are the things we do to help the public sector and the private sector create jobs. Let's take jobs out of this equation. Let's not call it a jobs bond. Let's look at it for what it is. An opportunity to do things that I think we all agree need to be done while there is

historically low interest rates, historically low bids available because of the high unemployment in the construction industry, and let's go with that. Isn't that reason enough? If there are 3,000 more jobs I guess that's icing on the cake.

It just reminds me of a few years ago when we couldn't come together to do a transportation bond. We said no to all the matching funds that were available. While we did nothing, and the roads continued to crumble, the cost of construction went up over 50% and we've never recovered from it. This is our opportunity. We need to move forward. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I'm a little bit concerned about some of what I've heard about discussions that have taken place earlier today around these bonds. The suggestion that there has been a Republican proposal that was rebuffed or rejected by us creates the illusion, I think, that there was a plan delivered to us in our office, a concrete comprehensive proposal that we rejected. That is absolutely not at all what has occurred. We had discussions around doing no new bonding whatsoever but simply readjusting bonds that we all agreed to last year. We saw that in some amendments offered by the Senator from York, Senator Nass. It was suggested to us that we could take the Aroostook rail line and all the rail out of the bond package. We actually had some very good discussions with folks who knew more about it than we did. We really couldn't come to an alternative plan that we felt could satisfy the needs of protecting our railroads. Unfortunately, we couldn't do that. We specifically asked what is your plan? If we were to agree with you on the Aroostook rail line, taking that out, if we were to agree in terms of restructuring last year's bond package a little bit, would we then be in a position to support the rest of the package or where would we be? What is your proposal?

The suggestion was to look at other Republican amendments on the floor. The difficulty we had in doing that is there were amendments put in by members that conflicted with each other. When we start peeling layers back and trying to decide is it the pier that we give up? Is it the Aroostook Railroad we give up? We simply couldn't, just looking at it, come up with a way to fund the priorities we all agreed on. This is sort of the interesting thing. We talked about what our priorities were that we cared about. A lot of them were the same. We wanted to do something around rail. We wanted to do highways and bridges. We wanted to do the pier. We wanted to do the dental school. We wanted to do drinking and waste water. I'm not sure how you can do all of that in the \$25 to \$30 million range. We're always open for discussion and we're open for negotiation but I don't want to create the false appearance out there that there was a proposal, similar to the one you have before you, that was brought to us and we were asked to support it. There was also an opportunity in the Appropriations Committee to report out a Minority Report that had a bond package in it. A counter proposal for purposes of debate and discussion and negotiation. We didn't see it. The position, as far as we knew until this afternoon, was no. It wasn't until we came in to run a package that we were asked to sit down and discuss it. We tried to do that. We did. We sat. We spent a great deal of time, as many members know as they waited for us, trying to see if there was a compromise. I don't fault anyone for the fact that we didn't get there. Both parties came together in good faith. We

had good discussions. We looked at some alternatives. We couldn't see a way to close the gap.

I also want to make one final point in closing in terms of our capacity to borrow. When you look at tax supported debt per capita we are 42nd in the United States. Forty-one other states borrow more than we do per capita. This bond does not create overwhelming or unusual levels of debts. It probably doesn't move us one iota on that scale. In respect to our bond rating or our ability to borrow, I think Moody's Investor Services has said it best. They said, 'Maine continues its conservative approach to debt with moderate bond issuance, an aggressive pay up structure, and capacity to accommodate unforeseen borrowing needs.' A point that the Senator from Penobscot, Senator Perry, also pointed out. 'Maine's General Obligation debt and amortization is scheduled for a rapid but still affordable pay up, shorter than most states, and debt service remains a modest fixed cost.' We can afford to do this and I would hate to see us pitting one part of the state against another in deciding whether it's the Portland pier that goes or the Aroostook rail line. Every part of the state needs our help. They are crying for help every single day. This is a modest step forward, trying to address the critical infrastructure it needs from one end of the state to the other. 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, as I said the other night, this is a fascinating place. At the end of session, I think, sometimes nerves are a little frayed, tempers grow a little short, people are tired, but unfortunately we have, I think, departed from a tone and a positive attitude that has served us well this entire legislative session. The fact of the matter is, in our discussions today, the Majority leadership made it clear at a certain point that there was no interest in pursuing an agreement. I think that everybody who was in that room can attest to that. I would submit that of course it is not possible to see a way to close the gap when you close the door to that very possibility. We did, indeed, make a good faith effort to engage in discussions today to narrow that gap and to come together with some sort of agreement that would have allowed us to proceed with a modest bond package. The fact that we are standing here at this late hour, so many hours later, with no progress having been made towards that leaves me somewhat mystified unless it was a calculation that there would be enough votes when we got to this hour to pass the large and fiscally irresponsible package before us. I think it is regrettable that we are in this position and I'm sorry that the Majority leader sees it in the light as he just described it.

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

Senator **DIAMOND:** Thank you very much, Madame President. Ladies and gentlemen of the Senate, you know we've had a lot of discussion tonight. We've heard some agreements and disagreements. Maybe even a little family disagreement. That's nothing unusual. I think that happens from time to time. I don't really think the people of Maine really much care about our agreements or disagreements. I think they would just like to have some action, in many cases to just stay out of their lives, and maybe help their lives in certain ways at an appropriate time.

They say if you have a job the unemployment rate in Maine is 8.5%. If you don't have a job the unemployment rate is 100%. There is probably some merit to that. What we are trying to do here is respect everybody's opinion, but maybe more so we have something before us. After all is said and done, we have something before us. If we want to save the Aroostook rail we vote yes. If we want to start work on the Mountain Division rail line, which we have been trying to do for the last 8 years, then we say vote yes. If we want to improve and build the Lewiston-Auburn rail than we vote yes. If we want to spend \$33 million on our highways, badly needed highways, then we vote yes. That's all we've come down to. That's where we are at. Either we do or we don't. As the good Senator from Androscoggin said, then the people will decide. So we let them decide. Thank you, Madame President.

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

Senator **McCORMICK:** Thank you, Madame President. Men and women of the Senate, I'd just like to clear up my remarks earlier. They were certainly not intended to be pointed at anyone else. There were just my disappointment in where we were and how we go there. As a former mathematics teacher I always felt that the math you get in the prior years certainly helps you learn the math in the next year. My disappointment is simply that it seems like if we'd spent more time on the first grade mathematics of being able to count to 24, the higher level mathematics would have come a lot simpler. Thank you, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

YEAS: Senators: ALFOND, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BARTLETT, COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 16 Senators having voted in the negative, and 19 being less than two-thirds of the Members present and voting, **FAILED ENACTED.**

Senator **BARTLETT** of Cumberland moved the Senate **RECONSIDER** whereby the Bill **FAILED ENACTMENT**.

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

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

ENACTORS

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

Act

An Act To Protect Maine Workers

S.P. 593 L.D. 1545
(S "A" S-536 to C "A" S-495)

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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1327

JOINT RESOLUTION RECOGNIZING THE TRAGIC EXPULSION OF THE RESIDENTS OF MALAGA ISLAND, MAINE IN 1912 AND REDEDICATING OURSELVES TO THE MAINE IDEALS OF TOLERANCE, INDEPENDENCE AND EQUALITY FOR ALL PEOPLES

WHEREAS, Malaga is a small rugged island of less than one square mile situated in Casco Bay off the shores of the Town of Phippsburg in Sagadahoc County and the Town of Harpswell in Cumberland County; and

WHEREAS, from about 1870 to 1912, Malaga was home to a mixed-race Maine community of people of Scots, Irish, Anglo, Native American and African-American ancestry, among others, struggling to survive as boatmen, fishermen, carpenters and laundresses, as did many rural islanders of that era; and

WHEREAS, in that era, for fear of being taxed to support alleged "chronic pauperism," nearby towns denied that Malaga existed within their town waters, and amid lawsuits actual ownership of Malaga lay in dispute for decades; and

WHEREAS, in that era, the now-disgraced Eugenics Movement claimed poverty and intemperance were genetic traits due to "impure blood," using pseudoscience to reinforce racial and social stereotypes, holding Malaga and other isolated Maine communities up to ridicule in the national press, including the sensational "Queer Folk of the Maine Coast" in *Harper's* magazine in 1909; and

WHEREAS, in that era, prime island real estate, including Malaga, suddenly caught the eye of speculators and developers eager to build resort hotels for Maine's booming tourist trade; and

WHEREAS, in 1911, amid such tensions, Maine's Governor Frederick Plaisted and his Executive Council personally led an expedition to investigate conditions on Malaga and thereafter paid \$417 to clear title to the island in the name of the State of Maine, which took possession; and

WHEREAS, in 1912, as public policy, the State of Maine evicted all Malaga islanders from their homes, paying token sums for the structures, ordered the Malaga schoolhouse, wharves and houses removed or destroyed, dug up the island graveyard, jumbling all remains into common caskets, and forcibly relocated many islanders to the Maine School for the Feeble Minded at Pownal, where some spent the rest of their lives and where the deceased of Malaga lie in mixed graves to this day; and

WHEREAS, in 1925, the State of Maine by law allowed forced eugenic sterilization of many residents of the Maine School for the Feeble Minded in order to, in the words of one Maine State Senator, "permanently improve the human race . . . and enforce sound, decent and efficient human beings"; and

WHEREAS, with Malaga deserted and the islanders dispersed or institutionalized, for almost 100 years the true story of Malaga disappeared into mystery and myth, a half-remembered legend deeply tinged with heartbreak, loss and shame, rarely referred to openly even by the scattered descendants of the Malaga islanders themselves; and

WHEREAS, the last known living former Malaga islander died in 1997 at the age of 103; and

WHEREAS, in recent years the story of Malaga has been rediscovered and has been the subject of books, national publications, television productions, university studies and a prominent Maine Public Radio production, "Malaga Island: A Story Best Left Untold," and will be the subject of a Maine State Museum special exhibition for the centennial in 2012; and

WHEREAS, in 2001, the Maine Coast Heritage Trust purchased Malaga Island, which now serves as a nature preserve, a University of Maine archeological site, a landmark on the Maine Underground Railroad and a place of education, reflection and renewal; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, do recognize with profound regret the tragic displacement of the Malaga islanders in 1912, in the name of the disgraced Eugenics Movement, with its overtones of prejudice against poverty, racism and stereotyping;

and, while rebuking this past, rededicate the future to the ideals of tolerance, independence and equality of all peoples in our ever-changing world, which are the birthright and heritage of all proud Mainers; and rededicate ourselves as lawmakers to the social and economic justice that is the right of all peoples; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Coast Heritage Trust, the Maine Historic Preservation Commission, the Maine Historical Society and the NAACP.

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

READ and **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 775

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 6, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 25 |
| Unanimous Reports | | 17 |
| Ought to Pass | 2 | |
| Ought to Pass as Amended | 10 | |
| Ought Not to Pass | 3 | |
| Leave to Withdraw | 2 | |
| Divided Reports | 8 | |
| Gubernatorial Nominations | 9 | |

Respectfully submitted,

S/Peter B. Bowman
Senate Chair

S/Sharon A. Treat
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 776

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON JUDICIARY**

April 7, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 27 |
| Unanimous Reports | | 24 |
| Ought to Pass | 4 | |
| Ought to Pass as Amended | 12 | |
| Ought Not to Pass | 7 | |
| Referred to Another Committee | 1 | |
| Divided Reports | 3 | |
| Gubernatorial Nominations | | 9 |

Respectfully submitted,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and **ORDERED PLACED ON FILE**.

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 Amend the Laws Governing the Election of
Androscoggin County Commissioner District Budget Committee
Members

S.P. 747 L.D. 1832
(S "B" S-531)

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

ORDERS OF THE DAY

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

An Act To Remove the Sales Tax on Certain Watercraft
H.P. 473 L.D. 659
(C "B" H-597)

Tabled - February 17, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, February 9, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)**, in concurrence.)

(In House, February 11, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (H-597).

On further motion by same Senator, Senate Amendment "A" (S-544) to Committee Amendment "B" (H-597) **READ** and **ADOPTED.**

Committee Amendment "B" (H-597) as Amended by Senate Amendment "A" (S-544) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597) AS AMENDED BY SENATE AMENDMENT "A" (S-544) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Tax Laws

H.P. 1084 L.D. 1540
(S "A" S-514 to C "A" H-754)

Tabled - April 7, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "A" (S-514)** thereto.)

(In House, April 6, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "A" (S-514)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-754).

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-514) to Committee Amendment "A" (H-754) and **INDEFINITELY POSTPONED** Same.

On further motion by same Senator, Senate Amendment "B" (S-538) to Committee Amendment "A" (H-754) **READ** and **ADOPTED.**

Committee Amendment "A" (H-754) as Amended by Senate Amendment "B" (S-538) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "B" (S-538) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Establish a Residential Wood Stove Replacement Fund

H.P. 1113 L.D. 1575
(C "A" H-642)

Tabled - March 9, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 2, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)**, in concurrence.)

(In House, March 4, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-642).

On further motion by same Senator, Senate Amendment "A" (S-539) to Committee Amendment "A" (H-642) **READ** and **ADOPTED.**

Committee Amendment "A" (H-642) as Amended by Senate Amendment "A" (S-539) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "A" (S-539) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

H.P. 1154 L.D. 1626
(C "A" H-648)

Tabled - March 17, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**, in concurrence.)

(In House, March 16, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-648).

On further motion by same Senator, Senate Amendment "A" (S-540) to Committee Amendment "A" (H-648) **READ** and **ADOPTED.**

Committee Amendment "A" (H-648) as Amended by Senate Amendment "A" (S-540) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648) AS AMENDED BY SENATE AMENDMENT "A" (S-540) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act Regarding Biofuel in Number 2 Heating Oil
H.P. 1160 L.D. 1632
(C "A" H-690)

Tabled - March 22, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**, in concurrence.)

(In House, March 18, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-690).

On further motion by same Senator, Senate Amendment "A" (S-541) to Committee Amendment "A" (H-690) **READ** and **ADOPTED**.

Committee Amendment "A" (H-690) as Amended by Senate Amendment "A" (S-541) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690) AS AMENDED BY SENATE AMENDMENT "A" (S-541) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Protect Retirement Income
S.P. 683 L.D. 1776
(C "A" S-405)

Tabled - March 23, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405).**)

(In House, March 22, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-405).

On further motion by same Senator, Senate Amendment "A" (S-542) to Committee Amendment "A" (S-405) **READ** and **ADOPTED**.

Committee Amendment "A" (S-405) as Amended by Senate Amendment "A" (S-542) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405) AS AMENDED BY SENATE AMENDMENT "A" (S-542) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units

S.P. 707 L.D. 1804
(C "A" S-497)

Tabled - April 1, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497).**)

(In House, March 31, 2010, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-497).

On further motion by same Senator, Senate Amendment "A" (S-543) to Committee Amendment "A" (S-497) **READ** and **ADOPTED**.

Committee Amendment "A" (S-497) as Amended by Senate Amendment "A" (S-543) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-543) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Stimulate Capital Investment for Innovative Businesses in Maine

S.P. 10 L.D. 1
(C "A" S-378)

Tabled - March 16, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, February 25, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-378).**)

(In House, March 11, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Fund the Maine Downtown Center
H.P. 75 L.D. 91
(C "B" H-607)

Tabled - February 18, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, February 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-607)**, in concurrence.)

(In House, February 17, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities

H.P. 313 L.D. 425
(C "A" H-663)

Tabled - April 1, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663)**, in concurrence.)

(In House, March 31, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Improve Tribal-State Relations
H.P. 333 L.D. 445
(C "B" H-714)

Tabled - March 25, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-714)**, in concurrence.)

(In House, March 24, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse

H.P. 569 L.D. 833
(H "A" H-791 to H "A" H-785)

Tabled - April 2, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-785) AS AMENDED BY HOUSE AMENDMENT "A" (H-791)** thereto.)

(In House, April 2, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Reform Insurance Coverage To Include Diagnosis and Treatment for Autism Spectrum Disorders

S.P. 446 L.D. 1198
(C "A" S-430)

Tabled - March 29, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430).**)

(In House, March 29, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

H.P. 1019 L.D. 1464
(C "B" H-593)

Tabled - February 9, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, February 4, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-593)**, in concurrence.)

(In House, February 9, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws

H.P. 1111 L.D. 1573
(C "A" H-756)

Tabled - March 29, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 25, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-756)**, in concurrence.)

(In House, March 29, 2010, **PASSED TO BE ENACTED.**)

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

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

An Act Relating to Road Noise

H.P. 1170 L.D. 1642
(C "A" H-672)

Tabled - March 16, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**, in concurrence.)

(In House, March 11, 2010, **PASSED TO BE ENACTED.**)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#417)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAMON, DAVIS, DIAMOND, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MILLS, NASS, NUTTING, PERRY, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BRYANT, COURTNEY, GERZOFKY, MCCORMICK, PLOWMAN, RAYE, TRAHAN, WESTON

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, 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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1328

ORDERED, the Senate concurring, that Bill, "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry," H.P. 1094, L.D. 1552, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

ORDERS OF THE DAY

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

An Act To Increase Maine's High School Graduation Rates
S.P. 623 L.D. 1658
(C "A" S-429)

Tabled - March 26, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-429).**)

(In House, March 26, 2010, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act To Enhance the Redevelopment of the Brunswick Naval Air Station

S.P. 629 L.D. 1664
(C "A" S-503)

Tabled - April 2, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-503).**)

(In House, April 2, 2010, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits

S.P. 651 L.D. 1679
(C "A" S-400)

Tabled - March 22, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-400).**)

(In House, March 18, 2010, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

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

An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs

H.P. 1205 L.D. 1704
(H "A" H-781 to C "A" H-736)

Tabled - March 31, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "A" (H-781)** thereto, in concurrence.)

(In House, March 30, 2010, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act To Adopt the Common Core State Standards Initiative
S.P. 705 L.D. 1800
(C "A" S-423)

Tabled - March 29, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 24, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-423).**)

(In House, March 29, 2010, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

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

An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use
H.P. 1304 L.D. 1821

Tabled - March 29, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 25, 2010, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 29, 2010, **PASSED TO BE ENACTED.**)

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

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

Emergency

An Act To Decriminalize Violations of Rules or Permit Conditions of the Baxter State Park Authority

H.P. 1310 L.D. 1824
(C "A" H-812)

Tabled - April 2, 2010, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**, in concurrence.)

(In House, April 2, 2010, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Senate at Ease.

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Thursday, April 8, 2010.

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 Regarding Mental Health Treatment
S.P. 495 L.D. 1360
(S "A" S-517, S "B" S-520;
S "C" S-534 to C "A" S-512)

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:

ORDERS

Joint Order

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 748

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 12, 2010. The Senate will convene at 10:00 in the morning and the House at 1:00 in the afternoon.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Emergency Measure

An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units

S.P. 707 L.D. 1804
(S "A" S-543 to C "A" S-497)

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

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

ENACTORS

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

Emergency Measure

An Act To Protect Retirement Income

S.P. 683 L.D. 1776
(S "A" S-542 to C "A" S-405)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator 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:

Act

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

H.P. 1154 L.D. 1626
(S "A" S-540 to C "A" H-648)

On motion by Senator **RAYE** of Washington, 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 (#418)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, NUTTING, PERRY, RAYE, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: DAVIS, GOOLEY, HASTINGS, MILLS, NASS, PLOWMAN, RECTOR, SMITH, TRAHAN, WESTON

ABSENT: Senator: BRYANT

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, 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:

Act

An Act To Establish a Residential Wood Stove Replacement Fund

H.P. 1113 L.D. 1575
(S "A" S-539 to C "A" H-642)

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:

Act

An Act To Amend the Tax Laws

H.P. 1084 L.D. 1540
(S "B" S-538 to C "A" H-754)

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:

Resolve

Resolve, Regarding Biofuel in Number 2 Heating Oil
H.P. 1160 L.D. 1632
(S "A" S-541 to C "A" H-690)

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:

COMMUNICATIONS

The Following Communication: S.C. 777

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 7, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate
The Honorable Hannah Pingree, Speaker of the House
124th Maine Legislature
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health & Human Services during the Second Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

| | | |
|----------------------------------|----|----|
| Total Number of Bills and Papers | | 36 |
| Unanimous Reports | | 23 |
| Ought to Pass | 3 | |
| Ought to Pass as Amended | 14 | |
| Ought Not to Pass | 5 | |
| Leave to Withdraw | 1 | |
| Divided Reports | 13 | |

Respectfully submitted,

S/Joseph C. Brannigan
Senate Chair

S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"
H.P. 1094 L.D. 1552
(C "A" H-738; H "B" H-779)

In Senate, March 26, 2010 **PASSED TO BE ENACTED**, in concurrence..

RECALLED from the Governor's Desk, pursuant to Joint Order (H.P. 1328), in concurrence.

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

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Act

An Act To Reduce the Sales Tax on Certain Watercraft
H.P. 473 L.D. 659
(S "A" S-544 to C "B" H-597)

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate on the Record.

Senator **DAMON**: Thank you, Madame President. Ladies and gentlemen of the Senate, I am rising now at this hour with some rather sad news. I've learned that a good friend of the state of Maine, a good friend of mine personally, and a good friend of Maine education passed away yesterday. Fred Hutchinson, who was the President of the University of Maine, died at age 79 in Bangor. He came from the small Piscataquis town of Atkinson and attended Foxcroft Academy and even after his retirement after being the President of the University of Maine and devoted his entire adult life to educating Maine people and the people of Ohio, because he was also affiliated with that great university, he still held a very fond place in his heart for Foxcroft Academy. He retired to an area in my district and that's where I got to know him the best and most recently, as we served on a number of boards together. He gave unselfishly of himself to the people of the state of Maine and I think he will truly be missed and I feel that loss already after just hearing this. I would ask that perhaps when we adjourn we could do it in his memory and I would send out best wishes to his wife, Dione, to his family, and his beloved grandchildren. Thank you, Madame President.

Senator **RAYE** of Washington 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.

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **NUTTING**: Thank you, Madame President. I did not realize the news about Fred Hutchinson until the good Senator from Hancock, Senator Damon, mentioned it. As he was my plant and soil science professor as a freshman at Orono and when I was a sophomore at Orono he was head of the Life Science and Agriculture Department. When I was a junior he was one of the Vice-Presidents at the University. When I was a senior he was President of the University of Orono. I asked him when I was a senior, I said, 'Boy, it's kind of too bad that the best professor,' and he was a wonderful professor, 'it's too bad that the best professors end up not being in the classroom and end up being head of the University.' He had a great big smile on his face, as he always did, and he said, 'Well, John, want do you want to do, take the poorest professors and make them administrators?' He always had a great sense of humor. He will be missed.

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

Senator **SMITH**: Thank you, Madame President. I will be brief. Fred Hutchinson was a friend to many in this Body, I am sure. I had a very special relationship with him. His family and mine were intertwined for many, many years. His dad drove a pulp truck for my father. Fred and I, many years ago, served on the Joint Select Committee on Forest Resources, which did a lot of work on industry matters, public policy, 30 years ago for this legislature. Fred and I had served on the Board of Trustees at Foxcroft Academy and co-chaired a rather large capital campaign together. We were very close in many, many ways. This is a great loss, not only to me personally but to Foxcroft Academy, to Piscataquis County, and to the town of Atkinson, which is a little spot on the face of the earth he loved and loved to talk about. I'm sure you all realized that. The family, in particular, is in my thoughts. His mother, by the way, was a babysitter for my children. It's with a great sense of loss that I rise to pay honor to Fred tonight and to think of his wife, Dione, as well. Thank you.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Monday, April 12, 2010, at 10:00 in the morning, in memory of and lasting tribute to Frederick E. Hutchinson of Orono.