

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

In Senate Chamber
Friday
June 17, 2005

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

Prayer by Senator Arthur F. Mayo, III of Sagadahoc County.

SENATOR MAYO: Good morning. Father in Heaven, while there are many problems in our state and varied solutions, it seems that both are in some way involved with money. We know that forgiveness and forbearance aren't involved with money. We know that acceptance and kindness need not be involved with money. We know that love coming from the heart does not need to have a dollar sign on it. While we pray fervently for all of the above, our main concern today, unfortunately, is with money. How do we keep the state programs going, programs that spring from godly motives? How do we pay for them? We place ourselves, today, in Your hands. Any solution we see is a gamble. Help the members of the Senate and the other body to chose the right one. Be sure they do something. Amen.

Reading of the Journal of Thursday, June 16, 2005.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 1145 L.D. 1622
(C "A" H-692)

In Senate, June 14, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "A" (H-699)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HOBBS** of York, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-692)**, in concurrence.

House Amendment "A" (H-699) to Committee Amendment "A" (H-692) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **HOBBS** of York, pursuant to Joint Rule 311, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, Senate Amendment "A" (S-378) to Committee Amendment "A" (H-692) **READ** and **ADOPTED**.

Committee Amendment "A" (H-692) as Amended by House Amendment "A" (H-699) and Senate Amendment "A" (S-378) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "A" (H-699) AND SENATE AMENDMENT "A" (S-378) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Acts

An Act To Improve the Child Welfare Ombudsman Function
S.P. 72 L.D. 219
(C "A" S-371)

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

An Act To Amend the Maine Tort Claims Act
H.P. 655 L.D. 936
(C "B" H-694)

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

An Act To Modify Savings Offset Payments and To Clarify Certain Other Provisions of the Dirigo Health Act
S.P. 555 L.D. 1577
(H "B" H-687 to C "A" S-359)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#270)

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

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

ABSENT: Senators: BRYANT, PERRY, TURNER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators 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.

An Act To Develop a New Judicial Facility in Bangor
S.P. 632 L.D. 1687

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

Senator **DAVIS** of Piscataquis moved the Senate remove from the **TABLE** the following:

Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

H.P. 109 L.D. 131
(C "A" H-96)

Tabled - April 7, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**, in concurrence

(In House, April 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96).**)

(In Senate, April 7, 2005, **READ A SECOND TIME.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#271)

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

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

ABSENT: Senators: NUTTING, TURNER

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DAVIS** of Piscataquis to remove from the **TABLE**, **FAILED**.

The Chair laid before the Senate the following Tabled and Later (6/16/05) Assigned matter:

An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County
H.P. 1197 L.D. 1690

Tabled - June 16, 2005, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence

(In House, June 15, 2005, **PASSED TO BE ENACTED.**)

(In Senate, June 16, 2005, **PASSED TO BE ENACTED**, in concurrence.)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

Having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Reestablishing the Task Force To Study Equal Economic Opportunities for All Regions of the State
H.P. 1114

Tabled - May 9, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 14, 2005, **READ** and **PASSED**.)

(In Senate, April 26, 2005, **READ**.)

On further motion by same Senator, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve

Resolve, To Raise a Monument for Women Veterans of Maine
H.P. 588 L.D. 829
(C "A" H-353)

Tabled - May 20, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 18, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**, in concurrence.)

(In House, May 20, 2005, **FINALLY PASSED**.)

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

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Encourage Personal and Family Financial Management Education

H.P. 916 L.D. 1318
(C "A" H-463)

Tabled - May 31, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**, in concurrence.)

(In House, May 31, 2005, **FINALLY PASSED**.)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - Joint Standing Committee on Marine Resources shall conduct a study to promote Education, Safety, and Training for Harbor Masters

H.P. 1190

Tabled - May 31, 2005, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, May 31, 2005, **READ** and **PASSED**.)

(In Senate, May 31, 2005, **READ**.)

PASSED, in concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

H.P. 709 L.D. 1024
(C "A" H-393)

Tabled - May 24, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 19, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence.)

(In House, May 23, 2005, **FINALLY PASSED**.)

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-393)**, 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-393), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-382) to Committee Amendment "A" (H-393) **READ** and **ADOPTED**.

Committee Amendment "A" (H-393) as Amended by Senate Amendment "A" (S-382) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY SENATE AMENDMENT "A" (S-382) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

H.P. 944 L.D. 1361
(C "A" H-428)

Tabled - May 25, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.)

(In House, May 25, 2005, **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-428)**, 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-428), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-386) to Committee Amendment "A" (H-428) **READ** and **ADOPTED**.

Committee Amendment "A" (H-428) as Amended by Senate Amendment "A" (S-386) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428) AS AMENDED BY SENATE AMENDMENT "A" (S-386) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve

Resolve, To Establish the Study Commission Regarding Liveable Wages

H.P. 854 L.D. 1236
(S "A" S-213 to C "A" H-232)

Tabled - May 26, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 19, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232) AS AMENDED BY SENATE AMENDMENT "A" (S-213)** thereto, in **NON-CONCURRENCE**.)

(In House, May 25, 2005, **FINALLY PASSED**.)

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-232) AS AMENDED BY SENATE AMENDMENT "A" (S-213)** 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-232) as Amended by Senate Amendment "A" (S-213) thereto.

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-213) to Committee Amendment "A" (H-232) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-384) to Committee Amendment "A" (H-232) **READ** and **ADOPTED**.

Committee Amendment "A" (H-232) as Amended by Senate Amendment "B" (S-384) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232) AS AMENDED BY SENATE AMENDMENT "B" (S-384) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

H.P. 594 L.D. 835
(C "A" H-523)

Tabled - June 2, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523)**, in concurrence.)

(In House, June 2, 2005, **FINALLY PASSED**.)

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-523)**, 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-523), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-381) to Committee Amendment "A" (H-523) **READ** and **ADOPTED**.

Committee Amendment "A" (H-523) as Amended by Senate Amendment "A" (S-381) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523) AS AMENDED BY SENATE AMENDMENT "A" (S-381) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Reestablish the Health Care System and Health Security Board

H.P. 35 L.D. 32
(C "A" H-513)

Tabled - June 6, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513)**, in concurrence.)

(In House, June 6, 2005, **FAILED FINAL PASSAGE**.)

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-513)**, 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-513), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-380) to Committee Amendment "A" (H-513) **READ** and **ADOPTED**.

Committee Amendment "A" (H-513) as Amended by Senate Amendment "A" (S-380) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513) AS AMENDED BY SENATE AMENDMENT "A" (S-380) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act Regarding Access to Prescription Drugs and Reimportation

S.P. 406 L.D. 1178
(C "A" S-293)

Tabled - June 7, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293).**)

(In House, June 6, 2005, **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-293).**

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-293).

On further motion by same Senator, Senate Amendment "A" (S-383) to Committee Amendment "A" (S-293) **READ** and **ADOPTED.**

Committee Amendment "A" (S-293) as Amended by Senate Amendment "A" (S-383) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293) AS AMENDED BY SENATE AMENDMENT "A" (S-383) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act To Amend the Sex Offender Registration and Notification Act of 1999

H.P. 997 L.D. 1433
(C "A" H-607)

Tabled - June 7, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607)**, in concurrence.)

(In House, June 7, 2005, **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-607)**, 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-607), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-387) to Committee Amendment "A" (H-607) **READ** and **ADOPTED.**

Committee Amendment "A" (H-607) as Amended by Senate Amendment "A" (S-387) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607) AS AMENDED BY SENATE AMENDMENT "A" (S-387) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education

H.P. 899 L.D. 1302
(C "A" H-570; S "A" S-325)

Tabled - June 7, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AND SENATE AMENDMENT "A" (S-325)**, in **NON-CONCURRENCE.**)

(In House, June 7, 2005, **FINALLY PASSED.**)

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-570) AND SENATE AMENDMENT "A" (S-325)**.

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-570).

On further motion by same Senator, Senate Amendment "A" (S-385) to Committee Amendment "A" (H-570) **READ** and **ADOPTED**.

Committee Amendment "A" (H-570) as Amended by Senate Amendment "A" (S-385) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-385) thereto, AND SENATE AMENDMENT "A" (S-325), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs"
H.P. 1200 L.D. 1692

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

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

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

Ordered sent forthwith to the Engrossing Division.

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

Off Record Remarks

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

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

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 Order

The following Joint Order:

H.P. 1201

ORDERED, the Senate concurring, that notwithstanding passage of Joint Order 2005, H.P. 385, in the House on February 1, 2005 and in the Senate on February 3, 2005, the Joint Standing Committee on State and Local Government is not authorized to study the movement of the Legislature to a largely paperless system; and be it further

ORDERED, that notwithstanding passage of Joint Order 2005, H.P. 494, in the House on February 10, 2005 and in the Senate on February 15, 2005, the Joint Standing Committee on State and Local Government is not authorized to study issues related to the State Archives.

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

READ. Pursuant to Senate Rule 518 a Division was had. 31 Members having voted in the affirmative and no Members having votes in the negative, with 31 being more than two-thirds of the members present and voting the Joint Order was **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

S.P. 516 L.D. 1498
(C "A" S-222)

In Senate, May 24, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222) AS AMENDED BY HOUSE AMENDMENT "A" (H-709)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Ensure Compliance with the Federal Indian Child Welfare Act" (EMERGENCY)

S.P. 139 L.D. 415
(C "A" S-138)

In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-138).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-138) AS AMENDED BY HOUSE AMENDMENT "A" (H-710)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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 Clarify and Harmonize State Policy on Groundwater Management"

H.P. 1158 L.D. 1643
(C "A" H-547)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547) AS AMENDED BY HOUSE AMENDMENT "A" (H-711)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Establish a Study Commission To Study Methods To Improve Ballot Access (EMERGENCY)

S.P. 590 L.D. 1608
(C "A" S-316)

In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316) AS AMENDED BY HOUSE AMENDMENT "A" (H-712)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Establish a Blue Ribbon Commission To Study Maine's Homeland Security Needs (EMERGENCY)

S.P. 610 L.D. 1645
(C "A" S-290)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

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 Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws"

H.P. 226 L.D. 301
(C "A" H-632)

In Senate, June 6, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-713)**, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, 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:

Emergency Resolve

Resolve, Regarding the Prevention of Suicide
S.P. 422 L.D. 1208
(C "A" S-308)

Comes From the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-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 Resolve

Resolve, Establishing the Commission To Study Retirement Eligibility and Benefits for Corrections Officers, Certain Other Law Enforcement Officers and Mental Health Workers
S.P. 246 L.D. 748
(S "A" S-311 to C "A" S-68)

Comes From the House, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, 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 Resolve

Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores
S.P. 574 L.D. 1600
(C "A" S-206)

Comes From the House, Resolve and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System
S.P. 384 L.D. 1067
(C "A" S-337)

Comes From the House, Resolve and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

ORDERS OF THE DAY

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border At Calais to Baileyville
H.P. 257 L.D. 334
(C "A" H-261; S "A" S-319)

Tabled - June 8, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AND SENATE AMENDMENT "A" (S-319).**)

(In House, June 8, 2005 **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-261) AND SENATE AMENDMENT "A" (S-319).**

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-261), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-388) to Committee Amendment "A" (H-261) **READ** and **ADOPTED.**

Committee Amendment "A" (H-261) as Amended by Senate Amendment "A" (S-388) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY SENATE AMENDMENT "A" (S-388) thereto, **AND SENATE AMENDMENT "A" (S-319)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students
S.P. 144 L.D. 446
(C "A" S-168)

Tabled - May 18, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168).**)

(In House, May 18, 2005 **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 **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Amend the Electronic Insurance Cancellation Notification Law
H.P. 467 L.D. 634
(C "A" H-518)

Tabled - June 2, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)**, in concurrence.)

(In House, June 2, 2005 **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-518)**, 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-518), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-389) to Committee Amendment "A" (H-518) **READ** and **ADOPTED.**

Committee Amendment "A" (H-518) as Amended by Senate Amendment "A" (S-389) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518) AS AMENDED BY SENATE AMENDMENT "A" (S-389) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Amend the Axle Weight Laws
H.P. 477 L.D. 657
(C "A" H-459)

Tabled - May 31, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**, in concurrence.)

(In House, May 31, 2005 **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-459)**, 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-459), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-390) to Committee Amendment "A" (H-459) **READ and ADOPTED.**

Committee Amendment "A" (H-459) as Amended by Senate Amendment "A" (S-390) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459) AS AMENDED BY SENATE AMENDMENT "A" (S-390) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Recognize the Recipients of the Korea Defense Service Medal

H.P. 791 L.D. 1148
(C "A" H-248)

Tabled - May 18, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**, in concurrence.)

(In House, May 17, 2005 **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-248)**, 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-248), in concurrence.

On further motion by same Senator, Committee Amendment "A" (H-248) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

H.P. 1027 L.D. 1464
(C "A" H-626)

Tabled - June 7, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**, in concurrence.)

(In House, June 7, 2005 **PASSED TO BE ENACTED.**)

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

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories
H.P. 1154 L.D. 1636
(C "A" H-587)

Tabled - June 3, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**, in concurrence.)

(In House, June 3, 2005, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **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:

Act

An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs
H.P. 1200 L.D. 1692

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

Senate at Ease.

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

The President took a seat on the floor.

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

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 Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

H.P. 1199 L.D. 1691

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1194)

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**, pursuant to Joint Order (H.P. 1194)

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

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

Reports **READ**.

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

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

Senator **EDMONDS:** Thank you, Mr. President, men and women of the Senate. First I want to thank you in advance for your patience tonight as I assume we will be hearing considerable debate on this subject. I will begin by saying this, there should be great debate about the matter before us. It is moments like this that make our system of government so strong. Here before us is a matter of great importance to the people of the state and we will have passionate and civil discourse about the outcome. I can't help but think of the many places in the world where this kind of conversation about this kind of issue is not possible. Call me a romantic, but in my heart I believe this is what this institution is all about. Also I would like to single out the good Senator from Androscoggin, Senator Rotundo. Usually the honor of opening this type of discussion goes to the Appropriations Committee Chair, who more than any other person has put her energies into crafting a good bill. You have done just that and moreover I am certain it is only through your patience and fairness and intelligence that we have stuck together and emerged with a solution. In a few moments I know we will hear from you about the details, but I want to be the first to give you thanks.

I have come down from the chair, for only the second time this session, because I believe so strongly in what we are about to do. I feel it is my duty as leader of this body to insure that the context of these difficult decisions is apparent to all and that the many interested groups have a clear understanding of what I believe their roles to be. First, understanding the context of this action is the only way to appreciate the solution. This is a bill that is entirely about the big picture. We passed a budget not long ago that contained a borrowing provision that needs no further introduction. There was considerable debate at the time and I still believe now what I believed then. It was the best option for us at the time. I am here today, however, because the landscape in Maine has been changed dramatically in the weeks since then.

First, the peoples' veto effort, whether you support it or not, has the potential to create great uncertainty at all levels of government over the next six to eight months, and pending the collection of signatures, will touch off a divisive and expensive campaign through November. Maine will be better off if we can avoid this scenario and we have it in our power right now to do just that.

A short time later our military institutions took a giant step towards closure, and at a very practical level, our state government has to be fully prepared to lift two regions of our state, including my own, out of the turmoil that is likely to occur. To many that means that we need to preserve our capacity to invest so we have every tool of state government at our disposal, perhaps even borrowing, to address the loss of 12,000 jobs.

The budget we passed in March was fine for March, but borrowing no longer makes sense. I'm not asking you to agree with this analysis. In fact, not all of my caucus agrees with this

analysis. Frankly, it doesn't matter. Interpreting history is a job for someone else. What does matter is this, we have an opportunity in our short time remaining to pass a budget that makes sense for now and for the future.

Second, I want to deliver a specific message to the groups involved and affected by this budget. To my colleagues across the aisle in this chamber, we have come halfway in this proposal and I hope you will look long and hard at coming across the other half. The committee review of 5% reduction to all of state government crystallized the harsh realities of replacing the borrowing entirely with cuts. Furthermore, no one on our side has suggested we replace the borrowing entirely with new taxes, not even my good friends from Portland. In fact, we are in unanimous support of a framework adopted for this process, a 50 - 50 mix of cuts and revenues. Compromise was demanded of us and compromise is what we offer here this afternoon. To my friends in the gallery and in the halls, I can't think of any one of you who are here to advocate for particular causes, whether they are the poor, the sick, the big businesses, the environment, or any other entity, who are pleased to read what is in this bill. You are all here to defend particular issues. Let me remind you why we are here. We are here to represent and defend the greater good. I believe the greater good is served by the action we are about to take. As I have been constantly reminded, this is about the forest, not the trees. Again, my promise to you from the beginning is still firm. My door will remain open throughout this entire process and I will discuss every concern you have.

To my dear friends on this side of the aisle, as well as my buddy, the Senator from Kennebec, Senator Cowger, who is tucked over there on the other side, who have been with me through thick and thin, your work has been invaluable. In fact, without the efforts and persistence of our small working group who initiated this process, I fear we would have no option before us. I know how difficult these decisions have been for everyone and all of you have surrendered something that you cared about. Ordinarily I don't believe we would have made these choices. We have all come together around one conclusion that trumped all others, these are not ordinary circumstances and doing things now will allow us to regain the trust of the people of this state to continue to make decisions in the future.

Finally, to the members of the public who may be listening or watching on the news or reading about this in the paper tomorrow, it was recently said by a member of this institution that he had a budget plan but refused to release it for fear it would be analyzed or dissected. There is no such position in the Maine Senate. If I have learned anything as President of the Senate it is that real leadership demands a willingness to stick your neck out, to say things that ought to be said, to do things that ought to be done, and to put your own name on an idea, no matter how unpopular, if you believe it is in the best interest of the people of this state.

Here I am today; bring on the analysis, bring on the dissecting, but be ready in the days to come to declare that the error of balanced budgets in Maine has begun anew and the people here now were the ones that were finally willing to come together for a greater good.

Teddy Roosevelt, who's birthday I share by the way, once said that it was not the critic that counts, nor the man who shows how the strong man stumbled, or where the doer of deeds could have done them better, the credit belongs to the man, and I've added or woman, who is actually in the arena. It is the 35 of us here that are in the arena today. The critics will have their day,

but right now it is us, and only us, with the power to make this decision. I believe this is a defining moment and I urge you all to vote yes on this solution. I thank you for your kind attention.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

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

Non-Concurrent Matter

Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

S.P. 57 L.D. 151
(S "B" S-373 to C "A" S-367)

In Senate, June 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY SENATE AMENDMENT "B" (S-373)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-716) AND SENATE AMENDMENT "B" (S-373)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

H.P. 1199 L.D. 1691

Majority - **Ought to Pass**, pursuant to Joint Order (H.P. 1194) (8 members)

Minority - **Ought Not To Pass**, pursuant to Joint Order (H.P. 1194) (5 members)

Tabled - June 17, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, June 17, 2005, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 17, 2005, Reports **READ**.)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise to urge your support of the majority Ought to Pass report before you. After the announcement of the BRAC Commission and the possible base closings there was increased interest on the part of many people in the Legislature to go back and reconsider the \$447 million worth of borrowing contained in the Part I budget that was designed to pay down the unfunded liability for our state teachers' retirement fund. The economic uncertainty created by the BRAC news and the half billion dollar impact that those closings could potentially have on the state were driving factors in the work that has consumed the Appropriations Committee for the past week as we have discussed the reduction of the \$250 million worth of borrowing. I first want to commend the Appropriations Committee members for their diligence in examining every idea that was brought before us as potential cuts. I want to publicly thank the good Senator from Aroostook, Senator Martin, and the good Senator from York, Senator Nass, for their leadership and cooperation in the work done on the borrowing reduction.

Early in the process we had created one list, a blending of Democratic and Republican ideas which we worked through with care and thoroughness. I'm proud that the committee engaged in a public examination of all of the ideas brought before us. It was important that all of the proposals were discussed openly and respectfully amongst the members. As we went into our deliberations on potential cuts we agreed that we would honor our promise of increasing funding for our public schools by \$250 million so that everything else should, and could, be placed on the table for debate. We didn't discuss new revenues. Our focus was on cuts and we all worked to see if we couldn't reach the \$250 million reduction together. We worked meticulously, looking at all aspects of state spending. It was a healthy process. Democrats adopted Republican proposals and Republicans adopted Democratic proposals. Working together, we got to around \$110 million worth of cuts which we unanimously agreed upon. These were difficult cuts, spread across the board. We then parted ways, however, because it became apparent to the majority of the committee that we were not able to go further in cuts beyond the \$125 million unless we stripped healthcare and social services from thousands of Maine families, elderly, and children. We just couldn't go there. With the uncertainty of the

base closings, we refused to create more uncertainty through huge cuts to healthcare for Maine families. We refused to freeze the healthcare for the non-categoricals as well as coverage for Cub Care parents and families and individuals and employers who are now being covered through Dirigo. We knew that the cuts to the non-categoricals, as well as cuts to Cub Care parents and the Dirigo program, would jeopardize health insurance coverage for nearly 40,000 Maine people who were either currently covered or who would otherwise be eligible for coverage. These statistics have faces. Some of the people being helped through these programs are the working poor who work two or three jobs at minimum wage but still have trouble making ends meet for their families. Some of the sickest and poorest residents of the state qualify as non-categoricals. In the case of Dirigo, we are helping small business owners who can, for the first time, offer health insurance to their employees. We also knew that these cuts of approximately \$52 million proposed by our Republican colleagues would result in an additional cut of approximately \$90 million in matching funds from the federal government, resulting in harm not only to those receiving services but to others who depend upon our funding; our community hospitals, doctors, and other healthcare providers. Cuts to healthcare coverage by the state also results in healthcare cost increases for everyone who has private insurance. The bad debt and charity costs to the hospitals incur when the care for the uninsured simply are shifted to the health insurance premiums that everyone else who has private insurance pay.

In the report before you, you will see that there were other cuts that we refused to take. We refused increasing cuts for services for people afflicted with AIDS. We already have a waiting list in the state of people who are HIV infected who are going untreated because of insufficient funding. We also wanted to make sure the elderly continued to get the drugs they needed as they transitioned from the state prescription drug program to the new federal prescription drug program at the end of the year. We didn't want to cut further into respite care for families caring for sick children, very sick children I should add. Finally, we wanted to make sure funds for homeless youth were not cut more deeply and that we kept in place health safeguards for the people of Maine such as the monitoring of surface water quality so people would know whether or not it was safe to eat the fish they caught in Maine's lakes and rivers.

When faced with the choice of cutting services to the most vulnerable in the state or raising new revenues, primarily through a targeted cigarette tax, the majority of the Appropriations Committee members chose to raise the cigarette tax by \$1 per pack. We cut as far as we could, almost \$120 million of state spending, and just couldn't responsibly go any further in cutting social and health services for some of our poorest and sickest citizens in Maine.

You have a responsible and balanced bill before you that eliminates that borrowing from the Part I budget and also reduces the structural gap by \$300 million per year. I strongly urge acceptance of the motion on the floor. Before I sit down I do want to thank OFPR and the Revisor's Office who have worked around the clock in recent days to produce the documents before us today. I also want to thank my Democratic and Republican colleagues on Appropriations for working so hard to eliminate this borrowing. While our work together might have led us to different conclusions about the cuts, we all worked together in good faith and the people of Maine are much better for it. Thank you.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Madame President, I will speak just briefly, if I can, about the bill and then address the details in the amendment that will be offered, hopefully, shortly.

It is just amazing that we should be here, at least I think it's amazing, talking about what we are talking about. I've been here for a few years. We've never been in a situation that we've had to cut this much money. We take no joy in that. It is important, I think, to recognize how we got here and what has happened. We had a Part I budget that wasn't going to work for a number of reasons. We needed to come together. It was late in the session. With the help of both parties, I think and I give most of the credit to my colleagues over here, somebody came up with the idea of putting these two lists together kind of anonymously. It worked because nobody had to be responsible. That's an awful thing to say, but nobody was responsible for anything, particularly on the list. It gave us a tremendous, what you might call a giant step, forward in dealing with the potential. I was equally surprised when we assembled the list and there wasn't really all that much that was Democratic or Republican. A lot of the stuff came from the 5% and what we would do with the 5%. The Presiding Officers actually requested from the Commissioners, in that very short letter, to provide us with the Part 2 thing. When you looked at the yellow sheets, the list, it was mostly that. They gave us the opportunity to deal with this and we did so, I think. I am pleased to say that we got halfway there. For us, that wasn't good enough, but getting halfway there, I think, at this point was pretty amazing. We spent a week or so talking almost exclusively about reducing the size and cost of state government. To me, that was just amazing.

Where do we go from here? We'll talk about the division when I present my amendment, but I think, Madame President, now is the time to recognize that we did important work, and we did it very quickly, in a relative sense. It was very uncomfortable, but collectively we can do these things. I think that is part of the message right now.

Madame President, when we take the vote on this, and I think that is the next procedure, I ask that we do it by roll call. I think it is then that I will get to present my amendment.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#272)

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

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

ABSENT: Senators: BRYANT, DIAMOND, TURNER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **NASS** of York, Senate Amendment "A" (S-374) **READ**.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. To paraphrase the title of this bill, it's about eliminating bonding and providing replacement budgeting measures. In the case of the minority on the committee, we started out with a goal of filling the \$250 million hole with cuts. It was not easy. The target kept shifting around. Made me appreciate a little bit more the people who work for us down in OFPR. It is very difficult, especially when you start to talk about Medicaid projections and Medicaid numbers. That is the most difficult area to know where you are and to get a clear roadmap of where you are going. With those difficulties and constantly changing numbers, it was not easy to go there. It wasn't easy to stay there. From hour to hour things shifted and slipped away or became unattractive.

In the end, Madame President, despite recent news coverage, we feel that there was no significant change to what I would call the old Medicaid. Medicaid before this administration and Medicaid before 2003. That was the time when we added non-categoricals and in more recent times we started doing more and more for the so-called S chip parents. Madame President, when you're trying to fill this kind of a hole, you can't get away from Medicaid. It's a 900-pound gorilla. Some have said that in this administration it was grown \$200 million. That's one of our basic problems. Explosive growth in some programs, moderate growth in revenue. We're overspending and out-spending our resources. Madame President, it was our goal to not hurt people. It was our goal not to increase taxes, even cigarette taxes. You can't get much worse than that. Cigarettes, I always think in terms of licking the ashtray, that old cliché to turn people off from smoking. Even cigarette taxes, Madame President, were not acceptable. Certainly no borrowing. That is somewhat unfortunate because we started this process with Part I thinking that we could refinance the unfunded liability. That's gone. The situation had made that not politically possible. That's too bad

because when we try to do that again in a couple of years we probably won't have the interest rate spread to do that. This system has missed that possibility. We've lost that possibility politically, I believe. No substantial changes to Medicaid, no taxes, and no borrowing. This is in the majority report that is now in front of us. Relative to the Medicaid piece, because that is what has gotten the most coverage, some have suggested that benefits will be taken away from 40,000 people. That is not true at all. That never was part of our possibilities. In fact, it looked to us, at the time that we put this to bed, that maybe 611 people would be denied benefits that were started in May, relative to the S chip parent expansion of benefits. We'll probably talk about that tonight before we're done.

Further in this, we actually agreed, as the Senate Chair has suggested, on a fairly significant amount, about \$110 million, and most of these things came from the 5% list. I'm going to keep coming back to the 5% list because, as I had suggested here a couple of months ago, that 5% was easy. No problem with 5%. The private sector does it all the time. Well, I was partly wrong. It wasn't easy, but 5% was doable. I'm suggesting that when we come back here in a year with a new term that we could probably have to do another 5%. Now we know how to do it. That's what is happening out there in the real world. It's not easy but very doable. As I said two months ago, it's those Commissioners over there that know and can tell us how to do this. They provided the details. I was surprised by that; which positions they could do away with, how to move things around so that this was doable. Most of what we have done, both the majority and the minority in this case, came from that list.

We have proposed changing the methodology without increasing the cost for revenue sharing. No town is going to miss a check. We are going to bring it on budget. We're going to appropriate revenue sharing. We believe that we can save \$18 million that way. We have postponed the state employees' pay raise for six months. We've continued the Chief Executive's current suspension of MaineCare enrollment for the non-categoricals or childless adults that was started in March. Relative to Dirigo Choice, we have suggested that the focus on Dirigo Choice needs to be changed. The focus needs to be on small businesses and self-employed. We can't afford the direction we are going. We can't even measure the potential savings there now. This is a sinkhole that we cannot afford. We believe there are other bills that will essentially replace that. There are broad administrative savings in this proposal. Reforms to state government operations worth in total about \$40 million, maybe even \$42 million. There are some small things in this budget. In Part G in our proposal on what the corrections folks call safe keepers. A new term to me. People who, for whatever reason, need to go from our county jails to the state prison; mostly discipline problems. We have taken that possibility out that this is going to cost our county jails any money. There is not a lot of money involved here, but an irritating situation for county officials who are struggling to maintain their jails. We objected to the tax increases I suggested before. We objected to the proposal that the majority made relative to the BETR program. At a time when our focus is going to change to jobs, away from healthcare and to jobs as we all struggle to get through the BRAC Commission, we just can't figure out why we would want to break our promises that we've made over a number of years to businesses that are not uniformly spread throughout the state but are spread in big, usually fairly significant, manufacturing facilities. We rejected that.

We think this is a better plan. We don't increase taxes. We keep Medicaid and hurt the least number of people we possibly could. There is no borrowing and there are no increased taxes. I urge all the members here to support this amendment. Thank you.

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

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. There are a number of things in the presentation of the good Senator from York, Senator Nass, that I might respond to. I am just going to approach one of the specific areas. I don't know where he obtained his figures on who would or would not be hurt by what we see in front of us as the minority report, but from the figures that we have received from DHHS and other areas it would appear that this amendment jeopardizes health insurance coverage for nearly 40,000 people who are either currently covered or who would otherwise be eligible for coverage. We're dealing with 22,000 non-categoricals, adults living in poverty below \$9,100 per year, most of who are currently covered. We're dealing with 7,300 members of Dirigo because if we follow through on this minority report we might just as well close the doors on that particular product because it would not in any way survive. The third area that we're talking about is placing people in jeopardy would be 9,800 low income working parents who have been eligible due to MaineCare expansion. That totals up to 39,100 people. Ladies and gentlemen, I don't think that this body or the other body or the state wants to move in that direction. The amendment that you have in front of you, presented by the good Senator from York, Senator Nass, reduces funding in the amount of \$21 million for non-categorical coverage for adults. It eliminates MaineCare expansion for working poor parents in the amount of \$32 million. It takes \$10 million from the Fund for a Healthy Maine. One of things in the majority report that has bothered me from day one has been the majority report taking money from the Fund for a Healthy Maine. While I don't support, in any way, a constitutional amendment to protect that particular fund, I am concerned with our taking funds from it to balance this \$250 million situation. It reduces child mental health services for over \$1 million and it reduces community mental health services for over \$1 million. Those figures add up to \$65.3 million. One thing it doesn't show clearly in the amendment that we have in front of us is that in addition to that reduction we would be losing \$110 million in federal funds as a result of the reductions that you have before you in the amendment being proposed by the good Senator from York, Senator Nass.

Ladies and gentlemen, I would hope that this body is not ready to move in the direction being suggested. We have a majority report in front of us tonight and I urge strongly your support of that report. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-374).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to raise some of the concerns that I have with the amendment that has been brought forward by the good Senator from York, Senator Nass. One of the concerns that I have has to do with the cuts that have been made without fully investigating the real impact of them on state government. There are cuts that total \$13.3 million from across the board in state government. We examined, very carefully in the Appropriations Committee, the impact of some of these cuts. We realized that to cut this deeply would significantly impact the kinds of services and the kinds of programs that could be offered by the state. The other thing that I would ask you to keep in mind is that we have already cut in these areas significantly in recent years in order to balance the budget.

I'm also particularly concerned about what's being done with the revenue sharing. The \$18 million that's booked is coming from a change in the way that we provide funding for municipalities. The change could potentially put revenue sharing in jeopardy because what we are doing now is changing it to a system where it is a yearly appropriation. That has not been the case in the past, it's been an automatic payment to municipalities. That troubles me as well.

I think, for me, the greatest concern has to do with the depth of the cuts to healthcare. Figures have been shared already but I just need to emphasize them because I think, potentially, they could be so devastating. A \$21 million cut has been recommended for the non-categorical coverage for adults living in poverty. The elimination of the MaineCare expansion for working poor parents, \$32 million. There is \$10 million taken from the Fund for a Healthy Maine. The further reduction of children's mental health by \$1 million and the reduction of community mental health services and medication management for people with severe mental illness of over \$1 million.

As was mentioned, if you add in the federal match for these dollars, you come to approximately \$175 million total that would be taken out of our economy in Maine. There are some who suggest that the impact on local communities, in terms of taking that money out of local communities that would go to local hospitals and providers, would have an impact as serious and as significant as the damage that could be done if the BRAC Commission recommendations go through. I would further contend that \$175 million total cuts in healthcare would be much more devastating to local communities than a one-time 10% cut to the BETR program. Thank you.

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

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I would just like to respond to some of the analysis that you have heard regarding this notion that there are some 40,000 Mainers that will be losing their coverage. Implied in that statement that I have heard the last day or so is that these are individuals, citizens of the state, that are currently covered in Maine's Medicaid program and will be receiving a letter cutting them off from services and that they will no longer be able to continue their services that are being covered in Maine's Medicaid program. That simply is not the case. All you need to do is to take a look at the current caseload. The figures that were distributed on your desk this morning gives you the breakdown as of May 2005 of the Medicaid caseload as it currently exists. The

current caseload already has 50,000 more people on the rolls than two years ago.

The Senator from Sagadahoc, Senator Mayo, focused on a couple of expansions that have taken place. One of those is the adult expansion for those over 151% of poverty that was just opened in May and is expected, if it continues, to see at least 10,000 people come on the rolls. Currently, as of May, there are 611. The minority report, wisely and prudently I think, decides it is time to terminate that expansion before those folks come on the rolls. I ask you where is the funding in the majority report to fulfill that promise of those 10,000 or more that may end up coming on the rolls? This is an open-ended entitlement program without a cap and without a limitation as it is currently designed. If this does go forward, what are the assumptions? Is 10,000 an accurate assumption? Where is the money to pay for that? I think this is a prudent measure. These men and women have not yet come on the rolls, are not yet receiving services, and this is the time to be realistic and to look at the 265,000 Maine citizens that are already on Medicaid and fulfill that obligation.

The second group, the men and women that are classified in the expansion of the non-categorical childless adults, the good Senator from Sagadahoc, Senator Mayo, talked about 24,000, all of them, being eliminated. The current policy implemented by the Administration two months ago was to suspend this program and to not take on any more individuals until, through attrition, the participation in this program floats down, over a period of two years, to 14,000 participants. The minority report recognizes the current policy and books the savings and caps it at 14,000. Again, I ask you, does the majority report remove the suspension? Do we reopen the program in the majority report? Does it go back up to the 25,000 and how is that funded? The minority report does nothing more than reflect the action that has already been put in place because the non-categorical expansion has already exceeded the cap by about \$18 million. We had no choice and the Administration had no choice but to suspend the program two months ago. This is simply a reflection of that. Thank you.

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

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. The good Senator from Androscoggin, Senator Rotundo, suggested a hard choice a few minutes ago. She suggested that the Medicaid cuts here were worse than the cuts to BETR, a one-time \$10 million cut. That's a difficult judgment to make. We suggest that not many people are affected on the BETR side. Let me try to put it in very stark terms. \$10 million for one year. Those recipients of the BETR program in the city of Bath are going to have to write somebody a check, fill the bill, or pay the taxes to the tune of \$.5 million more because of this. Those recipients in Bath have just incurred, if this passes, a greater expense of \$.5 million. Biddeford \$80,000 as a result of this. Freeport \$140,000. Those recipients in Freeport are going to be writing checks for \$140,000. Jay \$600,000. Lewiston \$72,000. Madawaska \$120,000. Portland \$200,000. Rumford \$75,000. South Portland \$1.1 million. Westbrook \$70,000.

In a time, Madame President, when we are concerned about jobs, because that is where the money comes from to support the social programs that we all know we need, this is detrimental, hurtful, removes jobs, and leaves people without support. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me just begin by saying that it was not an easy task, but we knew that we had to do it based on potential base closings and some other economic factors. It's interesting that we talk about what has happened with this Administration in Maine. We ought to be matching it with the Administration in Washington because the people that have been added on to our system in MaineCare are there because of federal economic policy over which we have very little control. Some of those are the result of jobs that are gone in the industrial sector. Keep in mind that, in the last study, we have seen that about 20% of the people that work at Wal-Mart are on MaineCare. This is not because they are not working, it's because they don't have healthcare. That's one of the real crisis that we face in this country and in this state. I don't know where the 611 figure came from, but it is inaccurate. The 40,000 figure is a lot more accurate. The letters won't come tomorrow, assuming we enact this before midnight. They will come, under the minority plan, 90 days after the legislature adjourns. That's when the benefits will terminate. That's the unfortunate part.

We keep talking about these welfare recipients, but why they are there, for the most part, is because they don't have healthcare. I just wish that this country would look at what other countries in the world are doing. If they don't want to abolish private insurance companies, they should look at Germany or France. They have both a state system and private carriers. They have universal care, universal coverage, which we can't seem to get to in this country. We provide care in this manner through the Medicare system or the MaineCare system, as we call it now, to provide that insurance to them and we do this so it doesn't drive private carriers out of the market, which we almost succeeded in doing. There are all kinds of mechanisms that can be developed.

Let me just tell you that when you stop and look at the roughly \$110 of federal money that will be lost in the minority plan along with the \$40 million of state dollars or so, that's about \$150 million; then you start allocating where that money goes. The largest amount of that goes to hospitals. Subsequently, the next one is to the physicians. You can go right down the line of every single one of those. You know, in the case of hospitals, if we don't pay them in this process, there will be a shift. We've been talking about paying them what we owe them. We're almost there. Beyond that we would have a shift. We can talk about all of this until, frankly, the cows come home, but we all know that coverage is the issue and that members of our party are not willing to let people simply be uninsured.

I could go through all of this. We were successful in getting to roughly \$110 million or \$115 million pretty much together but divided roads along the way. You know what amazes me when I stop and think about it? If you look back to where we were on the Part I, we talked about this is where we ought to be. Let's split it 50% with cuts and 50% with taxes. I don't know what happened to those individuals who believed in that. Apparently they have

left us. Now we have to do it alone. So be it. I guess that is the role of the majority party and they need to carry the load. We also need to defend it to Maine citizens. I do know this, this report that we have right now in our hands, which is known as the minority report on the sheet but also known as the amendment, is the wrong way to go. I'm more than willing to explain it across this state, if we were to adopt this amendment there would be cost-shifting to hospitals, to individuals, to insurance carriers, and we would be postponing the inevitable. We talk about the structural gap. This report adds about \$50 million to it because it's going to be paid in the next biennium. That's called gap under our definition. We are postponing the inevitable.

If you haven't missed it, it looks like state employee's 3% increase is going to be postponed. You know how quickly we would lose that battle in court? It's a contract, signed and approved by this legislature, whether you voted for it or not. Unless we simply figure out some other way to get it, we'd lose that very quickly. Any judge, regardless of background, understands contract law. It seems to me that we ought to be careful as how we do this.

I certainly will not be voting for the minority report and I'm sure that is not a surprise. I certainly hope that you will do the appropriate thing today and move to kill it.

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 hear a little pattern here and I guess I'm trying to completely follow it. I see that one of the things we are talking about is the reason the majority party decided to come back and look at this atrocious borrowing package is because of the BRAC Commission report. It seems to me like they didn't know this was even coming. Well I think most of us had a good idea that it was going to be coming. Then in the second section we blame Washington. Well, that's great, but we need to look at our spending patterns over the last 30 years. Blame Wal-Mart. Blame the big guy. There might be a legitimate case there, but that is not the only solution. Wal-Mart provides jobs for part-time people in many cases. Sometimes it's a second income. Sometimes it's an entry-level income.

Probably the most difficult thing to accept is knocking people off the system. This plan doesn't knock people off the system. This knocks off an increase. Only in Augusta would we consider an increase in spending a cut. I believe that when we get home and we explain to the people of Maine, they are going to tell us that we are taxed enough in this state. We are the highest taxed state in the nation. It's time that we turn the course. It's time we took another direction. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. As we bring this session of the legislature to a close, it appears that we are poised to put an end to the ill-advised borrowing package that was a centerpiece of the Part I budget. It's been a twisted and tortured path to this moment. The matter reflects a major shift from the determination of this body just eleven weeks ago. At that time, the majority insisted that the massive borrowing package was the only responsible course of action. There were those of us on both sides of the aisle who felt,

at that time, the borrowing package was the worst possible course of action, setting up our state for an endless spiral of borrowing and debt. We asked the question; if we have to borrow money this biennium to pay our bills, what do we do about the next biennium and the next one and the next one? Where will it stop? At that time the majority here in the legislature summarily dismissed the possibility of addressing the spending side of the equation. Given that, a number of us who felt most strongly about the folly of borrowing worked together in a bi-partisan fashion to offer an amendment that permanently lowered the top rate of the income tax while imposing a temporary 16-month 1¢ on the sales tax with a hard and fast sunset during this legislature to ensure that we pay the bills on our watch. Our bi-partisan approach, which I termed the truth in budgeting amendment, was based on the novel concept that under Maine's Constitutional requirement for a balanced budget, the Governor and the Legislature are committed to a level of spending and have a moral obligation to pay for it on their watch, not to employ borrowing schemes to mask the cost and leave future taxpayers and legislators holding the bag. However, the Senate rejected the truth in budgeting approach. In fact, the majority felt so strongly about that they ran through a partisan borrowing package without a single Republican vote in this body, hailed its passage, and adjourned the legislature to insure that it took effect by July 1st. Here we are, it's not even July 1st yet, and look what's happened. The borrowing package has been so thoroughly discredited that the only debate now is how best to get rid of it.

How did we get here? Ladies and gentlemen of the Senate, we got here because the people of Maine were paying attention to what we were doing and they did not like what they saw. Don't Mortgage ME, the people's veto effort was born. The majority in control here in the legislature dismissed the people's veto effort as the actions of a few disgruntled Republican lawmakers. Those of us in this body who worked to bring it to fruition, the Senator from Somerset, Senator Mills, the Senator from Cumberland, Senator Turner, the Senator from Hancock, Senator Rosen, and I, were criticized as irresponsible. The Ellsworth American quoted the Chief Executive as calling the repeal effort 'a dangerous partisan stunt' and the leader of the other body dismissed our position as 'sour grapes.' However, it soon became apparent that the people's veto effort had broad public support across this state with Republicans, Democrats, and Independents gathering signatures from Eastport to Fryeburg, lending their support to the repeal effort. As that support built and literally swept across the state, the signatures rolled in and it became apparent that Don't Mortgage ME would reach the required 50,000 signatures to put the borrowing package on the ballot. The result of that extraordinary grassroots success has been a seismic shift in positions.

A few days ago I heard the Chief Executive of this state on a call-in radio show declaring his determination to eliminate the borrowing package. A newcomer to our state may have come away from that interview with the impression that our Chief Executive had recently learned of an irresponsible borrowing package and was leading the charge to eliminate it. Of course we know differently. This is the same Chief Executive who had championed the borrowing and dismissed our opposition as a dangerous political partisan stunt. Amazingly, he had even sought to shift the blame for the downgrading of Maine's bond ratings away from his own fiscal policies and to the effort to rid the budget of what the Senator from Somerset, Senator Mills, has aptly termed profligate borrowing.

Oh, how times have changed. In just a few short weeks the dynamics have shifted vastly. Now that the borrowing has been discredited, we have come to this moment in the Senate. The choice we face is no longer between borrowing and taxes because now, unlike our earlier debate on the majority budget, spending is firmly on the table. Our choice is between raising taxes or reining in state spending to achieve a balanced budget. The majority report begins to address Maine's spending problems. I applaud that. It falls short of the corrections needed to right our shift of state by resorting to permanent tax increases as opposed to the temporary 16-month 1¢ some of us proposed in March. This measure fails the people of Maine who already top the charts when it comes to taxes.

Under the majority plan the vast and unsustainable expansions of the state's Medicaid program remain on track. Unlike the assertion we heard in an earlier debate in this chamber, Maine already spends more on Medicaid than all but three states. That's right, 46 states spend less per capita on Medicaid than Maine. At \$1,190 per capita, Maine spends 44% more on Medicaid than the national average of \$825 per capita. This unsustainable spending puts in jeopardy the very people who need Medicaid the most and have traditionally been its primary beneficiaries; the poor, the elderly, and disabled citizens who are the most vulnerable in our society. We have a duty, I believe, and a moral obligation to structure our Medicaid program in a way that honors our responsibility to protect those citizens who are the most vulnerable. I believe that is at the heart of the disagreement before us today. Are we going to marshal our resources in a way that takes care of those most needy Mainers or are we going to expand Medicaid eligibility beyond our capacity to sustain it, either forcing tax increases on hardworking Maine families or putting those very people at jeopardy? It's not just the traditional Medicaid recipients who are put at risk. The vast Medicaid expansions also threaten other crucially important items such as higher education, children's services, and a host of other vital programs that are important to Maine people.

According to the non-partisan OFPR, Maine's Medicaid roll skyrocketed from 227,000 in January 2003 to more than 261,000 by last November, a 15% increase in less than two years. That increase, and the continued increases since, total \$200 million just in the increase. What are we doing? Are we listening to the people back home? It reminds me so much of the debate eleven weeks ago when the voices of Maine people fell on deaf ears in this building, that is until the people's veto gathered a full head of steam and got the attention of this legislature and the Chief Executive. Shouldn't that have taught us something? Are we so far out of touch here in this building with the people across this state that it will take another citizen initiative to convince those who control our state government to change course on this massive and costly Medicaid expansion that threatens the financial stability of our state government? I hope not. I hope that we will take the bold steps people expect us to take to slow down the freight train. We have the opportunity to do that with this pending motion and we can do it while protecting the most vulnerable of our fellow citizens. We can do it in a way that incorporates the proposed spending reductions that the Administration itself brought forth from their own departments and agencies as the most responsible ways to rein in spending department by department and minimizing the impact on the people they serve. By doing that, ladies and gentlemen of the Senate, we will demonstrate to the people of Maine that we are indeed listening and that we are willing to provide the leadership

that they deserve and that they demand. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. There is enough blame to go around. Probably there is more blame than there is go around to this chamber or downstairs or in the other chamber. I need to tell you that I will support the majority budget tonight and I will support it for some very real reasons, not because of a people's veto. People who know me know that I don't worry about a people's veto. I will support it because in the time that we have had to think and reflect and to actually get both sides to the table and truly talk and not just do political things for the media. I would remind you that in every single session, in fact for the seven years that I have represented my people either in the other body or here, we are known for waiting until the last hour, until it's too late, to put our cards on the table. Goodness, we wouldn't want anybody to get the upper hand. I admit that often times I'll go to a meeting at night and I read about that same meeting the next day in the press and I think I attended the wrong meeting and that I wasn't there. I recall a first budget where some on my side, remember there is enough blame to go around, wanted to raise taxes. A lot on our side, and certainly on the other side of the aisle, said no. There was a group that formed, a bi-partisan group, and they came up with the borrowing plan. Then, like so often happens, my side said, 'Great, if we can borrow for one thing, we can borrow for everything.' The other side said, 'Oh, no, no, no, no.' Hence, the majority budget. Then we got in and cooler heads prevailed after all was said and done, and low and behold, people started talking, quietly, not Democrat to Republican but friend to friend. You know what? We found out there were a lot of people on both sides of the aisle who weren't completely happy. We didn't have anything else in front of us and you know the rest of the story. We look at the 11th hour, we're standing here and once again the game rules have been changed. I believe, as the good Senator from Washington, Senator Raye, said, first it was a talk of we'd meet you halfway. The compromise. Halfway. Some taxes and some cuts.

As we all sit here with health insurance. As we all sit here with families that aren't worried about if they are going to be warm next winter. I'm not saying we're all wealthy, I know what it's like to live on one income. I know what it's like to pretend to live on legislative pay. We are well off and we're making decisions for other people here. I'm concerned about the tax rate. I'm concerned about healthcare. I'm concerned about education, because people have asked us to do that too. It appears that this institution, both ends of the hall, doesn't know how to compromise. I think once on this floor it was said that we all ought to read this summer the book, Everything I Needed to Know I Learned in Kindergarten. Little kids share. Little kids understand half and half, not all and nothing. We have a two party system because you have to compromise, but we don't compromise. We don't compromise. You do it all the time if you are a parent. If you have two children, you have to make sure both of those children are happy or both equally upset with you. This is half and half. This is what the other sides wanted, part of it is what some of the people on my side wanted. In the end is it really what Republicans want or what Democrats want or what we want in a 2006 election or a fear of a people's veto? No. This is

a budget that allows us to continue to work. Anybody who thinks that you can take, after years and years of deficit spending, and end that in one year you are wrong. It can't happen. It's reality, people. We didn't get here overnight; we don't get someplace else overnight. This group does not compromise. This group always waits until the last minute and no one can understand why we say, 'Oh, but if you had just given us more time.' We are, unfortunately, doomed to repeat history again and again and again because we haven't learned.

Isn't it amazing that in two weeks we've been able to join hands and reach across the aisle and come up with \$125 million worth of cuts? That's compromise, people. Let's learn to share. Let's learn to play fairly in the sandbox. Let's go out and be proud of what we do and not go out and see who can chalk up a win and who can chalk up a loss so we can run out in 2006 for an election. I need to tell you that I'm not afraid of the people's veto. I did this because I think it is the right thing. My vote tonight will be because I honestly believe it's the right thing to do because there has been movement on both sides of the aisle. That's how it is supposed to happen. That's what the Maine citizens expect us to do. They expect us to act like adults. They expect us to make decisions. They expect us to make sure we take care of the most vulnerable. They want their children to have a good education. I guarantee you that. Show me that parent that says, 'Don't spend any money on education because I want my kid to be stupid, I want my kid not to have a fair chance.' It doesn't exist. They are willing to spend the money and they are asking us to compromise. They are asking us to do both, watch the finances and realize that life is more than an existence. The way Maine life should be is that we take care of everybody to the best of our ability and we don't sit here to win political battles back and forth. Quite frankly, in seven years I'm tired of political battles. I'm tired of the blame at the end and all the spin on it. That's what the people of Maine are tired of and that's what I heard again and again while knocking on doors. They said for me to go and do the things that are right because we are human beings, because we are Maine citizens, not because I'm a Democrat or somebody else is a Republican. I think it's time we look at this and we vote it through. Next year we can continue the cuts and can continue making sure that we do what we need to do. We've passed caps with L.D. 1 on all three levels. It's not perfect, but I'm not sure that humans will ever create the perfect, humans are always trying to continue to create. We need to accept this budget and do what is right, a fair compromise, and stop playing political games. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President. I am humbled by the tone that was set by the President of our Senate earlier this evening, many years ago it seems, and by the tone of the good Democratic Chair of the Appropriations Committee, the Senator from Androscoggin, Senator Rotundo, and from my good friend the Senator from York, Senator Nass, who has become a very good friend through the battles of school funding. I want to return to that tone because I want us to think about something the President used in her speech. That is seeing the trees and not losing the forest. I want us to look at the big picture for a minute here.

I think we are all here for the same reason. We may find a different path to get there. It wasn't so long ago that we were

standing shoulder to shoulder with the good Senator from York, Senator Courtney, making sure that the school children in Sanford got extra money because they had not had enough money to provide all that his children needed. That is something the state spends money on. I think it was just last week that I was fighting shoulder to shoulder with my good friend from Washington, Senator Raye, for healthcare, for education, for economic development, and all the things that he wants for his people in Washington County. The Senator from York, Senator Nass, has talked to me many times about what we could cut and what could we do. This has been a wonderful exercise and it has been a very important exercise.

I congratulate both men and women, Democrats and Republicans, on the Appropriations Committee for working so diligently in trying to look for ways that we could be leaner and meaner but providing those things that we think are very important to the people who sent us here and not losing the forest for the trees.

I guess I was hoping somewhere in my heart of hearts that we could get away from the rhetoric of Maine has a spending problem because I think this exercise showed me, and I think if you were very honest with yourself when you go home at night and look at the things you tried to cut and you couldn't cut, Maine has people and businesses with needs. That's all we spend the state's money on, the people back home and the businesses that are using it for a leg up.

I shouldn't even be speaking because education came out great in this debate. As the Chair of the Education Committee we all decided education was important. We didn't cut very much there. We did cut the university, much to my chagrin. Everybody stepped up to the plate, whether it was the university, which I care deeply about, or something else. We said there would be no sacred cows in this process and we all gave up a lot of things that we liked because we were trying to get to the greater good.

It's turned out to be a debate, in large part, about how we're going to take care of people who need healthcare. I would just like to mention two things to you. I really hate using the word non-cats or non-categoricals. It certainly dehumanizes the people we are talking about. Let me tell you about a non-cat. There is a very good friend of mine. He was the teacher of my students. An excellent teacher. He continued to teach. I must tell you he has rescued more throw-away children than anybody I've ever known. You can never go by his house when there is not some young man that nobody wanted staying there for a few days. They are not bound by the Department of Mental Health or anybody else. They are just there because he takes them in. He taught up until last year. He taught school. He's not very healthy sometimes. He's a large man and has an illness, but he's working. He did get laid off though when they had a reduction in force in Winslow. He is surviving now by doing odd jobs, raising some chickens, but he still takes care of those children. He called one day to see if there was any kind of help program for him. Guess what? He's a non-cat. Dirigo Choice was something that he just might belong to. He's working on that. Don't kid yourself. This is a man who had no others. He lost his job. He's trying to work. He's looking for other jobs. Even Wal-Mart. We're not putting anything down. I'm just saying that this is what a non-categorical is. It's a real person with real needs, who is working and poor.

The last thing I wanted to say, in particular to my friend from York, Senator Nass, because we've had the discussions about what could and could not be cut, is that it is time to be honest with each other. Both sides deferred some costs. We said we'd pay it

next year. A long time ago, when I served in this body, we were so bold. You know what we did? We put the whole GPA into the next fiscal year. Were we proud of that? No, that was the stupidest thing we ever did. It could have gone to infinity and we certainly made the budget work that year. Fortunately, we had the good sense to get rid of that gimmick. Well, this budget has some too. Why did we do that? Because we are trying not to hurt our towns, our cities, and our people. So both sides have things in here. As a person who represents a lot of state employees, they are the beneficiaries of a lot of this amendment's push because they are going to have to wait. Instead of getting their pay on time, on June 29, they will have to wait until July 3. It may not be important to us in here, but it might be to them. It doesn't really save a penny. Let's be honest with one another. That bill is still there. I guess I'm saying you can't get there from here without really hurting people. I think you know that and I think you did some of these things to keep from hurting people more. I'm hoping that you will think about non-categoricals and think about all the people you don't insure. I sit on the board of a hospital. My last financial report, guess what, the charity care, since we have been taking care of more people, went down 60%. Somebody is going to pay, but let's find the best way to do it. I appreciate your listening to me. I have the greatest of hope and the greatest of respect for all of you. I want us to stay on the tone that has been set by our President and our committee because I honestly believe that this minority report doesn't go the distance and I hope that you would even consider joining us on the majority report. Please do vote to indefinitely postpone this motion and search your hearts about going forward so that we can continue to do good work together. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "A" (S-274). 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 (#273)

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

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

ABSENT: Senator: TURNER

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-374), **PREVAILED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "B" (S-375) **READ**.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. This amendment restores the funding to the BETR program. Regardless of how you feel about the BETR program, I think that it is vital to the creation of jobs in the State of Maine. It is vital to continue to create the jobs that provide the taxes for the programs that are needed. It's my belief that this reduction in funds to the BETR program will ultimately drive businesses out of the state. I think it is going to set a tone in this state that Maine is not open for business, Maine is not a good place to bring your company. This amendment, I believe, is about jobs. In many cases, very good paying jobs. Madame President, I would respectfully request that the body support this amendment. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-375).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I'm concerned in terms of the amendment before us and the permanent change that it proposes to revenue sharing. I'm troubled that it could jeopardize the future of revenue sharing, making revenue sharing an appropriation means that it would appear as a budget item to be debated in each budget bill. Under current law, little over 5% of sales and income tax revenues are automatically set aside for revenue sharing. This would change it and every year we would have to debate and make decisions about revenue sharing. It is something that I feel probably would not be terribly popular with our municipalities as it could jeopardize the future of it.

Also, with regard to BETR, as we all deliberated in Appropriations we were clear that the pain of these cuts needed to be spread across the board with the exception of GPA. Hence the cut for BETR. It's a 10% cut for one year only. It's not ongoing. We felt this was only fair, particularly since this is a very costly program that year after year, as we've made significant cuts in the budget, has never been touched until very recently.

For those reasons, I hope you will move to indefinitely postpone and support the motion on the floor. Thank you.

On motion by Senator **DAVIS** of Piscataquis, 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 Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "B" (S-375). 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 (#274)

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

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

ABSENT: Senator: TURNER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-375), **PREVAILED**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "C" (S-376) **READ**.

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

Senator **MILLS:** Thank you, Madame President. This amendment is a very simple and small one, frankly. As I understand the impact of the section of the budget that is deleted by the proposed amendment, we're talking about section HHH, there would be some \$210,000 essentially removed from the competitive grant system for the Maine technology initiative administered by the Department of Economic and Community Development. That money would be removed for the purposes of earmarking it to a special project that hasn't even begun or started yet, to a project that would be inadequately funded through providing even \$210,000 to it, and to one that is highly speculative and hasn't been vetted through the competitive grant process that is typical of technology investments. Most members of this chamber, I believe, are thoroughly familiar with the grant and many of the businesses that have been helped through the Maine Technology Institute grants. To deprive that money, to take that money away from the competitive grant setting and give it to an earmarked project that has virtually no chance of coming to fruition without millions of dollars being added, it seems to me, is a violation of our methods by which money is spent through our technology initiatives. For that reason, I think it's inappropriate to have a special earmarked fund within the DECD budget when the money should be administered through a competitive system based on the comparative merits of those who apply for these funds, which are very scarce. For that reason, I do urge this chamber's acceptance of the amendment. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-376).

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "C" (S-376). 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 (#275)

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

NAYS: Senators: ANDREWS, BROMLEY, CLUKEY, DAVIS, DOW, MILLS, NASS, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: TURNER

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-376), **PREVAILED**.

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

THE PRESIDENT: The 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 (#276)

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

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

ABSENT: Senator: TURNER

19 Senators having voted in the affirmative and 15 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.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Rebalance Maine's Tax Code"

H.P. 1131 L.D. 1595

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
PINEAU of Jay
HUTTON of Bowdoinham
WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

Senator **PERRY** of Penobscot moved the Bill and accompanying papers be **COMMITTED** to the Committee on **TAXATION**, in concurrence.

On motion by Senator **DAVIS** of Piscataquis, 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 (#277)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, DOW, HASTINGS, ROSEN, SNOWE-MELLO, WESTON

ABSENT: Senator: TURNER

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PERRY** of Penobscot to **COMMIT** the Bill and accompanying papers to the Committee on **TAXATION**, in concurrence, **PREVAILED**.

ORDERS OF THE DAY

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

Emergency

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

H.P. 1027 L.D. 1464
(C "A" H-626)

Tabled - June 17, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**, in concurrence.)

(In House, June 7, 2005 **PASSED TO BE ENACTED**.)

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers"

H.P. 525 L.D. 730

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-372)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In House, May 20, 2005, 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-372)**.

In Senate, June 15, 2005, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENT "A" (H-708)** thereto, in **NON-CONCURRENCE**.

Senator **MARTIN** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **MILLS** of Somerset, 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. Since this bill has been floating back and forth

between the chambers I've given it a great deal more attention. Although it seems somewhat innocent on the surface, I think that the impact of the bill could be devastating to the north woods and the people who are employed in paper mills throughout the State of Maine and elsewhere. There is a tremendous shortage of wood right now on the market, not only because of the unavailability of Canadian labor in certain sections, because of the wet spring we've had, and other reasons. Wood supplies are at an all-time low. We've had the closing of the Fraser Mill over in Berlin. The inventories of nearly all of our wood mills are down to near zero. The price of wood has never been higher in the State of Maine. We are literally on the verge of seeing some of our major industries close down. The Sapi Mill has slowed down the digester because it doesn't have enough wood to keep it busy and keep the mill running at full tilt. I'm deeply concerned that if we pass this legislation, see mills closing and people put out of work and onto unemployment compensation because of it, we will sincerely regret that we were ever tempted to play games with the wood supply in this state. That is exactly what this bill does. It is an attempt to interrupt the wood supply and make wood more difficult to supply to the mills. It's possible impacts are very difficult to calculate or estimate. I think we're playing with fire, quite literally. We've had instances in the past and in recent years where paper mills have closed for other reasons: Millinocket and elsewhere. We have turned ourselves inside out in order to salvage those operations and try to put at least some people back to work. This is an industry that pays its workers very well. It's an industry that is in international competition. It's an industry that has had its ups and downs and its troubles. It is an industry that many workers depend on for their livelihood. We have the wood growing in the woods. There is no shortage of Maine wood. What there is is a shortage of wood getting to market. The Canadian labor does provide a necessary link in that process and to start playing around with it and to deprive our mills of the availability of wood would have a potential impact that could very easily be as great as the impact that we are all concerned about in regards to the base closings. The wood industry in Maine is many times larger than the defense industry is and it's an economy that we are very highly dependent upon. For those reasons, Madame President, I request that we vote no on the pending motion.

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

Senator **SCHNEIDER:** Thank you, Madame President. Most of the time working in this body I've seen the absolute best in people, caring men and women working to help the people of Maine. Even when we have disagreed on legislation, we've worked together to resolve differences. The committee work has been outstanding. Most of the time we get unanimous reports. I got my report today, I had 102 bills in my committee, State and Local Government. We had 61 unanimous reports. I think that is pretty good for a Joint Select Committee on State and Local Government. It was the same in the Education and Cultural Affairs Committee. We compromise and we work together. We respect each other's votes and we sometimes split. That's above board, honest, and true to who we are and I respect that. I've been in awe of the quality of intelligence and manner of conduct that people have displayed here. I'm sick inside tonight, and there have been several other days that I have felt this in the pit of my stomach, when people have been so passionate about a

piece of legislation that they go over the line and they have gone over the line. L.D. 730 is one of these cases where a hostage has been taken and the ransom is the vote for the budget. Hostage taking is going over the line. It's unconscionable. It will come back to haunt those that do it. I know, and the sponsors who are doing this know, what they have been up to. They are coercing leadership and the second floor to go along because they are overly zealous in supporting this piece of legislation, which could really be detrimental to jobs in the State of Maine. It reminds me of the film Ransom when the father has his child taken and decides not to give up his child for ransom and to ask people to go after those who are hostage takers. They flip it around and they say, 'No, I'm not going to put up with that, I'm not going to allow this hostage taking to happen.' At first I was suggesting to my colleagues that maybe that is what we ought to do. Don't vote for L.D. 730 to go down, as I think it should. We've taken several votes on this piece of legislation and we know there is not support for it. Actually, I've had a little bit of time to think about it and I realize that if we keep doing this we are always going to be at the mercy of those people who take things too far and go over the line. We know that the line is being crossed here. We know that this is being used and it has been dragged out at our expense. I have mills in my district and I happen to know that one of my mills went to New York to try to get financing for an expansion. They've met with difficulty because of L.D. 730. They also happen to be very good labor jobs, union jobs, and I support union jobs. I don't want to lose more jobs in Maine. The line has been crossed. The sponsors know it, those of them who have been involved in this. Leadership is aware of it. I'm aware of it. Now the people of Maine are aware of it. It's not pretty. It's the ugliness that is in this system. I could not stand by and allow it without at least airing it so that people are aware that I don't support it. Selling your vote is despicable. If I ever find out about it, I'll air it and let people know. It's wrong and I hope my colleagues recognize that it is wrong. Maybe we will stand up against it. I know I would never do this, no matter how passionate I am about a piece of legislation. You just have to let it go at a certain point. You don't use it to coerce and take ransom. It's wrong. I hope we don't succumb to it. I'm sure there will be some elegant way to jump around this issue and say this isn't really what is happening. I know it's what is happening. Don't buy into it because this is what is happening with this piece of legislation. I know it, the sponsors know it, leadership knows it, and the second floor knows it. Please do not support L.D. 730. Do not succumb to this kind of politicking at it's absolute worst. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. To say that I'm upset is beside the point. Yes, we are hostage to the industry who lied, to the industry that says they are out of wood, to the industry that says they can't survive without bonded labor, and even to legislators who have not a single bit of wood that is cut by a bonded person going to their mills but yet they can't vote for the bill. You are absolutely right and we ought to point that finger where it ought to be, where the industry decides if they are going to lock horns and everyone has to walk the line. I represent those people. I can assure you that these people want to work. These individuals, between the Allagash and the border, would work there, they can work there,

and have worked there. You heard tonight that the mills don't have any wood. You are absolutely correct. You know why? Because the rain has kept everyone out. My relatives right now are waiting by the road, waiting to start cutting. My friends that had already started had to be pulled out of the woods because it's so wet. It is not surprising that the mills don't have any wood. Two of my mills have already indicated that they are going to stop production because they have no wood in the yards. Fraser Paper in Madawaska doesn't have the chips from either side of the border. They are going to have the shut-down now that they had planned to do later. That has nothing to do with this issue. As a matter of fact, if you read the newspaper up my way that ads have just begun for the hiring of bonded individuals in the process. That's what is happening now. This bill does not forgo, does not prevent H2Bs from coming into the state. As a matter of fact, there is now an amendment that will require that the bill comes back after rule making to this legislature in January so that issue will be dealt with. Make no bones about it, this is an issue that is of very little consequence to the vast majority of legislators in this room who are unaffected, but it is for a very small group. Those are the people who have equipment, who want to work, and can't. When I stop and think of what the impact is on my constituents, on relatives of mine, and on next-door neighbors, I know the difference because they are suffering. Small business people. I would point out that in one case, for example, DonTar, who thought they were losing wood and they made the calls and found that they didn't because they are not using anyone that is supplying wood from that area because it's too expensive. They are going somewhere else. Keep in mind that the fiber of Maine is no longer owned by the companies. It is owned by other companies from outside the state who now control the fiber prices. The companies have been sold and just recently Fraser Paper just sold their entire holding in Maine to a company in Canada who will now be selling them the stumpage. The price is going to go up, you can rest assured. I suspect that, as an aside, this year I probably won't get a dividend from Fraser again as a shareholder. Keep in mind that this is not what some people think. I will simply say this, someday the industry will understand and they can't continue to force everyone to jump in the pot with them. I certainly hope that you will vote to recede and concur tonight.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. Let me first start off my debate by saying that the wet spring is only part of the problem. When this bill came before us in the Labor Committee it was really hard to understand because it is such a complicated issue. It's far more complicated than the good Senator from Aroostook, Senator Martin, realizes. I would like to give you a little bit more history and background on this in case you forgot because this has been coming back and forth between the bodies.

The industry, I don't know if you realize it, has already lost 700 jobs through a cap that was put in place by the federal government, Homeland Security. The mills, the landowners, and union representatives, and I think I have expressed this before, worked in a bi-partisan manner with our federal delegation to fix the damages that occurred when the cap was put in place. It seems that we don't have a prevailing wage on individual workers but on those who own and operate the equipment. This, ladies

and gentlemen of the Senate, is complicated because the U.S. Department of Labor, not the state Department of Labor, sets the wage. I spoke with the good Representative that sponsored the bill and asked, 'What is your problem? What is the bottom line? What is bothering you?' It's that prevailing wage. I can completely understand how frustrating this can be. This is not the solution. The rate is set by the federal government and not the State of Maine. That, ladies and gentlemen, is the crux that is driving the argument. The Labor Committee will be addressing this issue on prevailing wage next half of the 122nd Session. Please do not gamble away any future job loss that would be in jeopardy should we pass this bill. Are you willing to risk more job loss? Are you? I truly hope, at the bottom of my heart, that you are not. Please vote against this amendment that will not help this situation. The harm could already have been done by the time it came back to the Labor Committee for review. That will make it even harder to fix and will only compound the problem.

I have handed out a recent announcement from Fraser Paper. This was brought up by other Senators in their debate. This was just released days ago and indicates that they are taking down-time immediately at the Berlin, New Hampshire and Madawaska mills largely due to their low inventory of wood supplies and levels. They are filling this time with maintenance that was scheduled, as the good Senator from Aroostook, Senator Martin, said, for later in the quarter in 2005. In their announcement they indicate that there may be a need to continue this down-time if inventory levels don't improve. This legislation would only continue to hamper their ability to get the future wood supplies. Many in the industry have never seen wood supply levels so low this early in the season. That was also mentioned before. You need to know that. Wet weather and the inability to get workers to cut and bring wood to the mills continues to be a significant concern. Please help me defeat this bill and the accompanying amendment so we can preserve Maine jobs in all our mills.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Recede and Concur. 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 (#278)

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

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

ABSENT: Senator: TURNER

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

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

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

ENACTORS

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

Emergency Measure

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

H.P. 1145 L.D. 1622
(H "A" H-699 and
S "A" S-378 to C "A" H-692)

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.

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

ORDERS OF THE DAY

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

Emergency Resolve

Resolve, Regarding the Prevention of Suicide
S.P. 422 L.D. 1208
(C "A" S-308)

Tabled - June 17, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308).**)

(In House, June 17, 2005, the Bill and accompanying papers **INDEFINITELY POSTPONED.**)

On motion by Senator **MAYO** of Sagadahoc, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act To Recruit and Retain College Graduates through Loan Repayment

H.P. 302 L.D. 399
(C "A" H-553)

Tabled - June 6, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553)**, in concurrence.)

(In House, June 6, 2005, **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-553)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-400) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553) AND SENATE AMENDMENT "A" (S-400), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

H.P. 412 L.D. 557
(C "A" H-317)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**, in concurrence.)

(In House, May 18, 2005, **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-317)**, 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-317), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-396) to Committee Amendment "A" (H-317) **READ** and **ADOPTED**.

Committee Amendment "A" (H-317) as Amended by Senate Amendment "A" (S-396) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317) AS AMENDED BY SENATE AMENDMENT "A" (S-396) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

H.P. 490 L.D. 670
(C "A" H-258)

Tabled - May 23, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**, in concurrence.)

(In House, May 20, 2005, **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-258)**, 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-258), in concurrence.

On further motion by Same Senator Senate Amendment "A" (S-395) to Committee Amendment "A" (H-258) **READ** and **ADOPTED**.

Committee Amendment "A" (H-258) as Amended by Senate Amendment "A" (S-395) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258) AS AMENDED BY SENATE AMENDMENT "A" (S-395) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

H.P. 738 L.D. 1085
(H "A" H-485 to C "A" H-455)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** thereto, in concurrence.)

(In House, June 2, 2005, **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-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** 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-455) as Amended by House Amendment "A" (H-485) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-394) to Committee Amendment "A" (H-455) **READ** and **ADOPTED**.

Committee Amendment "A" (H-455) as Amended by House Amendment "A" (H-485) and Senate Amendment "A" (S-394) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485) AND SENATE AMENDMENT "A" (S-394) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Establish the Homeland Security Relief Fund
S.P. 387 L.D. 1125
(C "A" S-140)

Tabled - May 20, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**.)

(In House, May 19, 2005, **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-140)**.

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

On motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-140).

On further motion by same Senator, Senate Amendment "A" (S-397) to Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

Committee Amendment "A" (S-140) as Amended by Senate Amendment "A" (S-397) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140) AS AMENDED BY SENATE AMENDMENT "A" (S-397) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Increase Faculty in Maine Nursing Education Programs
H.P. 1051 L.D. 1494
(C "A" H-401)

Tabled - May 25, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401)**, in concurrence.)

(In House, May 24, 2005, **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-401)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-401) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401) AND SENATE AMENDMENT "A" (S-401), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act Regarding the Budget Process for the Legislative Youth Advisory Council
H.P. 1056 L.D. 1511
(C "A" H-390)

Tabled - May 24, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**, in concurrence.)

(In House, May 23, 2005, **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-390)**, 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-390), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-399) to Committee Amendment "A" (H-390) **READ** and **ADOPTED**.

Committee Amendment "A" (H-390) as Amended by Senate Amendment "A" (S-399) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390) AS AMENDED BY SENATE AMENDMENT "A" (S-399) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Create a Graduate School of Biomedical Sciences at the University of Maine
S.P. 530 L.D. 1528
(C "A" S-165)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165)**.)

(In House, May 18, 2005, **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-165)**.

On further motion by same Senator, Senate Amendment "A" (S-398) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165) AND SENATE AMENDMENT "A" (S-398), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Encourage the Use of Solar Energy
H.P. 1122 L.D. 1586
(C "A" H-615)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615)**, in concurrence.)

(In House, June 6, 2005, **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-615)**, 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-615), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-403) to Committee Amendment "A" (H-615) **READ** and **ADOPTED.**

Committee Amendment "A" (H-615) as Amended by Senate Amendment "A" (S-403) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AS AMENDED BY SENATE AMENDMENT "A" (S-403) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Amend Provisions of the Maine Land Use Regulation Commission Law

H.P. 93 L.D. 117
(C "A" H-156)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**, in concurrence.)

(In House, May 9, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services

H.P. 147 L.D. 196
(C "A" H-239)

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**, in concurrence.)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation

H.P. 635 L.D. 916
(C "A" H-338)

Tabled - May 20, 2005, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 18, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338)**, in concurrence.)

(In House, May 20, 2005, **FINALLY PASSED**.)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan
H.P. 733 L.D. 1080
(C "A" H-149)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**, in concurrence.)

(In House, May 9, 2005, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Emergency

An Act To Compensate the Gambling Control Board
S.P. 571 L.D. 1597
(C "A" S-253)

Tabled - June 1, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)**.)

(In House, June 1, 2005, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Allow the Use of Crossbows for Hunting
H.P. 63 L.D. 67
(C "A" H-152)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**, in concurrence.)

(In House, May 9, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers
S.P. 36 L.D. 94
(C "A" S-18)

Tabled - March 28, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-18)**.)

(In House, March 28, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Laws Governing Patronizing Prostitution of a Minor

H.P. 163 L.D. 212
(C "A" H-321)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**, in concurrence.)

(In House, May 17, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Enhance Highway Safety

H.P. 171 L.D. 232
(C "A" H-578)

Tabled - June 6, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**, in concurrence.)

(In House, June 3, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Protect Pregnant Women from Acts of Violence

H.P. 201 L.D. 262
(H "A" H-682)

Tabled - June 14, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-682)**, in concurrence.)

(In House, June 14, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Sunset on Part-time Unemployment Insurance Benefits

H.P. 233 L.D. 309
(S "B" S-318 to C "A" H-33
and H "C" H-402)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33) AS AMENDED BY SENATE AMENDMENT "B" (S-318)** thereto, **AND HOUSE AMENDMENT "C" (H-402)**, in concurrence.)

(In House, June 7, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Bail Conditions

H.P. 270 L.D. 357
(C "A" H-322)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)**, in concurrence.)

(In House, May 17, 2005 **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Make the 3rd Violation of OUI a Class C Crime
S.P. 149 L.D. 462
(C "A" S-77)

Tabled - May 5, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-77).**)

(In House, May 3, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition

S.P. 263 L.D. 796
(C "A" S-268)

Tabled - June 2, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268).**)

(In House, June 2, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime

H.P. 577 L.D. 812
(C "A" H-121)

Tabled - May 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121)**, in concurrence.)

(In House, April 28, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Maine Tort Claims Act
H.P. 655 L.D. 936
(C "B" H-694)

Tabled - June 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-694)**, in concurrence.)

(In House, June 16, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve Sentencing for Serious Offenders
H.P. 680 L.D. 970
(C "A" H-474)

Tabled - May 31, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**, in concurrence.)

(In House, May 31, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Increase Small Business Access to State Contracts
H.P. 699 L.D. 1015
(C "A" H-400)

Tabled - May 25, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**, in concurrence.)

(In House, May 24, 2005, **FINALLY PASSED**.)

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

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

An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines
H.P. 711 L.D. 1026
(H "A" H-508 to C "A" H-453)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-508)** thereto, in concurrence.)

(In House, June 2, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Care for Families
S.P. 361 L.D. 1044
(S "A" S-335; S "C" S-347
to C "A" S-280)

Tabled - June 16, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AS AMENDED BY SENATE AMENDMENTS "A" (S-335) AND "C" (S-347)** thereto.)

(In House, June 15, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Protect Incompetent Dependents
H.P. 795 L.D. 1152
(C "A" H-324)

Tabled - May 20, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324)**, in concurrence.)

(In House, May 19, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide for Variance Notification in the Shoreland Zoning Law
H.P. 804 L.D. 1161
(C "A" H-477)

Tabled - May 31, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**, in concurrence.)

(In House, May 31, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Process for Reporting Accidents Involving Recreational Vehicles

H.P. 838 L.D. 1220
(C "A" H-288)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**, in concurrence.)

(In House, May 17, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching

H.P. 867 L.D. 1249
(C "A" H-325)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin
Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325)**, in concurrence.)

(In House, May 17, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses

S.P. 443 L.D. 1263
(H "A" H-678 to C "A" S-348)

Tabled - June 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348) AS AMENDED BY HOUSE AMENDMENT "A" (H-678)** thereto, in concurrence.)

(In House, June 10, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses

S.P. 448 L.D. 1268
(C "A" S-156; S "A" S-163)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156) AND SENATE AMENDMENT "A" (S-163).**)

(In House, May 18, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Economic Development of the Indian Tribes

H.P. 870 L.D. 1273
(C "A" H-565)

Tabled - June 6, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565)**, in concurrence.)

(In House, June 3, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management

H.P. 902 L.D. 1305
(C "A" H-403)

Tabled - May 26, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**, in concurrence.)

(In House, May 25, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates

H.P. 915 L.D. 1317
(C "A" H-273)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)**, in concurrence.)

(In House, May 17, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Simplify Implementation of the Maine Learning Results

H.P. 988 L.D. 1424
(C "A" H-554)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)**, in concurrence.)

(In House, June 2, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry

H.P. 1013 L.D. 1449
(C "A" H-351; H "A" H-436;
S "A" S-190)

Tabled - May 25, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351); SENATE AMENDMENT "A" (S-190) AND HOUSE AMENDMENT "H" (H-436)**, in concurrence.)

(In House, May 25, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Amend the Motor Vehicle Laws

H.P. 1026 L.D. 1463
(C "A" H-600)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**, in concurrence.)

(In House, June 3, 2005, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Strengthen the Animal Welfare Laws
H.P. 1036 L.D. 1473
(C "A" H-502)

Tabled - June 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**, in concurrence.)

(In House, June 2, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Economic Development Statutes
H.P. 1055 L.D. 1503
(C "A" H-683)

Tabled - June 16, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**, in concurrence.)

(In House, June 14, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Prevent the Manufacturing of Methamphetamine in Maine

S.P. 575 L.D. 1601
(C "A" S-334)

Tabled - June 9, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-334)**.)

(In House, June 9, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Implementation of the Central Voter Registration System

S.P. 583 L.D. 1602
(C "A" S-331)

Tabled - June 8, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-331)**.)

(In House, June 8, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Further the Transition to the New Department of Health and Human Services

S.P. 608 L.D. 1642
(C "A" S-349)

Tabled - June 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-349)**.)

(In House, June 10, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Develop a New Judicial Facility in Bangor
S.P. 632 L.D. 1687

Tabled - June 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2005, **PASSED TO BE ENGROSSED**.)

(In House, June 16, 2005, **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 **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Ensure Maine's Readiness To Respond to Decisions
Relative to the Base Realignment and Closure Process
H.P. 1195 L.D. 1689

Tabled - June 14, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2005, **PASSED TO BE ENGROSSED**,
without reference to a Committee, in concurrence.)

(In House, June 13, 2005, **PASSED TO BE ENACTED**.)

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

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

An Act To Transfer Funds to the Maine Milk Pool from the
General Fund To Fund Dairy Stabilization Programs
H.P. 1200 L.D. 1692

Tabled - June 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 17, 2005, **PASSED TO BE ENGROSSED**,
without reference to a Committee, in concurrence.)

(In House, June 17, 2005, **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.

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

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

ENACTORS

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

Act

An Act To Improve the Delivery of Maine's Mental Health
Services

S.P. 57 L.D. 151
(H "A" H-716; S "B" S-373
to C "A" S-367)

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

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

ENACTORS

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

Emergency Resolve

Resolve, To Create the Committee To Study State Compliance
with the Federal Indian Child Welfare Act of 1978

S.P. 139 L.D. 415
(H "A" H-710 to C "A" S-138)

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

Emergency Resolve

Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

S.P. 590 L.D. 1608
(H "A" H-712 to C "A" S-316)

This being an Emergency Measure and having received the affirmative vote of 16 Members of the Senate, with 14 Senators having voted in the negative, and 16 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency Resolve

Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs

S.P. 610 L.D. 1645
(H "A" H-714 to C "A" S-290)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Acts

An Act Regarding Access to Prescription Drugs and Reimportation

S.P. 406 L.D. 1178
(S "A" S-383 to C "A" S-293)

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

H.P. 944 L.D. 1361
(S "A" S-386 to C "A" H-428)

An Act To Amend the Sex Offender Registration and Notification Act of 1999

H.P. 997 L.D. 1433
(S "A" S-387 to C "A" H-607)

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

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

ENACTORS

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

Resolves

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

H.P. 709 L.D. 1024
(S "A" S-382 to C "A" H-393)

Resolve, To Establish the Study Commission Regarding Liveable Wages

H.P. 854 L.D. 1236
(S "B" S-384 to C "A" H-232)

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Give Consumers the Option To Buy Cheaper Individual Health Insurance and Have Better Choices from Other States"

H.P. 219 L.D. 294

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

Senator **SULLIVAN** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#279)

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

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

ABSENT: Senator: TURNER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

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 Clarify and Harmonize State Policy on Groundwater Management

H.P. 1158 L.D. 1643
(H "A" H-711 to C "A" H-547)

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:

Resolves

Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws
H.P. 226 L.D. 301
(H "A" H-713)

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

S.P. 516 L.D. 1498
(H "A" H-709 to C "A" S-222)

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

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **INSURANCE AND FINANCIAL SERVICES** and the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Maine's Health Insurance Rates and Expand Consumer Choice"
H.P. 1053 L.D. 1496

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

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

Report **READ**.

On motion by Senator **SULLIVAN** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in **NON-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:

ENACTORS

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

Act

An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures

H.P. 1199 L.D. 1691

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

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. One of my roles as Majority Leader is to articulate Democratic positions on key issues. I truly hope that tomorrow, when the newspaper headlines are written, what it shows and what they say is that the Legislature passed a budget. Not a Democratic budget. Not a Republican budget. A legislative budget was passed. Earlier today there was some debate as to what is in the budget, who made cuts where, what were the size of those cuts, and how they might impact different people in the state. I truly hope that the real message that comes across tomorrow is that this budget relieves or takes away the uncertainty that has surrounded the budgeting process for the last three or four months. That uncertainty is that communities around the state know that their school funding will be there, the property tax relief is there, and that healthcare programs for people that need those programs will be there too.

A couple of years ago, in fact it was three years ago, when I first ran for the Senate I had a Green Party opponent. What the Green Party opponent said is that there is no difference between the Democrats and the Republicans. Can't tell the difference between the two of them, so consequently you should vote for the Green person because they are something different, something new. Democrats and Republicans agree on everything. You can't tell the difference between the two. I think during this session what we have seen is that there are differences between Democrats and Republicans. During this budget discussion that we just had we saw what some of those differences were. We also saw what the common ground was, the areas of agreement. We had bi-partisan support on property tax relief. We had bi-partisan support on the Part 2 budget. We had bi-partisan support on civil rights. On much of this budget we also had common agreement. I hope, over the next several weeks, we will also come to a bi-partisan support on the bonds. We have much that we agree upon and much to work from.

Over the break in April I had the opportunity to go to Charleston, South Carolina. It was the first time I'd been to Charleston. It's the home state of the good Senator from Kennebec, Senator Mitchell. When I was there for the first day, I went on a buggy tour of Charleston. It was a beautiful tour. About three-quarters of the way through the tour the tour guide was talking about something and pointing out something and said South Carolina ranked 49th in the country in their educational

system. He kind of turned to the people on the tour and said, 'Thank God for Mississippi.' I said, 'Why did you say thank God for Mississippi?' He said, 'If it weren't for Mississippi we'd be 50th in the country in our educational system.'

There are a lot of things that we debate in terms of what is wrong with Maine. Taxes being too high. Not always everything that we'd like to see in different parts of the state in terms of jobs and economic development and economic growth. We do have a very good education system. We have one of the best in the country. One of the highest ranking. We have a good university system. We have a lot of things in the State of Maine that are good. I think this budget is an opportunity for us to build on those good things as we move into the next session and that this budget will be an opportunity for us to continue to expand those things that we think are important. The people that are winners in this budget are the citizens of the State of Maine, not Republicans, not Democrats, but the people of the State of Maine. Thank you and I hope you will join me in enacting this budget.

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

Senator **DAVIS:** Thank you very much, Madame President and I compliment the Majority Leader for his remarks. I found this debate tonight very interesting, to say the very least. I sat here all evening and I listened to both sides speak. I was moved by speakers on both sides. I told speakers on both sides that I was moved by their talk and by their remarks. I was moved because everyone has a concern for the State of Maine and its people. Everyone here in this body has a concern. There may be differences on how we address those concerns, Madame President, but they all have a concern. I was also moved just a moment ago by the Majority Leader when he said there are no winners in this body, no political winners, and it is the people of Maine that have won. Differences, we shouldn't despair that we have differences. That's how we grow and that's how we come to be what we are and why our country is so strong and why we have the prosperity that we have. It is because we had differences. We are free men and women to pursue and seek what we want. That is different than all the Communist nations and all the dictatorships and all the rulers who would deprive men and women of those freedoms. In those places where they don't have those freedoms, what do they have? Nothing. Despair. Starvation. Killings. Murders. Raping. You name it. Everything that is bad. Don't despair over differences. It makes us strong. The best thing about differences here is that we have respect for each other and that we can agree and disagree agreeably. That makes it worth it all.

It's been a great honor to serve here. As you know, I'm in my last term. When I first came here I wondered if there were any differences as the Majority Leader spoke of tonight. I'm pleased that there are because we wouldn't grow if we didn't have differences. Our side believes more in the free enterprise system. There is no question. The other side believes in government solutions. Absolutely. Both sides are well intended. I'm very proud of everybody here and thank you very much, 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 (#280)

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

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

ABSENT: Senators: DOW, TURNER

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators 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.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Saturday, June 18, 2005.

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

ENACTORS

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

Emergency Resolve

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

H.P. 594 L.D. 835
(S "A" S-381 to C "A" H-523)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education

H.P. 899 L.D. 1302
(S "A" S-385 to C "A" H-570;
S "A" S-325)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1202

JOINT RESOLUTION HONORING DAVID C. ELLIOTT ON THE OCCASION OF HIS RETIREMENT FROM STATE SERVICE

WHEREAS, David C. Elliott is retiring from his current position of Director of the Office of Policy and Legal Analysis, a nonpartisan staff office of the Legislative Council of the Maine State Legislature, and from state service; and

WHEREAS, David Elliott has served the State of Maine with dedication for 30 years and has earned the respect and affection of all who have worked with him, including Legislators, colleagues and friends, for his high professional standards, his commitment to excellence and his indefatigable and inspirational character of gentle strength, quiet humor, and knowledge of and sincere respect for the institution of the Legislature; and

WHEREAS, David Elliott is a native Mainer, who was born into a farming family in Waterville and educated in local schools, earning a bachelor's degree in economics from Colby College,

and has been a resident of Whitefield for most of his adult life; and

WHEREAS, he earned a law degree at Boston University after serving honorably in the United States Army in Vietnam and was hired in 1975 by the State of Maine as a Research Associate for the Maine Land Use Regulation Commission in the Department of Conservation; and

WHEREAS, in 1978 he moved to the Secretary of State's office, where he served as an Administrative Procedures Officer, before accepting a position in 1981 with the Maine State Legislature's Office of Legislative Assistants, now the Office of Policy and Legal Analysis; and

WHEREAS, David Elliott, through his 24 years of hard work in OPLA as staff analyst to many of the Legislature's joint standing committees, became an expert for the Legislature on education, energy and natural resources, labor, retirement and state and local government issues; and

WHEREAS, David Elliott was promoted to Principal Analyst in 1988, appointed Acting Director in 2001 and appointed Director of the Office of Policy and Legal Analysis in 2002; and

WHEREAS, he always found time to devote to civic interests, including his commitment to the youth of his community, having served on the board of directors of the YMCA, and to youth from away, assuming the role of host, sponsor and mentor to disadvantaged urban youth with the Fresh Air Fund program; to fitness through his love of running; and to basketball, as a player and an avid fan of college basketball; and

WHEREAS, David Elliott possesses the admirable qualities of resilience, ingenuity, determination, sound judgment and patience and a work ethic that exemplifies the best in Maine people, and we take this opportunity to acknowledge his long and distinguished career whereby he has demonstrated his dedication and contributed to the Maine Legislature and to his State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, on behalf of the people we represent formally express our great affection to David C. Elliott and extend to him our congratulations and warmest wishes on the occasion of his retirement and our heartfelt appreciation for the years of service he has given to the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to David C. Elliott.

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

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. It is my honor tonight to say a couple of words about David Elliott. I had the good fortune when I was

Chair of the Education Committee because he was one of our analysts. We debate about a lot of different things here, but one of the things that I feel very strongly about is that we have a terrific staff at the Office of Policy and Legal Analysis. Uniformly, across the board, they are good. The heart and soul of the legislature is really in the committee process. We do good work because we have such good people in the Office of Policy and Legal Analysis. David Elliott epitomizes that good work. He is truly outstanding in his demeanor, the way he works with legislators, and the way he works with staff. He's very thoughtful. He is very respectful. During the last several years he has led that office in a way that I think has truly been a credit to the legislature and the people of Maine. David, personally, is such an accomplished person. He's very intelligent and very capable. I think he's going to be a huge loss to the legislature and to the office. I wish him well in his retirement but I certainly wish that he were staying. I think it's going to be huge shoes for somebody to fill. 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. I first met David Elliott while serving on the Education Committee. When you first come in to the legislature you look for the most knowledgeable people. It was obvious to me right away that David was one of those people. Not only was he knowledgeable, he was very approachable. He didn't even blink at some of what I'm sure were somewhat silly questions I might have asked. He was most courteous and always a help. I do wish him well and I think under the environment, this late at night, he deserves a vacation from this kind of position. He will be sorely missed. I thank him for his great service.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber our good friend and someone who has served us with great distinction, David Elliott. Would he please rise and receive the greetings of the Senate.

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 Require Proof of Equipment Ownership for Employers Using Foreign Laborers

H.P. 525 L.D. 730
(H "A" H-708 to C "A" H-372)

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

Non-Concurrent Matter

Bill "An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges" (EMERGENCY)
H.P. 635 L.D. 916

In House, May 20, 2005, **FINALLY PASSED**.

In Senate, June 17, 2005, on motion by Senator **ROTUNDO** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **ADHERED**.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **TAXATION** and the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)
H.P. 1140 L.D. 1617

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve the Business Equipment Tax Reimbursement Program"

S.P. 541 L.D. 1557
(C "A" S-369)

In Senate, June 14, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-369)**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government
H.P. 986 L.D. 1422
(C "A" H-437; S "A" S-265)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AND SENATE AMENDMENT "A" (S-265)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AND SENATE AMENDMENT "A" (S-265) AS AMENDED BY HOUSE AMENDMENT "A" (H-680)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED**.

Same Senator moved to **INDEFINITELY POSTPONE** the Resolution and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **STRIMLING:** Thank you, Madame President. I would encourage my colleagues to vote against the indefinite postponement. This is the Constitutional amendment that we talked about quite a while ago. What it basically does is ensures that the next time that we are in we will have to get a two-thirds before we can borrow on a revenue bond the way we did this time. I think that we see the impact of having done that and the fact that we have had to redo our entire budget. I think that it is

important that we tell the people of Maine that we understand that this kind of action should only be taken when it is an emergency situation and we can get at least two-thirds of our people together with us. It also makes sure that we put away 2.5% to make sure that we have a rainy day fund, which we have depleted because times have been hard and we want to make sure that we refill it for the next time.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Indefinitely Postpone the Resolution and accompanying papers. 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 (#281)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, GAGNON, MAYO, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

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

ABSENT: Senators: HASTINGS, HOBBS, MARTIN, SAVAGE, TURNER

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **GAGNON** of Kennebec to **INDEFINITELY POSTPONE** the Resolution and accompanying papers, in **NON-CONCURRENCE, FAILED.**

The Senate **CONCURRED.**

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

ORDERS

Joint Order

On motion by Senator **ROTUNDO** of Androscoggin, the following Joint Order:

S.P. 640

ORDERED, the House concurring, that the following specified matters be held over on the Special Appropriations Table to the next special or regular session of the 122nd Legislature:

(H.P. 20)(L.D. 17) - An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates

(H.P. 22)(L.D. 19) - An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners

(H.P. 38)(L.D. 42) - An Act To Expand the Maine Economic Improvement Fund

(H.P. 66)(L.D. 70) - An Act To Amend the Laws Governing the Funding of State Special Elections

(H.P. 70)(L.D. 74) - An Act To Increase Eligibility for the Property Tax Exemption for Veterans

(S.P. 38)(L.D. 96) - An Act To Increase the Adult Education State Subsidy by a Specific Percentage

(H.P. 94)(L.D. 118) - An Act To Provide Tax Relief for People with Functional Limitations

(H.P. 95)(L.D. 119) - An Act To Promote Math and Science Education Learning Kindergarten to Grade 12

(S.P. 52)(L.D. 146) - An Act To Repeal the Tax on Private Nonmedical Institutions

(S.P. 57)(L.D. 151) - An Act To Improve the Delivery of Maine's Mental Health Services

(H.P. 120)(L.D. 169) - An Act To Amend the Law Regarding Resale Certificates

(H.P. 131)(L.D. 180) - An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

(H.P. 146)(L.D. 195) - An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws

(H.P. 150)(L.D. 199) - An Act To Support and Expand Regional Teacher Development Centers

(S.P. 81)(L.D. 228) - An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

(H.P. 175)(L.D. 236) - An Act To Change Nonresident Income Tax Filing Requirements

(H.P. 187)(L.D. 248) - An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

(S.P. 95)(L.D. 275) - An Act To Promote Energy Conservation and a Cleaner Environment

(H.P. 232)(L.D. 308) - An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development

(H.P. 248)(L.D. 325) - An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes

(H.P. 252)(L.D. 329) - An Act Concerning Recognition of Qualified Political Parties

(H.P. 263)(L.D. 350) - An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement

(H.P. 266)(L.D. 353) - An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation

(H.P. 272)(L.D. 359) - An Act To Change the Child Care Facility Licensing Laws

(S.P. 118)(L.D. 371) - An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs

(S.P. 129)(L.D. 405) - Resolve, To Establish an Education Pilot Program for Registered Nurses

(H.P. 321)(L.D. 436) - An Act To Eliminate Estate Taxes on Family-owned Businesses

(S.P. 145)(L.D. 447) - An Act To Require Health Insurers To Cover the Costs of Hearing Aids

(S.P. 161)(L.D. 535) - An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock

(H.P. 421)(L.D. 588) - An Act To Restore Support for HIV and AIDS Treatment and Prevention

(H.P. 426)(L.D. 593) - An Act To Alter Trade-in Allowances Regarding Motor Homes

(H.P. 446)(L.D. 613) - An Act To Provide Tax Incentives to Small Businesses

(H.P. 455)(L.D. 622) - An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute

(H.P. 459)(L.D. 626) - An Act Relating to the Sale of Foreclosed Property

(H.P. 465)(L.D. 632) - An Act To Lower the Tax Burden for Small Businesses and Low-income Families

(H.P. 492)(L.D. 672) - An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"

(S.P. 214)(L.D. 678) - An Act To Require Fair and Timely MaineCare Payments to Hospitals

(S.P. 224)(L.D. 687) - An Act To Amend the Hospital Tax

(S.P. 236)(L.D. 699) - An Act To Repeal Tax and Match

(S.P. 237)(L.D. 700) - An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence

(H.P. 511)(L.D. 716) - An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries

(H.P. 535)(L.D. 758) - An Act To Increase Retired Teachers' Health Insurance Benefits

(H.P. 543)(L.D. 766) - An Act To Support the New Century Community Program

(H.P. 552)(L.D. 775) - An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund

(S.P. 258)(L.D. 791) - An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations

(H.P. 573)(L.D. 808) - An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care

(H.P. 603)(L.D. 852) - Resolve, To Require the Department of Environmental Protection To Undertake Phosphorus Control in Toothaker Pond in Phillips

(S.P. 312)(L.D. 904) - An Act To Create the Maine Asthma and Lung Disease Research Fund

(H.P. 682)(L.D. 972) - An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax

(H.P. 685)(L.D. 975) - An Act To Create Entrepreneurship Internships for Maine High School and College Students

(H.P. 689)(L.D. 979) - An Act To Fund Youth Mentoring Programs

(H.P. 702)(L.D. 1018) - An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel

(S.P. 360)(L.D. 1043) - An Act To Provide Funds for the Preservation of Digital Records

(S.P. 381)(L.D. 1064) - An Act To Clarify the Laws Governing Agricultural Composting Operations

(H.P. 727)(L.D. 1074) - An Act To Stimulate Economic Development in Maine's Aviation Industry

(H.P. 743)(L.D. 1090) - An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax

(H.P. 769)(L.D. 1116) - An Act To Exempt from the Sales Tax Electricity Used in Homes

(H.P. 788)(L.D. 1145) - An Act To Allow Tournament Games for Charitable Purposes

(H.P. 801)(L.D. 1158) - An Act To Allow Employee Retirement Disability Benefits To Be Eligible for the Pension Deduction under Maine Income Tax Law

(H.P. 808)(L.D. 1165) - An Act To Encourage the Preservation of Affordable Housing

(S.P. 411)(L.D. 1183) - An Act Regarding Access to Mental Health Services

(H.P. 852)(L.D. 1234) - An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources

(H.P. 869)(L.D. 1272) - An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

(H.P. 890)(L.D. 1293) - An Act To Assist Families and Children by Increasing Access to the Court System

(H.P. 931)(L.D. 1348) - An Act To Increase Funding for Meals on Wheels Program

(S.P. 477)(L.D. 1379) - An Act To Amend the Maine Wind Energy Act

(H.P. 964)(L.D. 1387) - Resolve, To Promote Training Centers for Entrepreneurship

(H.P. 1065)(L.D. 1518) - An Act To Increase Access to Justice in Maine's Court System

(S.P. 535)(L.D. 1540) - An Act To Appropriate Funds for the School Breakfast Program

(H.P. 1093)(L.D. 1552) - An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

(H.P. 1121)(L.D. 1585) - An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals

(S.P. 602)(L.D. 1625) - An Act To Fully Fund the Homestead Exemption

(H.P. 1159)(L.D. 1647) - An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants

READ and PASSED.

Sent down for concurrence.

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

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

ENACTORS

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

Acts

An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville
 H.P. 257 L.D. 334
 (S "A" S-388 to C "A" H-261;
 S "A" S-319)

An Act To Amend the Electronic Insurance Cancellation Notification Law
 H.P. 467 L.D. 634
 (S "A" S-389 to C "A" H-518)

An Act To Amend the Axle Weight Laws
 H.P. 477 L.D. 657
 (S "A" S-390 to C "A" H-459)

An Act To Recognize the Recipients of the Korea Defense Service Medal
 H.P. 791 L.D. 1148

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

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

COMMUNICATIONS

The Following Communication: S.C. 383

**MAINE STATE LEGISLATURE
 COMMITTEE ON PROPERTY TAX REFORM
 AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Select Committee on Property Tax Reform during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	6
Unanimous Reports	1
Ought to Pass	0
Ought to Pass as Amended	1
Ought Not to Pass	0
Divided Reports	1
Committee Bills & Papers	4
Pursuant to Joint Order	4

Respectfully submitted,
S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 384

**MAINE STATE LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers		88
Unanimous Reports	74	
Ought to Pass	1	
Ought to Pass as Amended	21	
Ought Not to Pass	52	
Divided Reports	8	
Carry Overs	3	
Gubernatorial Nominations	3	

Respectfully submitted,

S/Sen. Bruce S. Bryant
Senate Chair

S/Rep. Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 385

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		78
Unanimous Reports	63	
Ought to Pass	5	
Ought to Pass as Amended	26	
Ought Not to Pass	32	
Divided Reports	10	
Carry Overs	1	
Gubernatorial Nominations	2	
Received by the Clerk Pursuant to Joint Rule 309	2	

Respectfully submitted,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 386

**MAINE STATE LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers		35
Unanimous Reports	22	
Ought to Pass	1	
Ought to Pass as Amended	12	

Ought Not to Pass	8
Referred to Another Committee	1
Divided Reports	8
Gubernatorial Nominations	5

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	126
Unanimous Reports	97
Ought to Pass	14
Ought to Pass as Amended	30
Ought Not to Pass	50
Referred to Another Committee	3
Divided Reports	19
Carry Overs	9
Gubernatorial Nominations	1

Respectfully submitted,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 389

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

June 14, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Respectfully submitted,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 387

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	116
Unanimous Reports	91
Ought to Pass	2
Ought to Pass as Amended	29
Ought Not to Pass	58
Referred to Another Committee	2
Divided Reports	18
Carry Overs	6
Gubernatorial Nominations	1

Respectfully submitted,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 388

Total Number of Bills and Papers	103
Unanimous Reports	60
Ought to Pass	4
Ought to Pass as Amended	23
Ought Not to Pass	32
Referred to Another Committee	1
Divided Reports	25
Carry Overs	8
Gubernatorial Nominations	10

Respectfully submitted,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 390

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

June 14, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	83
Unanimous Reports	55
Ought to Pass	1
Ought to Pass as Amended	29
Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	16
Carry Overs	10
Gubernatorial Nominations	2

Respectfully submitted,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 391

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	102
Unanimous Reports	61
Ought to Pass	10
Ought to Pass as Amended	29
Ought Not to Pass	21
Referred to Another Committee	1
Divided Reports	32
Carry Overs	9

Respectfully submitted,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 392

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		59
Unanimous Reports	41	
Ought to Pass	2	
Ought to Pass as Amended	28	
Ought Not to Pass	11	
Divided Reports	9	
Committee Bills & Papers	1	
Pursuant to Joint Order	1	
Carry Overs	4	
Gubernatorial Nominations	4	

Respectfully submitted,

S/Sen. John M. Nutting
Senate Chair

S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 393

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		116
Unanimous Reports	87	
Ought to Pass	8	
Ought to Pass as Amended	40	
Ought Not to Pass	38	
Referred to Another Committee	1	
Divided Reports	15	
Carry Overs	6	
Gubernatorial Nominations	8	

Respectfully submitted,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 394

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		96
Unanimous Reports	73	
Ought to Pass	4	
Ought to Pass as Amended	30	
Ought Not to Pass	39	
Divided Reports	20	
Carry Overs	3	

Respectfully submitted,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 395

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

June 16, 2005

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

Divided Reports	14
Committee Bills & Papers	1
Pursuant to Statute	1
Carry Overs	8
Gubernatorial Nominations	19

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers		77
Unanimous Reports	56	
Ought to Pass	3	
Ought to Pass as Amended	29	
Ought Not to Pass	24	
Divided Reports	10	
Committee Bills & Papers	1	
Pursuant to Statute	1	
Carry Overs	9	
Gubernatorial Nominations	1	

Respectfully submitted,

S/Sen. Philip L. Bartlett II
 Senate Chair

S/Rep. Lawrence Bliss
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 396

**MAINE STATE LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
 AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers		136
Unanimous Reports	94	
Ought to Pass	9	
Ought to Pass as Amended	29	
Ought Not to Pass	56	

Respectfully submitted,

S/Sen. Elizabeth H. Mitchell
 Senate Chair

S/Rep. Jacqueline Norton
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 397

**MAINE STATE LEGISLATURE
 COMMITTEE ON JUDICIARY
 AUGUSTA, MAINE 04333**

June 16, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers		149
Unanimous Reports	99	
Ought to Pass	8	
Ought to Pass as Amended	49	
Ought Not to Pass	41	
Referred to Another Committee	1	
Divided Reports	18	
Carry Overs	19	
Gubernatorial Nominations	13	

Respectfully submitted,

S/Sen. Barry J. Hobbins
 Senate Chair

S/Rep. Deborah Pelletier-Simpson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 398

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

June 17, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	146
Unanimous Reports	108
Ought to Pass	7
Ought to Pass as Amended	54
Ought Not to Pass	45
Referred to Another Committee	2
Divided Reports	28
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	9

Respectfully submitted,

S/Sen. Arthur F. Mayo III
Senate Chair

S/Rep. Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 399

**MAINE STATE LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS
AUGUSTA, MAINE 04333**

June 17, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	92
Unanimous Reports	39
Ought to Pass	3
Ought to Pass as Amended	14
Ought Not to Pass	20
Referred to Another Committee	2
Divided Reports	14
Committee Bills & Papers	1
Pursuant to Joint Order (divided)	1
Carry Overs	38

Respectfully submitted,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 400

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

June 17, 2005

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

Dear President Edmonds and Speaker Richardson:

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

Total Number of Bills and Papers	153
Unanimous Reports	104
Ought to Pass	1
Ought to Pass as Amended	23
Ought Not to Pass	80
Divided Reports	33
Joint Study Orders	1
Carry Overs	13
Received by the Clerk Pursuant to Joint Rule 309	2

Respectfully submitted,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Emergency Resolve

Resolve, To Reestablish the Health Care System and Health Security Board

H.P. 35 L.D. 32
(S "A" S-380 to C "A" H-513)

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **MAYO** of Sagadahoc, 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-513) AS AMENDED BY SENATE AMENDMENT "A" (S-380)** 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-513) as Amended by Senate Amendment "A" (S-380) thereto.

On further motion by same Senator, Senate Amendment "C" (S-405) to Committee Amendment "A" (H-513) **READ.**

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

Senator **MAYO:** Thank you, Madame President. This amendment removes the emergency preamble from the bill.

On further motion by same Senator, Senate Amendment "C" (S-405) to Committee Amendment "A" (H-513) **ADOPTED.**

Committee Amendment "A" (H-513) as Amended by Senate Amendments "A" (S-380) and "C" (S-405) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513) AS AMENDED BY SENATE AMENDMENTS "A" (S-380) AND "C" (S-405) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Acts

An Act To Recruit and Retain College Graduates through Loan Repayment

H.P. 302 L.D. 399
(C "A" H-553; S "A" S-400)

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

H.P. 412 L.D. 557
(S "A" S-396 to C "A" H-317)

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

H.P. 490 L.D. 670
(S "A" S-395 to C "A" H-258)

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

THE PRESIDENT: I'd like to take this opportunity, while we are waiting for the last little bit of things to come, to make a few remarks to my fellow Senators. I don't know about you, but 2:00 in the morning seems like a good time to look back over what we've done. I'd like to remind you of all of back in December when we hit the ground running. No sooner had members been sworn in that we had the formation of the Property Tax Reform Committee and the presentation of L.D. 1. I can't say enough about the hard work and commitment of our good pilot, Senate Chair Dennis Damon and Senators Joe Perry, Richard Rosen, and Peter Mills. In January we enacted L.D. 1, providing a \$250 million increase in K-12 school funding as the voters had demanded in passing the MMA initiative. We also greatly expanded the circuit breaker and homestead programs to help Maine homeowners keep their homes despite rising property taxes. January saw the Governor's submission of a new biennial budget, one that introduced us all to the term of 'lottery securitization'. During February the committee process heated up with public hearings on the budget and bond bills. I am hopeful we will return in the near future to enact the bond package that addresses Maine's transportation, environmental, and economic needs. I look forward to working with all of you to make that

happen. March was dominated by budget discussions. We saw lottery securitization morph into revenue bonding. While the two parties ultimately parted ways on the budget, I especially want to thank Republican Leader Paul Davis and Assistant Leader Carol Weston and other members of the Republican caucus for their willingness to work respectfully and cooperatively on the budget and all the other matters before us. March also featured the passage of the civil rights legislation that finally prohibited discrimination based on sexual orientation here in Maine. In April we turned our attention to the hundreds of bills remaining in committee. May brought Maine's sort of black Friday on the 13th when the Department of Defense recommended to the Base Realignment and Closure Commission that the Portsmouth Naval Shipyard and the DAF in Limestone be closed and operations at the Brunswick Naval Air Station be severely curtailed. This month we have completed our work, culminating earlier this evening when we repealed the revenue bond.

I mostly want to thank each of you for affording me the honor of serving as Senate President. I am very proud to be a member of this Senate, which is full of talented, experienced, and dedicated individuals. As we near the end of this long week and this extremely long day, it's also fitting to thank those staff people whose hard work keeps us moving forward. I can't tell you how important it has been to me to have the Secretary of the Senate Joy O'Brien and her fine staff always ready to help. I hope you will join me in thanking them. I especially want to thank Sergeant-At-Arms Bob Asselin and the Chamber Staff. Not only have they been efficient and proper but they have allowed us to have a great deal of fun and get a lot of work done. Again, I appreciate their hard work. I go home every night and I say to my husband, 'I have the best staff in the world.' I think that probably the Republican officers feel similarly. We have wonderful people who work for us. They keep us focused. They help us serve our constituents. I want to thank them and I also want to thank the non-partisan staff, they are the folks who keep this place going. I've always thought that they were the hidden gems of the legislature. To all our staff, I really give my heartfelt appreciation. I want to extend my appreciation to Governor Baldacci, his staff, and the members of the Executive Branch for their responsiveness to requests from the legislature and their commitment to work with us for the best interest of the people of Maine. Finally, I want to thank Senator Majority Leader Michael Brennan and Assistant Majority Leader Ken Gagnon for their support, their friendship, and their assistance not only over the last six and one half months but also over the many years. I have learned much from you and I am deeply grateful for your continued assistance. I expect we will all be back here in a few weeks to address bonds and tax issues. Until then, I just want to say to you it's really important, the work we do, and we don't always get it right every time, but I know that everybody in this room has enormous heart and soul and dedication. I take my hat off to all of you. I thank you so much for your good, hard, wonderful work. Thank you.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Establish a Study Commission To Study Methods To Improve Ballot Access (EMERGENCY)

S.P. 590 L.D. 1608
(H "A" H-712; H "B" H-718
to C "A" S-316)

In Senate, June 17, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316) AS AMENDED BY HOUSE AMENDMENT "A" (H-712)** thereto, in concurrence.

In House, June 17, 2005, **FINALLY PASSED.**

In Senate, June 17, 2005, **FAILED FINAL PASSAGE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316) AS AMENDED BY HOUSE AMENDMENTS "A" (H-712) AND "B" (H-718)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **GAGNON** of Kennebec, 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:

Acts

An Act To Create a Graduate School of Biomedical Sciences at the University of Maine

S.P. 530 L.D. 1528
(C "A" S-165; S "A" S-398)

An Act To Encourage the Use of Solar Energy

H.P. 1122 L.D. 1586
(S "A" S-403 to C "A" H-615)

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Acts

An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

H.P. 738 L.D. 1085
(H "A" H-485; S "A" S-394
to C "A" H-455)

An Act To Establish the Disaster Relief Fund

S.P. 387 L.D. 1125
(S "A" S-397 to C "A" S-140)

An Act To Increase Faculty in Maine Nursing Education Programs

H.P. 1051 L.D. 1494
(C "A" H-401; S "A" S-401)

An Act Regarding the Budget Process for the Legislative Youth Advisory Council

H.P. 1056 L.D. 1511
(S "A" S-399 to C "A" H-390)

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

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

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

Senator **DAVIS**: Thank you, Madame President. I just wanted a moment to express to you my thanks for your remarks you just made not only to me but to everyone here. I wanted to take a moment and thank you for all that you have done this session. You brought in, I feel, a new level of civility and a much better atmosphere and environment to work in. I greatly appreciate it. I do, it's the kind of environment that I look forward to when I come to work even though I know that the day might be stressful and everything. It certainly made it a much nicer time. I believe that you have been very sincere in all you've done. I remember, and perhaps some of you folks remember too, that there was a little cartoon of me. I was saying no quite a lot. I remember you calling me early one morning at my home and telling me that you saw it and you were very angry over it. You apologized. I didn't feel for one second that you needed to apologize, that it was anything that you had done. That really moved me that you did that. I greatly respected you for that and thank you very much for it. I sincerely mean what I say when I say that I think you've done a fine job of leading the Senate in the 122nd Legislature. I've been pleased and honored to serve under you. As I told you on the day you were sworn in, you can't ever hold the record that I do of having served under the first two women that have ever been President of the Maine Senate. That's my honor.

I also want to thank everybody that has served our side and thank all my colleagues, both Republicans and Democrats. We have some fine friends and it's been a great time to get to know you. While it is new for me to serve with them, such as Senator Diamond and Senator Hobbins and Senator Mitchell and the people that know their way around, it's been very nice and interesting to spend time with these folks. I'm very pleased. I've been pleased in how you have managed to help Senator Plowman and folks like her. I also want to thank Senator Gagnon. As usual, he's been all business and been right on the ball. I appreciate that and am pleased that he's been here with us.

I'll save my best remarks, I guess, for my counterpart across the aisle, Senator Brennan. I can't tell you how much I've enjoyed working with Senator Brennan. To be sure, we have our differences and I'm pleased that we do, to say the least. Even though those differences are mine, I have immensely enjoyed him. I know that I am a bit of an old country cop and him being sophisticated and from Portland and all. There's not much of a comparison. One thing I've learned about Senator Brennan is that he is passionate in his beliefs and he has certain things in his life that he holds very dear. I believe honesty, truth, and integrity are amongst those. I've also learned that he has made a great hero in his life of John F. Kennedy. You can go into his office and he has some very nice photographs of President Kennedy there. I know that he holds him very dear. I want to tell you, Senator, a while ago my wife and I went over to Cornville. Senator Mills knows what I'm going to talk about. In Cornville they have what they call the six mile yard sale. Being a Republican, you know, we go and dicker. We don't have to pay sales tax. I went to this one spot and this lady was there and she had some magazines. I immediately thought of you, Senator. It's not a Playboy. Don't get excited. It is sort of a collector's item. It was in 1963, after President Kennedy was assassinated. It's Life magazine memorial edition. I want you to have this as a gift from me. When you get down to Portland and you are with your sophisticated, highly educated friends and you think of President Kennedy, you think of me.

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

Senator **BRENNAN**: Thank you, Madame President, men and women of the Senate. There will not be a Democratic caucus for quite a while. Last night several of us went to dinner at the Senator and I had the opportunity to sit next to the good Senator Penobscot, Senator Schneider. We were talking and she turned to me and said, 'You know one of your problems is that you cite too many studies, too many statistics.' I want to try one more before we leave tonight. I read this in one of the state and local magazines we get nationally. The Maine State Senate led the country in turn over from last session to this session. We had a 45% turn over. No other state Senate in the country had as big a turn over and consequently had as many new members in a state Senate as Maine did. Obviously, that is due to term limits and people coming and going. The good thing about that is that we had an opportunity to have such a variety of different people that were here. It was also difficult when we first came because many of us were here in the Senate for the first time, many from the House or coming from different places. Being able to come

together as a group, Democrats and Republicans, and deal with the issues that we had that the good President of the Senate enumerated on in terms of the budget, property tax relief, civil rights, environmental issues, tax policy, and we could continue to go on. To six months later to stand at the point and have the good Senator make the remarks that he made about the way that the President conducted the body, the way that we conducted ourselves, the way that we were able to disagree but still be able to work together, I think that speaks highly of everybody here in this body. I just want to tell you how proud I am of everybody and how proud I am to be able to serve in this body and serve the people of the State of Maine and do the many things that we were able to accomplish this session.

I have to say in all honesty, Senator Davis was a challenge for me at the beginning. I wasn't quite sure how we were going to be able to get along. He has been great, with a lot of coaching from Senator Weston. There have been several things that we haven't agreed upon but he has allowed me to understand a little bit more about another perspective of life that I don't get to hear about too often in Portland and in my neck of the woods. I do think that the hallmark and the fundamental bedrock of ability to work here is to have people in the State of Maine elect people and be here that do have that different perspectives and that do come from different parts of the state. This is one thing that Senator Davis said a little bit earlier; I never had any doubt about the intent of everybody here. We may disagree about the methods but we never do, I doubt, the intent the people have here. The intention is that everybody is trying to do the best for their community, the best for their constituents, and the best for the state. I thank you for that.

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. 1203

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 122nd Legislature.

Agriculture, Conservation and Forestry

H.P. 473, L.D. 640 - An Act To Recognize the Importance of Forestry

H.P. 653, L.D. 934 - Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

S.P. 495, L.D. 1406 - An Act To Preserve Public Access and Job Opportunities in the North Woods

H.P. 1168, L.D. 1657 - An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides

Appropriations and Financial Affairs

H.P. 74, L.D. 78 - An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund

H.P. 99, L.D. 123 - An Act Concerning Multiple-item Bond Issues

S.P. 55, L.D. 149 - An Act To Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Fractionation Development Center

H.P. 121, L.D. 170 - An Act To Provide Funding for a Veterans' Cemetery in Springvale

H.P. 149, L.D. 198 - An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine

S.P. 83, L.D. 263 - An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities

S.P. 93, L.D. 273 - An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program

S.P. 94, L.D. 274 - An Act To Raise the University of Maine System Debt Ceiling

H.P. 217, L.D. 292 - An Act To Establish a New Method of Determining the State Budget

S.P. 128, L.D. 404 - An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf

S.P. 170, L.D. 544 - An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals

H.P. 405, L.D. 550 - An Act To Appropriate Matching Funds for the Construction of a Convention Center in Oxford Hills

S.P. 195, L.D. 586 - An Act To Authorize a General Bond Issue To Improve the Quality and Safety of Teaching and Science Laboratories

H.P. 469, L.D. 636 - An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center

H.P. 489, L.D. 669 - An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model

S.P. 253, L.D. 755 - An Act To Authorize a General Fund Bond Issue for Fort Knox

S.P. 254, L.D. 756 - An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy

H.P. 564, L.D. 787 - An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public Geographic Information

S.P. 261, L.D. 794 - An Act To Authorize a General Fund Bond Issue To Allow Municipalities To Purchase Fishing Rights and Equipment

S.P. 266, L.D. 799 - An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta

S.P. 274, L.D. 819 - An Act To Authorize a General Fund Bond Issue To Expand Maine's Ocean-based Economy

S.P. 283, L.D. 844 - An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy

H.P. 626, L.D. 876 - An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries

S.P. 298, L.D. 890 - An Act To Authorize a General Fund Bond Issue for Certain State Parks

S.P. 299, L.D. 891 - An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation

H.P. 645, L.D. 926 - An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland

H.P. 679, L.D. 969 - An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development

H.P. 681, L.D. 971 - An Act To Authorize a General Fund Bond Issue for Shared-use Trails

S.P. 337, L.D. 997 - An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories

S.P. 338, L.D. 998 - An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements

S.P. 339, L.D. 999 - An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System

S.P. 340, L.D. 1000 - An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries

S.P. 341, L.D. 1001 - An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous

Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint

H.P. 704, L.D. 1020 - An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy

H.P. 720, L.D. 1035 - An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program

H.P. 875, L.D. 1278 - An Act Requiring Long-range Budget Planning

H.P. 909, L.D. 1311 - An Act To Preserve the Integrity of the Fund for a Healthy Maine

S.P. 457, L.D. 1330 - Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually

Business, Research and Economic Development

H.P. 143, L.D. 192 - An Act To Establish the Pine Tree Recreation Zone

H.P. 778, L.D. 1135 - An Act To Safeguard Federalism in Trade

H.P. 941, L.D. 1358 - Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities

H.P. 1147, L.D. 1629 - An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement

S.P. 611, L.D. 1653 - Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels

S.P. 617, L.D. 1663 - An Act To Establish the Maine Higher Education Employer Initiative

Criminal Justice and Public Safety

H.P. 15, L.D. 10 - Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

H.P. 783, L.D. 1140 - Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement

S.P. 524, L.D. 1508 - An Act To Regulate Fire Alarm Contractors

Education and Cultural Affairs

S.P. 26, L.D. 84 - An Act Regarding Interscholastic Athletics

H.P. 151, L.D. 200 - An Act To Improve Teaching and Learning Conditions in Maine Schools

S.P. 372, L.D. 1055 - An Act To Require Academic and Community Input into Major Decisions of the University of Maine System

S.P. 459, L.D. 1332 - Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County

H.P. 932, L.D. 1349 - An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting

S.P. 480, L.D. 1381 - An Act To Update Teachers' Minimum Salaries

H.P. 989, L.D. 1425 - An Act To Support the Efficient Implementation of Maine's Learning Results

S.P. 606, L.D. 1640 - An Act To Permit Charter Schools in Maine

Health and Human Services

S.P. 142, L.D. 444 - An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program

S.P. 150, L.D. 463 - Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option

H.P. 597, L.D. 846 - An Act To Prevent Discrimination against Persons without Health Insurance

S.P. 325, L.D. 950 - An Act To Allow the Shipment of Cigars into Maine

S.P. 353, L.D. 1036 - An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

S.P. 422, L.D. 1208 - Resolve, Creating a Working Group To Study the High Rate of Suicide in Maine

H.P. 984, L.D. 1420 - An Act To Establish a Maternal and Infant Death Review Panel

H.P. 1096, L.D. 1555 - An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services

S.P. 596, L.D. 1614 - An Act To Sustain and Strengthen Community Health Coalitions

H.P. 1149, L.D. 1631 - Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays

Inland Fisheries and Wildlife

H.P. 231, L.D. 307 - An Act To Improve Recreational Watercraft Safety

H.P. 267, L.D. 354 - An Act To Give Moose Permits to Members of the Wesget-Sipu Organization

H.P. 352, L.D. 477 - An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands

Insurance and Financial Services

S.P. 625, L.D. 1680 - An Act to Improve Dirigo Health

Joint Select Committee on Joint Rules

H.P. 929, L.D. 1346 - An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment

H.P. 495 - Joint Order Requiring the Posting of Roll Call Votes to the Internet

H.P. 951 - Joint Order, Directing Joint Standing Committees To Hear Testimony from Multiple Perspectives during Public Hearings

Judiciary

H.P. 57, L.D. 61 - An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication

H.P. 113, L.D. 162 - An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land

S.P. 271, L.D. 816 - An Act To Prohibit Changing the Flow of Water on Another's Land

S.P. 326, L.D. 986 - An Act To Amend the Maine Revised Uniform Limited Partnership Act

S.P. 362, L.D. 1045 - An Act Regarding Contract Indemnification

S.P. 405, L.D. 1177 - An Act To Limit the Early Release of Persons Convicted of Certain Crimes

S.P. 417, L.D. 1203 - An Act To Amend the Laws Concerning Eminent Domain

H.P. 847, L.D. 1229 - An Act To Strengthen the Enforcement of Divorce Decrees

H.P. 885, L.D. 1288 - An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System

H.P. 893, L.D. 1296 - An Act To Provide for Victims of Trafficking

H.P. 894, L.D. 1297 - An Act To Provide Just Compensation for Established Businesses During Eminent Domain Proceedings

H.P. 958, L.D. 1372 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights

H.P. 1020, L.D. 1455 - An Act To Codify Public Records Exceptions

H.P. 1073, L.D. 1526 - An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues

H.P. 1107, L.D. 1569 - An Act To Abolish the Maine Indian Tribal-State Commission

S.P. 591, L.D. 1609 - An Act To Establish the Uniform Partnership Act

H.P. 1162, L.D. 1646 - An Act Regarding Buildings on Leased Lots

H.P. 1187, L.D. 1679 - An Act To Amend Procedures Used in Criminal Proceedings in Which the Victim Is Mentally Disabled

S.P. 627, L.D. 1682 - An Act To Support Sibling Rights in Child Welfare Custody Matters

Labor

H.P. 174, L.D. 235 - An Act To Increase the Minimum Wage

H.P. 315, L.D. 430 - An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law

S.P. 246, L.D. 748 - An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service

H.P. 706, L.D. 1021 - An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

S.P. 367, L.D. 1050 - An Act To Promote Enforcement of Labor Laws Affecting Employers

H.P. 873, L.D. 1276 - An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set

S.P. 585, L.D. 1604 - An Act To Restructure the Unfunded Liability of the Maine State Retirement System

H.P. 1146, L.D. 1628 - An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

S.P. 613, L.D. 1654 - An Act To Prevent the Loss of Jobs through Outsourcing

Legal and Veterans Affairs

H.P. 173, L.D. 234 - An Act To Establish a Transparent Pricing Formula for Distilled Spirits

H.P. 371, L.D. 496 - An Act To Extend Term Limits

H.P. 415, L.D. 560 - An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes

H.P. 765, L.D. 1112 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years

S.P. 570, L.D. 1596 - An Act Limiting Clean Election Candidates' Campaign Soliciting

S.P. 604, L.D. 1627 - An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales

Natural Resources

S.P. 47, L.D. 141 - An Act To Ensure Proper Disposal of Debris and Protection of the Environment

H.P. 394, L.D. 518 - An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians

H.P. 468, L.D. 635 - An Act To Amend the Maine Sanitary District Enabling Act

S.P. 375, L.D. 1058 - An Act To Regulate the Use of Batteries Containing Mercury

S.P. 454, L.D. 1327 - An Act To Prohibit the Use of Mercury Fillings

S.P. 465, L.D. 1338 - An Act To Limit Human Exposure to Mercury

H.P. 1080, L.D. 1535 - An Act Making Improvements to the Laws Regarding Local Land Use Ordinances

S.P. 560, L.D. 1578 - An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities

H.P. 1128, L.D. 1592 - An Act Regarding Disposal of Dredged Materials

H.P. 1178, L.D. 1669 - Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State

State and Local Government

H.P. 464, L.D. 631 - An Act To Establish a Maine Law Sunset Review Committee

S.P. 265, L.D. 798 - An Act To Establish a Sunset on New State Agencies and Programs

S.P. 297, L.D. 889 - An Act To Create the County Government Capital Improvements Revolving Loan Fund

H.P. 644, L.D. 925 - An Act To Fairly Apportion the Cost of Sheriff Patrol Services

S.P. 343, L.D. 1003 - An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee

S.P. 389, L.D. 1127 - Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance

H.P. 848, L.D. 1230 - An Act To Facilitate and Promote Regional Cooperation

H.P. 978, L.D. 1414 - An Act To Authorize Municipalities To Create Municipal Fire Districts

S.P. 507, L.D. 1481 - An Act To Amend the Laws Governing the Enactment Procedures for Ordinances

Taxation

H.P. 7, L.D. 2 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land

H.P. 359, L.D. 484 - An Act To Enact the Tax Fairness Act

H.P. 755, L.D. 1102 - An Act To Connect the BETR Program with Job Retention

S.P. 438, L.D. 1258 - An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories

S.P. 455, L.D. 1328 - An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access

H.P. 926, L.D. 1343 - An Act To Simplify Rent and Property Tax Relief

S.P. 489, L.D. 1400 - An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code

S.P. 541, L.D. 1557 - An Act To Improve the Business Equipment Tax Reimbursement Program

H.P. 1123, L.D. 1587 - An Act To Modernize Maine's Tax Code

H.P. 1130, L.D. 1594 - An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans

H.P. 1131, L.D. 1595 - An Act To Rebalance Maine's Tax Code

S.P. 586, L.D. 1605 - An Act To Reform the Income Tax for Middle-income and Lower-income Families

H.P. 1134, L.D. 1607 - An Act To Provide Incentives for Maine Film Production

H.P. 1171, L.D. 1660 - An Act To Reduce Income Taxes and Encourage Economic Growth in Maine

Transportation

H.P. 104, L.D. 128 - An Act To Create a License Plate for the Elks Organization

H.P. 304, L.D. 419 - An Act To Create a License Plate for the National Rifle Association

H.P. 322, L.D. 437 - An Act To Create an Agriculture Recognition License Plate

H.P. 367, L.D. 492 - An Act To Create a Special Higher Education License Plate

H.P. 376, L.D. 501 - An Act To Amend the Operator's License and Nondriver Identification Card Requirements for Nonimmigrants

H.P. 386, L.D. 510 - An Act Concerning Dismantling of Railroad Track

H.P. 802, L.D. 1159 - An Act To Promote Transportation Investments within Downtowns and Urban Compacts

S.P. 485, L.D. 1396 - An Act To Create a Specialty License Plate for Members of the Maine National Guard

H.P. 994, L.D. 1430 - An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas

H.P. 1027, L.D. 1464 - An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

Utilities and Energy

H.P. 156, L.D. 205 - An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission

H.P. 158, L.D. 207 - An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities

S.P. 131, L.D. 407 - An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety

H.P. 470, L.D. 637 - An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding

S.P. 382, L.D. 1065 - An Act To Promote Economic Development and Sustainable Energy

H.P. 930, L.D. 1347 - Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing

S.P. 475, L.D. 1377 - An Act Regarding Municipally Owned Street Lighting

H.P. 1004, L.D. 1440 - An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas

S.P. 622, L.D. 1675 - An Act To Make a Standard Alternative Form of Regulation Available to Rural Telephone Companies

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **TAXATION** and the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Stabilize and Strengthen the MaineCare Program" (EMERGENCY) H.P. 1012 L.D. 1448

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Senator **PERRY** of Penobscot 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 **COWGER** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **GAGNON** of Kennebec 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.

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

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

ENACTORS

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

Resolve

Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

S.P. 590 L.D. 1608
(H "A" H-712; H "B" H-718
to C "A" S-316)

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:

Senate at Ease.

Resolve

Senate called to order by the President.

Resolve, To Reestablish the Health Care System and Health Security Board

H.P. 35 L.D. 32
(S "A" S-380; S "C" S-405
to C "A" H-513)

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

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

GOVERNOR BALDACCI: Very nice job. I should have brought Murphy with me. She's actually been waiting for this morning.

First of all, Madame President, I just want you to know how much I have enjoyed working with you. It has been a session where I have really enjoyed working with you and your team; Senator Brennan, the Majority Leader, and Assistant Majority Leader Senator Ken Gagnon. You have shown the leadership that the citizens of Maine have wanted and your accomplishments are many. We appreciate working with Minority Leader, Senator Paul Davis, and Assistant Minority Leader, Senator Carol Weston, and working together this session to accomplish many good things for the citizens of Maine. You can be very proud of what you have accomplished with your leadership, hard work, and dedication. The citizens owe you a debt of gratitude. As you return to your families, friends, and work and leave for a time your colleagues here in Augusta, please know that from your actions, deliberations, and tough decisions Maine will be a better place, a place where we protect our working families, our communities, and small businesses.

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

We are continuing to put Maine's fiscal house in order. In the budgets we've passed this year we have remained within the new state spending cap. The rate of growth for the new biennial budgets is 3%, well under the rate of personal income growth and less than any other administration and legislature for the last 30 years. Collectively, the budgets we've passed this year have cut state spending by more than \$600 million. In going forward, we have reduced the structural gap by almost 50%. We have funded historic settlements on hospitals, going back as far as 1993, representing over \$108 million to Maine hospitals. Most importantly, we have repealed the \$450 million in borrowing and citizens throughout the State of Maine greatly appreciate your hard work and dedication.

ORDERS

On motion by Senator **BRENNAN** of Cumberland, the following Senate Order:

S.O. 21

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

We've also passed L.D. 1, a landmark historic legislation providing property tax relief for Maine families, including a historic increase in funding for local education. We've enhanced our economic plan by creating a bio-medical research triangle, investing in research and development for new jobs in the 21st century, and in strengthening the Pine Tree Zones, yielding almost 3,000 new jobs. We've provided renewable energy incentives for solar energy and cleaner burning vehicles and we've passed legislation to insure civil rights for all Maine people. Maine is a place of technology, talent, and tolerance. Collectively, we did many other things on behalf of the public from the working waterfront to drug disclosure laws.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BRENNAN** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BRENNAN** reported that he had delivered the message with which he was charged.

On behalf of the people of Maine, I say thank you once again. I wish you well and a job well done. Have an enjoyable summer and enjoyable times with your families and friends. It is well deserved. Good job and good night. Congratulations.

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

S.O. 22

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

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

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

On motion by Senator **CLUKEY** of Aroostook, the Honorable **BETH G. EDMONDS**, President of the Senate, declared the First Special Session of the 122nd Legislature, **ADJOURNED SINE DIE** at 3:10 in the morning.