

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
April 25, 2000

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Senator Marge Kilkelly of Lincoln County.

SENATOR KILKELLY: Let us join in the spirit of prayer. God, Holy Spirit, Ever Present One. Known by each and every one in our own way. Expressed by every being by our own breath. Shown to us by the song of a bird, the laugh of a child, the smile of a friend, the warmth of the sun, the comfort of Your love, especially in times of need. You are with us this day and only You can open our eyes, ears, heart, soul, and spirit to Your presence. These times are a challenge to us as we face the work that You have prepared for us. Help us to remember that we are all here because we care about this state, and while we may take a variety of paths to get from here to there, we're all reaching into our hearts, souls, and minds to discern Your will. Grant us courage in times of fear. Patience in times of stress. Energy in times of weariness. Joy in times of sorrow. Clarity in times of confusion, and faith at all times. Hold our families and loved ones in the palm of Your hand; those with us and those who are with you. Make us grateful and ever respectful of the staff who supports our work in this place. Most of all bring us faith. All this we ask in Your name. Amen

Reading of the Journal of Monday, April 24, 2000.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Limit Mandatory Overtime"

H.P. 729 L.D. 1019
(S "A" S-630 to C "A" H-893)

In Senate, April 8, 2000, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1950, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY HOUSE AMENDMENT "A" (H-1145)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/24/00) Assigned matter:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 1790 L.D. 2510

Tabled - April 24, 2000, by Senator **RAND** of Cumberland.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1140)**, in concurrence

(In House, April 24, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)**.)

(In Senate, April 24, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)** Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE.** Committee Amendment "A" (H-1140) **READ.** On motion by Senator **MILLS** of Somerset, Senate Amendment "I" (S-731) to Committee Amendment "A" (H-1140) **READ.** On motion by Senator **RUHLIN** of Penobscot, Senate Amendment "I" (S-731) to Committee Amendment "A" (H-1140) **INDEFINITELY POSTPONED.**)

The Chair ordered a Division.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

On further motion by same Senator, Senate Amendment "G" (S-729) to Committee Amendment "A" (H-1140) **READ.**

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Senate Amendment G is, in fact, the minority report on the supplemental budget. I wanted to just highlight this morning some of the major pieces, or major components, of the minority budget. First of all, and I think very importantly, the minority report puts a very strong emphasis on education. Of first importance in priority is General Purpose Aid to education. The majority budget appropriates \$18.5 million for General Purpose Aid to education. The minority report appropriates \$28 million to General Purpose Aid to education. We feel that General Purpose Aid to education must be the top priority in a time of surplus funds. Because of the additional monies being made available for General Purpose Aid to education, the GPA cushion does not need to be as high as it is in the majority report. Our report also puts an additional \$3 million into school renovations for a total amount of \$30 million.

I think very importantly, the minority report recognizes the importance of our retired teachers and their need for more state assistance with their health insurance coverage. So we are increasing, from 30% to 35%, the state's share of participation in the health insurance costs for our state teachers who have retired. We realize that the state employees have 100% benefits and slowly, as our economy has improved, we have been trying to bring our state retired teachers closer to parity with our state employees. Our budget recognizes at least this 5% increase at this time of plenty of extra monies available in our state. So investing in education is of primary importance in the minority budget.

There are several similarities between the minority and the majority budget. I think most of the social service issues have been addressed very well in both budgets. The major difference is that our budget does not require any borrowing in order to balance the budget and we do not set aside funds for an endowment fund, a technology fund, or a laptop fund. We do, however, use \$8 million that is available now for technology. We do believe that by investing more money in General Purpose Aid to education that local school districts will be able to make up their own plans, to implement their own technology plans, in a way that makes sense for their local school district rather than a one-size-fits-all plan from the state. Investing in General Purpose Aid to

education allows for each local school district to do what's best for their own district with technology and with other needs.

Another major difference between the minority budget and the majority budget is the structural gap. The structural gap in the minority budget is between \$200 and \$210 million. That's still a very large structural gap. We wish that we didn't have any. However, it is about as far as we were willing to go and still feel that we were presenting a fiscally responsible budget. The structural gap in the majority budget is at least \$50 million greater than our structural gap.

I think as you look through the two reports you will find a lot of commonality and I give credit to the Appropriations Committee who worked so hard, who listened to the needs of different groups as they came before that committee and who made their case for why they were deserving of more funds. I think that most of these issues were taken care of in our biennial budget. As we look at being fortunate enough to have a \$345 million surplus, I hope that we will target what we feel are the priorities in the state. I think there's one thing that both of our parties agree to, and most people in the state agree to, and that is that education should be the number one priority in our state. That's why I urge you to consider carefully the two proposals that are before you. I would urge your acceptance of this amendment, which is, in fact, the minority report and replaced the majority committee report. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I know we're all anxious to take a vote, so I will speak only briefly. But I want to remind my colleagues of one thing, this is a minority report. I want to thank everybody who has worked hard for the last couple of weeks on crafting a budget, maybe it's been 3 weeks, 4 weeks, I don't know. Many of us and all of you have spent long hours with your committees, sitting by as part of this process, and negotiating in rooms to figure out what would be a consensus budget. The reason I cannot support this particular amendment, or the minority report, is because it does not reflect the compromise that we all came to in putting together this budget. If, in fact, you think about the fact that it takes about 5 different players, 2 caucuses in the other body, 2 caucuses in this body, and the Executive Branch to come to a compromise on a budget, we all need to find a position that we all agree on. This particular report did not succeed as a compromise because all 5 of those particular players did not agree. That is part of this process that we go through and I stand by the process that we've gone through and appreciate all the hard work that people did. Any one of us could stand up and write a minority budget. I would be happy to do that today and there are, of course, many things in this budget that I'm sorry we were unable to include in a compromise that included all of us. I would love to be delivering this morning what my perfect budget would look like, what my caucus of 1, what my caucus of 20 might have liked to see as their perfect budget. But that is not, in fact, how things work in this process. We all give a little, we all take a little, and we find something that works for all of us. I am proud of the fact that we came to that agreement in the majority report and hope that we will all be able to pass that today. So I urge your opposition to this particular minority report and hope that you will vote that way today.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I'm voting against anybody who will not vote for this amendment for 2 or 3 very fundamental reasons. I think it's possible, first of all, to reach compromise if you compromise the future of the State of Maine. That's what this budget has done. If you borrow money and run up a \$268 million structural gap, you can reach a compromise because everybody who has signed onto the compromise has been bought off with some sort of spending that suits his or her own idiosyncrasy. In the meantime, we've left it to the 120th Legislature and the 121st Legislature to solve all of the problems that may well be created by this budget. If the federal judge breaks Microsoft up into pieces and the NASDAQ drops to 50% of its present value, then stand by because the summer visitors won't be here. When they fail to come, we will fail to have the gas tax revenue, the sales tax revenue, and the income taxes that will be necessary to sustain a completely irresponsible package of spending for the future. That's why I will vote for the minority budget and not for the majority budget. Thank you.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Sagadahoc, Senator **SMALL** and further excused the same Senator from today's Roll Call votes.

ROLL CALL (#405)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

NAYS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "G" (S-729) to Committee Amendment "A" (H-1140), **FAILED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Mr. President. If there's one resounding theme that has reverberated in this chamber, and among the members' comments outside of this chamber, I believe, is a general opposition to the notion of taking a large sum of money, in this case of the majority report. It puts forward about \$30 million in direct appropriation for the purpose of buying laptops for 7th graders. We've heard that this budget doesn't include laptops for 7th graders. If it doesn't include laptops for 7th graders then what is the \$30 million direct appropriation all about? The truth is we don't know. Coincident with the uncertainty, or outright opposition to that spending, I've heard from both sides of the aisle a great deal of talk about the need to do more for school renovations. Therefore, I put forward Senate Amendment "J", which does a very simple thing and that is it de-appropriates the \$30 million from the Maine Learning Technology Endowment, the laptop fund if you will. It de-appropriates that \$30 million and re-appropriates it to what I've heard is a higher priority from members in this body and that is fixing our schools and providing more money for General Purpose Aid. Indeed, what this amendment would do is to increase General Purpose Aid in this budget for next year by \$9 ½ million, up to that \$28 million level, which a lot of superintendents around the state and a lot of schools, a lot of teachers were hoping for and expecting out of this surplus. Indeed, just this morning I spoke with the superintendent of my local school in SAD 17. He was much chagrined that he was going to have to rewrite his budget now because every message he was getting out of Augusta and the State House was that \$28 million would be the figure. Lo and behold, the budget puts forward \$18 ½ million.

First and foremost it takes that money and puts \$9 ½ million to ramp up General Purpose Aid to \$28 million. Secondly, it takes the balance of that money, the other \$22 million and change, and puts it toward school renovation. The third thing it does is that it corrects the mistake, in my view a mistake, of taking \$20 million out of expected lapsed balances and putting it into this technology fund and redirects that money to where it should go, which is to the unfunded liability in the retirement system.

Therefore, I put forward Senate Amendment "J" believing, in fact knowing, that Senate Amendment "J", if all of us in the Senate here could put forward a budget, I think we would go for this priority GPA and school renovations above this uncertain, ill-conceived, ill-defined laptop proposal or technology proposal, whatever it is you wish to call it. I'm hopeful that we can improve this budget by putting forward and adopting Senate Amendment "J". Therefore, Mr. President, I ask for your support and I ask for the yeas and nays. Thank you.

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

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

Senator **RUHLIN**: Thank you Mr. President. Ladies and gentlemen of the Maine Senate, first of all let me say it's wonderful to see that sun out this morning after the week of rain and whatever it was. While we're looking at that, perhaps we should think about a brave new vision for the century that's coming along toward us. Sometimes I think we have a tendency to take new ideas and disparage them just because they are new. We are coming into an age of advancing technology where technology itself is growing almost faster than our ability to keep track of it. Without investing in technology, we will be left behind. If you stand still in today's global economy and today's global technology you'll fall behind. What this is, this is a brave vision. I say that purposely. To prepare Maine for the 21st century and does it in such a way that I'm surprised at those people who pride themselves on fiscal prudence overlook.

We have two types of money. We have one-time money that comes into this state that will not be there perhaps in the future. If you take that particular one-time money and convert it through an endowment fund into reusable money to reach out into the future, to give that technology training, to plan for that new century; then you've taken that one-time money and converted it into the ongoing money which is so valuable here. That's the secret and that's a great point that I haven't heard mentioned enough about this majority budget. This particular amendment proposes to undo what I feel is a touch of genius in that majority budget. Taking one-time money, planning it for Maine's technological future, and thereby, converting it into ongoing money. That is a brilliant plan. That is what this amendment would undo. I therefore ask that you join me in voting to indefinitely postpone this amendment, and Mr. President, I ask for a roll call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140).

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#406)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140), **PREVAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT**: Thank you Mr. President. In the spirit of debating the pending motion, I would just like to state for the record that on that last vote I attempted to hit my "Request to Speak" button. I did several times but the technology failed. If that's not a good metaphor for the last vote, I don't know what is. I want to say this, and I was going to say it in conjunction with the last vote to indefinitely postpone Senate Amendment "J", but I'll say it about the committee report and that is this, the budgets are about priorities. That's all it is. A budget is a statement of priorities. If we believe that General Purpose Aid and funding that at the expected level of \$28 million in addition next year is a lesser priority than starting some ill-conceived and ill-defined vision, if you will, for a dream, a fantasy for the future, then we can vote for the pending motion. Unimproved as it is by the chance to have Senate Amendment "J" attached to it.

The other point I'd like to just simply address is this question of one-time money versus ongoing money. We hear a lot about that. The other important thing to remember in that context are two things. One is that budgets are comprised of one-time expenditures. In fact, every expenditure is at its essence a one-time event. The second thing to recall is that we are notoriously bad about projecting anywhere near accurate figures for spending and revenues over any period in the future. Indeed, the reason that we're dealing with the \$345 million surplus today is because just 10 months ago we couldn't foresee it. A third of a billion dollars additional coming into the state. Ten months ago we didn't see it. That is a clear indication that our ability to see into the future with any accuracy is just not there. So I encourage you to oppose the pending motion because it is even marginally, on the margin, is not improved by some of the amendments that have been put forward. I encourage you to, again, take a look at the options before us and with sincerity, I ask you to please not lose the moment. We have an opportunity here. We have an opportunity to redirect this budget, to redirect the fiscal future of this state. Don't let that moment pass. Thank you.

On motion by Senator **LIBBY** of York, Senate Amendment "K" (S-733) to Committee Amendment "A" (H-1140) **READ**.

THE PRESIDENT: The Chair recognizes the Senator York, Senator Libby.

Senator **LIBBY**: Thank you Mr. President. Women and men of the Senate, I apologize for lateness of presentation of this amendment. I was a little bit confused by the fact that we had lost our ability to press the "Request to Speak" button and also wasn't sure quite what motion we were on. Fortunately I am just in time to present Senate Amendment "K", which simply takes \$10,000 from unappropriated surplus and uses it to post all of our votes right after they're made onto the internet. I don't know why but this proposal has been around an awful long time. I'm wondering, since all other arms of state government are busy posting things on the internet just as fast as they can do it, why is it that we're

dragging our feet. I want to make sure that I had the opportunity to present that idea to the body and ask for a roll call when doing so. Thank you.

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

Off Record Remarks

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#407)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

NAYS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, KILKELLY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator **LIBBY** of York to **ADOPT** Senate Amendment "K" (S-733) to Committee Amendment "A" (H-1140), **FAILED**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Senate Amendment "F" is a very simple amendment. It tries to do one thing that is of great concern to many of us here in the chamber here today. That is to eliminate the borrowing that is associated with this budget through the Government Facilities Authority. It does that by de-appropriating \$30 million from the technology-laptop fund and it appropriates funds to build the psychiatric facility in Augusta. By not using the extra constitutional bonding ability of the Government Facilities Authority, which would cost \$33 million for this facility, and putting it up front in the budget, we are able to fund this facility for \$29,627,000. That's what this amendment proposes to do. By eliminating the \$30 million for the technology endowment, that

then frees up an additional \$330,420 for other uses. We would propose in this amendment that most of that money go into the unfunded liability to help reduce that liability for the Maine State Retirement System. We also propose that \$50,000 of it be appropriated for survivors of law enforcement officers who are killed in the line of duty. This is a Bill that was proposed before the Criminal Justice Committee. Unanimously supported by all of its members, and in fact, the only disagreement that that committee had was the amount of the benefit, most people wanting to make that benefit at least double the \$50,000 that the Bill had proposed. I feel strongly that this budget should reflect some benefit for those law enforcement officers' survivors who are killed in the line of duty because many of them end up losing their homes or their apartments because there is no benefit given to them immediately upon the loss of that breadwinner in that family.

This amendment is very simple. It removes having to borrow from the Government Facilities Authority to build the new hospital at AMHI. It gets that money by eliminating the laptop technology fund. It does provide more money for the unfunded liability as well as a one-time death benefit for survivors of law enforcement officers killed in the line of duty. Mr. President, when the vote is taken on this amendment, I request the yeas and nays.

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

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, let's get something perfectly straight this morning. Make no misunderstanding. Let's put it in the record. Let's go the people of the State of Maine so that everybody can understand the same thing. There are no laptops in this budget. Period, end of statement, true fact, just straightforward, no diversion from that truth. There is in here, however, a program for technology that says that we will be able to compete in the future. We are determined to compete in the future, and to do so we need the technology. The 120th Legislature will come back and make those determinations on how best to develop that technology for our future. That's what's in the budget, a technology endowment, which we just discussed a few moments ago, that will better prepare us to have, if you will hopefully a more successful economic future. There are no laptops in this budget, so it's not a question of swapping laptops for a building.

While we're talking about buildings, I would say to you when you are building a 40-year life, hopefully, or a 25-year life building, it's perhaps the wisest thing to do. It has long been recognized by economists, to spread out the investment over a period of time. This is nothing new. This is an age old honored tradition that makes economic sense. If you're going to have anything of major capital expense that lasts for 20 years, generally you fund it for 10 years. If it lasts for 40 years, you fund it for 20 years. The formula may vary. But you should use a bond funding, long-term mechanism. There's nothing wrong with that. It makes economic sense. It's been done. It's highly recommended. It's considered a prudent manner in the way of financing your capital investments. So, what the majority budget does, is it takes a prudent course in financing long-term capital improvements, like AMHI, and funds it properly. It does not contain laptops which I

think myself and many others would be opposed to. But it does very clearly take one-time money and converts it into long-time use for technological advancement for the people of the State of Maine so we can better compete in the future. Therefore, Mr. President, I would move indefinite postponement of this amendment and I would further request a roll call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140).

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

Off Record Remarks

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, we have a saying back home and the saying goes something like this, "If it's a duck, and you call it a goose, its still a duck." I just don't understand why we continue to say, you know, laptops and technology, and so forth. In this budget we have \$30 million. We have \$20 million if we have more surpluses; it's going to be the \$50 million that was originally asked for.

I must tell you, to back up just a bit, when this proposal first came forward I was one of the very few that actually saw some of the merit for technology, or laptops, or whatever we want to call them, a duck, or a goose, or whatever it may be. The reason I was in favor of it, number 1, I think, maybe spending 20 years in education I know it's important; and number 2, I think if we at least spend \$50 million on technology that it would be \$50 million we wouldn't spend someplace else. So I thought, "Let's put it into this." That was the reason I was concerned about it. But as time draws nigh here at the end of the 119th Session, I think back to what we have done as a group in both bodies and where we were a year ago. I can remember that we were looking at over \$300 million surplus last year and we said here we were forced to raise fuel tax 3 cents. I knew how important the projects were for all of us throughout the state and our constituents, and the roads and the bridges and all of the things we needed to do. I can remember last year saying, if we don't give back some significant tax incentives, or tax breaks, or change the tax structure, we will be standing here a year from now saying that we still have \$300 million. I think that is the situation that we're dealing with here today. It's a good position to be in, there's no question about it.

I must say also, I heard earlier the priorities that we all have. Certainly we do. We have needs for our own areas. We probably have prejudice for places where we work and people we meet. We all know that we need to support the elderly, the children, the retired schoolteachers, and working teachers at the tech college, and every thing else. There are a lot of important issues. But my whole problem with this budget is I respect the efforts that the Appropriations Committee has put in and the hours they put in, and I think we've got some excellent proposals in this budget. But I just can't bring myself to borrow \$30 million when we have

another surplus of \$300 million. That's where I'm at. The people at home, I was home over the weekend, and people are saying to me, "What are you folks doing down there. When is enough, enough?" If the majority party, or whoever, could sit down and say, "Okay, we do have to prioritize some of these issues and not borrow \$30 million." You'd have my vote. That's the problem with this thing. I really think that this motion before us, at this second, that we should vote opposed to this and take that \$30 million out of the borrowing. I just can't go back to my people and say, "I just voted to borrow some more money and we still had another \$300 million." Mr. President, if we don't give back some significant tax breaks, we'll be standing here another year with another \$300 million. Thank you.

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

Senator **MILLS:** Mr. President. Men and women of the Senate, when they insist so loudly that it's not about laptops, you can bet your boots, it's about laptops. I am one of those who stood up and said, "I thought it was appropriate to diversify the purpose of the technology trust fund so that we would have at least some option." But the proposal, from the very beginning, has been a proposal to spend part of the surplus. "What can we do with the surplus fund?" was the question and the Governor answered by saying, "Why don't we buy laptops for 7th graders?" The Legislature, in its wisdom, has converted that into a more generalized technology fund. It was always a question of how to distribute surplus funds. It was never a question about, "Should we go into debt? Should we go out and borrow money in order to establish a trust fund to accomplish a certain purpose?" That was never the proposal. Frankly, if you put this out on a poll to my constituents, it would be 95 to 5 against. No one in his right mind, in my county certainly, would say that we should go out and borrow money in order to set up a trust fund for this purpose. It flies in the face of what my constituents certainly have been telling me.

The other thing about borrowing money generally. You know if a business or a corporation finds that it has an opportunity to build a structure to do business in and it can justify it by projecting a generous return on the investment, then in that context, it may make sense to go out and borrow money so that you can pay interest at 6% or 7% and maybe make 10% or 15% on the investment. That sort of talk about borrowing money to make a long-term investment so that you can make money off the investment is appropriate for the private sector, for the corporate sector, and for the business sector. But here? I mean, are we serious in saying that we want to borrow money so that we can go out and make money off whatever it is that AMHI does? It has no application. It's another world. We're not making a profit of the AMHI complex. If we're got extra funds, as we do, \$350 million, and it only takes about 10% of that money or less, about 8% or 9% really, to set aside a fund to build the AMHI building that we may need, then for goodness sakes, we should be taking it out surplus and getting it done, behaving like responsible financial planners. Thank you, Mr. President.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. First, Mr.

President, I'd just like to extend to you and my colleagues here, your kind attention. I, perhaps some might say, "filibustered" a bit last night and I appreciate that the hour was late and that you took the time to listen carefully to my comments. To you and to the Senate, I say thank you.

I will be brief today and ask you to join me in defeating the pending motion to indefinitely postpone this amendment. I say that, Mr. President, because the facts are clear. The Government Facilities Authority has been one of those insatiable appetites that this legislature has been unable to resist when it comes to borrowing money without asking for the citizens of the State of Maine's permission. While I'm sure you'll hear, or you already have heard, that it's really okay to go ahead and borrow this money to build AMHI because the federal government is going to pay two-thirds of the cost. I don't know about you, but my federal taxes come out of the same checkbook as my state taxes. But that aside, regardless of whether we borrow the money, or as my good friend from Somerset, Senator Mills, has so aptly pointed out that if you have the surplus money available to pay for it in cash, you're still going to receive two-thirds reimbursement under the current federal law. So it's not about who's going to pay, the federal government, or the citizens of Maine. We're all going to pay.

The point I'd like to make, Mr. President, is that when this unique financing idea was first introduced, the Government Facilities Authority, it was designed for the judicial projects where they could, indeed, show that revenues were going to come to pay for their bonding. Up until 1998, the total outstanding bonds was \$19.5 million. If the majority budget passes, the citizens of Maine will be \$200 million deeper in debt under the Government Facilities Authority and your constituents and mine have never been asked to approve it. Most especially, Mr. President, we came into this session, as my good friend from Oxford, Senator Bennett, pointed out, with \$345 million of unexpected revenues. Committee Report "A", if adopted, will spend all but \$8 million of that \$345 million. I suspect by the time the Appropriations Table is run, that will all be spent, and hopefully, not more. If that \$8 million that is left unspent so far is spent, the structural gap will grow from \$250 to \$280 million to almost \$290 million. I hear compromise has been, well you've got to put in my program, and if we put in your program, then you've got to put in this program, and well, if you're going to put in that program, then we ought to do this. By the time we packaged it all together, we spent every last penny and borrowed \$30 million more in the greatest economy that we can remember. The citizens of Maine are \$200 million more in debt and they didn't have a right to ask to give us permission to do it. I hope you'll join me in defeating the pending motion to indefinitely postpone this amendment. Thank you, Mr. President.

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, we've worked very hard to get to this point in the legislative process. I really want us to get on with it. However, I have to admit, and that's why I'm on my feet, that every time I hear the word "surplus" I get a spike in my blood pressure. I was delighted to hear that we've finally fixed all of the roads in Washington County, where people are no longer at risk for their life, health, and their property damage. I can assure you that there is an unpaid bill, and I don't see it in this budget at all. So

obviously, this bill that has not been paid, we must not have had enough money in the budget to get to it. I had a very close relative who had a major medical emergency visiting in the valley this weekend. They had to totally sedate her to get her out of the county for the specialized care she needs because she would have not survived an ambulance trip on our roads. It's pretty, pretty bad. When I was heading for Fort Kent for this medical emergency, it was snowing, it was dark, the roads are so deteriorated, and it was snowing - water so we were totally hydroplaning. You couldn't even see the markings the roads are so bad. You couldn't see the white lines. You couldn't see the yellow lines. They're worn out. So, don't speak about surpluses until you fix roads that are causing accidents. We had a schoolteacher who rammed into a school bus last week. The ditch she hit in the middle of the road was so huge that her car was thrown into a school bus with children on it. So, let's be a little bit careful when we throw words around, when we have all these unfulfilled needs that are still not being met in this county and in this state.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Ruhlin to Indefinitely Postpone Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#408)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, KILKELLY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140), **PREVAILED.**

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#409)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, Committee Amendment "A" (H-1140) **ADOPTED**, in concurrence.

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

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#410)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)**, in concurrence.

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

Off Record Remarks

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

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

SENATE PAPERS

Bill "An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY) S.P. 1089 L.D. 2693

Sponsored by Senator HARRIMAN of Cumberland. Cosponsored by Representative RICHARDSON of Brunswick and Senators: AMERO of Cumberland, KONTOS of Cumberland, LONGLEY of Waldo, Representatives: DAVIDSON of Brunswick, MURPHY of Kennebunk, O'NEAL of Limestone, SAXL of Portland, SCHNEIDER of Durham. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Limit Mandatory Overtime" H.P. 729 L.D. 1019 (S "A" S-630 to C "A" H-893)

Tabled - April 25, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 2000, **PASSED TO BE ENACTED**, in concurrence.)

(April 14, 2000, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1950, in concurrence.)

(In House, April 24, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY HOUSE AMENDMENT "A" (H-1145)** thereto, in **NON-CONCURRENCE**.)

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

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

Senator **DOUGLASS:** I just wanted to alert members of the Senate, Mr. President, that there is an additional exemption to the Mandatory Overtime Bill that was of some concern to the Governor. I do hope that you will agree that it is one that is worthy of adding to our Bill that was passed and sent down to his desk for signature and has since been brought back here. That additional exemption is for shutdowns of operations for annual maintenance.

Senator **MILLS** of Somerset requested a Division.

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

Senator **MILLS:** Mr. President, I ask for a Division and would like to say just briefly if I may. The reason that I first had doubts about the Bill and then became opposed to it is the Bill puts us in the very awkward position of actually writing the terms of a collective bargaining contract to be passed into law. The few people who came forward to complain about having to submit to mandatory overtime were all members of organized bargaining units. They had shop stewards and labor organizations to speak for them. It struck me that this was an ideal topic to be addressed in a collective bargaining contract. That's the place where this sort of issue should be ferreted out. It wasn't really a public policy issue. It was an issue for these very well represented private sector entities, management on the one hand, labor on the other, to hammer it out and put some language into a collective bargaining contract that would deal with this problem rather than to bring it down to the legislature and involve us in the nitty-gritty process of trying to develop a generic law that would spell out when somebody can work, for how long, and under what circumstances. The awkwardness of this situation has been intensified now by the fact that the Bill, which was originally written to suit the interests of the labor community, is now being rewritten to suit the interests of certain portions of the management community. The paper companies have come down and said, "Well, what if we have a shutdown of a certain kind?" The utilities, of course, have weighed in on this Bill. So we've created a little, not so little, but exceptions that have frankly eroded a large portion of this law but exceptions that have been responsive to complaints, criticisms, and reservations expressed by the management side. So we find ourselves in the process of tossing this Bill back and forth from chamber to chamber, to the Governor's desk and back again, and all around the building. We are engaged in the process, in a very cumbersome way, the process of collective bargaining for people who have every capacity to speak for themselves across the table from each other and to work this out in a private sector setting. For that reason, I ask that we vote against the pending motion and against the Bill. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 18 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/24/00) Assigned matter:

An Act to Amend Certain Transportation Laws
S.P. 918 L.D. 2370
(C "A" S-532)

Tabled - April 24, 2000, by Senator **BENNETT** of Oxford.

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532).**)

(In House, March 23, 2000, **PASSED TO BE ENACTED.**)

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

Senator **GOLDTHWAIT:** Thank you Mr. President. I wasn't sure if we were lighting up or not at the moment. We're not. However, ladies and gentlemen of the Senate, I do want to first apologize to the Senator from Cumberland, Senator O'Gara, who chairs the Transportation Committee, for raising this issue so late in the game. Unfortunately, by the time a constituent of mine called it to my attention, the Bill had already been passed in both bodies. The provision to which I object in this Bill is one that provides for an increase in the cab length of a tractor trailer which does provide for an overall increase in the length of those vehicles of 4 feet. Although that might not seem like too big a deal, there are several reasons why it concerned me. One of which is particular to my own town, but, presumably to some others, where we have serious traffic congestion in the summer already. These trucks attempting to get into the downtown of a heavily tourist community is tricky, even without extending the length of vehicles and making that an even more complicated situation. But, the other and more pressing concern is has to do with the number of constituent calls that I get where people have, what they describe as, near death experiences with very large vehicles. I don't think these vehicles

mix well on most of the roads in the State of Maine. They may be okay on I-95, although, the speeds at which they travel, that can be a pretty intimidating situation as well. But certainly, as soon as you get off our one main highway and onto the other roads, it's quite difficult to contend with trucks that are already of legal size, never mind increasing them to a greater size. I did talk at length with the police chief in my town and although he concurs with my sense that we have problems with the existing size of trucks, he also agrees that to exacerbate that problem by passing this particular provision would only make matters that much worse. Because of this particular increase in length provision, I would urge you to oppose the pending motion for enactment. Thank you.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I just want to briefly run some of the thoughts that came before the committee earlier on this particular Bill. As you know during the last few years, especially in the State of Maine, and indeed throughout the country, we've seen a lot of regulations and laws come forward because of the concerns of people for "tired truckers." We've seen a lot of folks killed and injured because the drivers, maybe, were extending their hours so long and so on and so forth. What this particular bill addressed was; today the manufacturers making the extended cabs so these folks can sleep. We tell them, "You've got to have rest, you can't be on the road," they're buying cabs so they can do that now. We're saying, "No, we don't want you to have these on the highway." The intent of this law is to allow 4 feet in length on the 48 and 65 foot trucks. The reason we're doing this is so that they can be legal in the State of Maine. As you know, we depend a great deal on freight coming into our area.

I was going to think, perhaps, maybe the good Senator from Hancock, Senator Goldthwait, might consider some communities do have ordinances and don't allow vehicles in downtown areas during certain times during the day, whatever. I don't know whether her communities might want to think about that or not. Obviously, some of her problems are directly related to the tourism business. I think that if we were to stop these kinds of trucks, maybe we couldn't get some of those rubber lobsters and pink flamingos and all those things that we need to ship to Bar Harbor during the summer. I would encourage you to support this Bill and I think it's going to help the entire industry. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you Mr. President and ladies and gentlemen of the Senate. Following up on the good Senator from Washington, first of all I think that it's important to understand that, and to emphasize again, we are not increasing the length of the freight carrier, road damaging part of the vehicle. I do know that they do damage roads some and that's a concern to a lot of people. We are not increasing the size of that truck; we are increasing, as the Senator from Washington has pointed out, the length of the cab to try to accommodate this series of laws that have been passed around the country and in our own state being concerned with "tired truckers" and getting them a comfortable place to sleep when they're off the road.

I'm concerned about trucks as well. We all drive here, as we do every day, to Augusta and especially in the winter time, during snow storms. We all say probably nice things to the truckers as they go by us and give us that great big whiteout from time to time. But that's the way it is in a state that depends on something like 93%, 94%, 95% on trucks to bring all of our goods into this state. The situation described by the Senator from Hancock is a very real situation, as any of you who have driven on Route 3, right into the middle of downtown Bar Harbor know. You know that once you come to the very end of that road and you want to turn left toward the waterfront or to the right on toward the park, there's little room to move any kind of a vehicle. As a matter of fact, I submit to you that the trucks that are causing the problem in Bar Harbor, and perhaps, in some of the other towns aren't these great big trucks that we are defining as "great big trucks." They are any size truck, whether it's a 3 axle or a 4 axle truck. Never mind the great big axle trucks that have no cab at all, no sleeping quarters at all in the cab.

Again, I want to emphasize that. We're talking about length in the cab not the truck itself. Nine out of the ten northeastern states, that we consider ourselves a part of... Those of you involved in the Counsel of State Governments know you have that northeast region. Nine out of those 10 states allow these trucks with this size cab now. This obviously means to you who are thinking about this at this very moment, that here we have a situation where in 9 of those states that bring goods into our state and out of our state and throughout our state can drive those trucks legally now. We are saying, and in fact, the reason this amendment was put in that several legislators, including myself, have companies whose drivers have been stopped because, in fact, right at this moment it is against the law. They are illegal. So the amendment was put in to face up to a situation, face up to a problem and, in fact, at the same time, make these trucks legal.

None of us in this chamber, or in the legislature as a whole, think it's a very good idea to pass a law for, whether we are local officials or state officials or whatever, to pass a law that affects just a few situations. The Senator from Washington mentioned that there are ways. The DOT is very, very cooperative in this regard. For instance, in my home city of Westbrook and in my district at home, Westbrook, Gorham, and Standish, Route 25, a state road, travels right through there. But in Westbrook we have a road that runs parallel to Main Street or Route 25, called Larrabee Road. We are fortunate that the trucks don't have to go through downtown Westbrook. But they do go through Gorham and Standish. Towns have a way of passing local ordinances that, with the cooperation of the DOT, the trucks can go around their district. In Bar Harbor, unfortunately, there is no such situation. It does not exist. I don't want to take any more time. Mr. President, I urge the Senate to vote for the enactment of this Bill. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a few additional comments. First of all, an ordinance to keep those trucks off the roads in the downtown in Bar Harbor would virtually make it impossible to deliver any goods to any businesses. I don't think we'd accomplish much by that. One of my concerns about this issue is that it was not in the original Bill. It was added through the committee process. This meant that if anyone did inquire about

the Bill when they read about a public hearing, it didn't have a title that in any way indicated anything that's in the Bill actually. If anyone obtained a copy of the Bill prior to the public hearing on it there was certainly nothing like a provision to increase the length of trucks in that. Whether the length be added to the cab or added to the truck, it makes for a longer truck and that is the issue for me. It seems that we have discussed some Bills in this chamber this session in which we have said that it's terrific for Maine to be the first on some issues. Now, in this case, where Maine has the opportunity to perhaps think about what this size vehicle is doing in small communities, which we have spend quite a lot of time talking about various ways to support, suddenly it's a bad thing that we're going to be making the statement that for a number of reasons, we won't have vehicles of this size on our local roads. I want to emphasize the fact that I certainly do not see this as a matter of addressing solely the situation in the downtown of one community. The real concern for me is the enormous size of the vehicles on our roads, and what happens when I'm driving from Augusta to Belfast and see those vehicles, and the calls that I get from people who have been passed or intimidated by very large vehicles moving at a very high rate of speed. I think that at some point we need to be rethinking whether this is a way that we should be supporting getting goods places, and I don't mean trucking in general. We have made a lot of accommodations in my community to adapt to the traffic that comes into our town, including delivery traffic. We understand that that's a responsibility of ours but we are simply baffled by our inability to do so. We do not have enough physical room to accommodate these vehicles and yet they make their way into our downtown and bring everything to a halt for the better part of a day until we can find the owners of all the parked cars, get the cars moved, so we can get the truck on through the congested point. But, as I say, the real issue for me is not a one community issue, it is the impact these vehicles are having everywhere in our state and I hope you will join me in voting against the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate, it is true that originally this particular section was not in the original Bill, but, because there was concern on the part of the Department of Transportation, Alan Stearns, an official with the Department of Transportation, saw to it that many of the groups, if not all of the groups, that might be concerned about it and including reporters who wrote articles were notified in plenty of time for the people to testify. They included Parents Against Tired Truckers, the Maine Municipal Association, the Maine Motor Transport Association, the Secretary of State, the State Police, a couple of trucking companies, the Mayor of Augusta, one of our own senators from Androscoggin, Senator Nutting, a couple of Representatives from the other body, and the Governor's Officer were all contacted in advance of the final thing. But the most important thing I want to stress because the good Senator from Hancock has implied it again. That is that the truck itself is no different than the trucks that are driving everywhere in this state right now legally. The only difference is the additional 4 feet, in some cases not even 4 feet, that's allowed off the cab. They're being designed that way. They're being deliberately designed that way because, of course, the problem with tired truckers is not a state issue, and it's a

nation-wide issue. So the builders of these cabs are building them to accommodate comfortable and adequate sleeping quarters for these truck drivers. Please ladies and gentlemen of the Senate, while you may or may not have a reason to vote against the enactment, please don't be voting against it because you think we are increasing the size of the trucks that are driving on our roads. We are not; it is the cab that's being extended. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#411)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: DOUGLASS, GOLDTHWAIT, LIBBY, MILLS

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

22 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/24/00) Assigned matter:

Emergency Measure

An Act to Provide Recognition for Korean Conflict Veterans on Special Veterans Registration Plates

H.P. 1652 L.D. 2321
(C "A" H-845)

Tabled - April 24, 2000, by Senator **PINGREE** of Knox.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-845)**, in concurrence.)

(In House, March 21, 2000, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Measure

An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits
S.P. 625 L.D. 1790
(S "A" S-715 to C "A" S-684)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001
H.P. 1808 L.D. 2534
(C "A" H-1139)

On motion by Senator **HARRIMAN** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#412)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS,

LAFOUNTAIN, LIBBY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, DOUGLASS, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax" S.P. 661 L.D. 1883

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

That they are **Unable to Agree.**

On the Part of the Senate:

Senator MILLS of Somerset
Senator NUTTING of Androscoggin
Senator DAGGETT of Kennebec

On the part of the House:

Representative COLWELL of Gardiner
Representative LEMOINE of Old Orchard Beach
Representative CIANCHETTE of South Portland

Report **READ** and **ACCEPTED.**

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 Concerning Fingerprinting and Background Checks for School Employees

S.P. 987 L.D. 2540
(S "A" S-735 to C "B" S-692)

On motion by Senator **MICHAUD** of Penobscot, 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 Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

H.P. 1790 L.D. 2510
(C "A" H-1140)

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#413)

YEAS: Senators: DAGGETT, DOUGLASS,
GOLDTHWAIT, KILKELLY, KONTOS,
LAFOUNTAIN, MICHAUD, MURRAY, NUTTING,
O'GARA, PARADIS, PENDLETON, PINGREE,

RAND, RUHLIN, TREAT, THE PRESIDENT -
MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT,
CASSIDY, DAVIS, FERGUSON, HARRIMAN,
LIBBY, MILLS

ABSENT: Senators: BENOIT, BERUBE, CAREY,
CATHCART, KIEFFER, LONGLEY, MACKINNON,
MITCHELL

EXCUSED: Senator: SMALL

This being an Emergency Measure and having received the affirmative vote of 17 Members of the Senate, with 9 Senators having voted in the negative, and 17 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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. 1954

ORDERED, the Senate concurring, that Bill, "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking," H.P. 1807, L.D. 2533, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 1790 L.D. 2510
(C "A" H-1140)

In House, April 25, 2000, **PASSED TO BE ENACTED**.

In Senate, April 25, 2000, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140) AS AMENDED BY HOUSE AMENDMENT "R" (H-1164)** thereto, in **NON-CONCURRENCE**.

Senator **MICHAUD** of Penobscot moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#414)

YEAS: Senators: DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, the motion by Senator **MICHAUD** of Penobscot to **RECEDE** and **CONCUR**, **PREVAILED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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 Establish a Patient's Bill of Rights"

H.P. 543 L.D. 750
(C "A" H-1061)

In Senate, April 14, 2000, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order, H.P. 1952, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061) AS AMENDED BY HOUSE AMENDMENT "D" (H-1165)** thereto, in **NON-CONCURRENCE**.

Senator **LAFOUNTAIN** of York moved the Senate **RECEDE** and **CONCUR**.

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

Senator **MILLS:** Mr. President. I think I'm inclined to support the pending motion, but I had a question or two, if I may pose them, concerning the scope and nature of the Bill that's been redrafted, if I may pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **MILLS:** It's my understanding of current federal and state law that state workers, and I believe teachers as well and others in public employment, because of their exemption from ERISA laws, have a right at present to sue their health insurance provider or their HMO. My question is simply to make sure, or have an understanding, that this Bill neither restricts, reduces, nor bridges those rights in any way. I wondered if anyone could answer.

THE PRESIDENT: The Senator from Somerset, Senator Mills, poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you Mr. President. Men and women of the Senate, it's my understanding from conferring with the analyst from the committee together with an attorney with the AG's Office, that ERISA does not apply to state employees. The cause of action that we are creating through the statute will be available to state employees, and state employees will continue to have the same common law rights that they have today, which is to sue. In this situation, in the 2 cases that we have seen, it is the State Employee Health Commission that has been the defendant in the law suit, not the individual carrier. Arguably, state employees will have the same common law right, if any, that they have today that our law court has not ruled on thus far.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

ROLL CALL (#415)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

26 Senators having voted in the affirmative and no Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, the motion by Senator **LAFOUNTAIN** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Act

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

H.P. 1790 L.D. 2510
(H "R" H-1164 to C "A" H-1140)

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

YEAS: Senators: DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease.
Senate called to order by the President.

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

Senate at Ease.
Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Make Emergency Appropriations or Allocations in Fiscal Year 1999-00 only for the Emergency Items" (EMERGENCY)

H.P. 1953 L.D. 2692

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

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

Senate at Ease.

Senate called to order by the President.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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 Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY)
S.P. 1089 L.D. 2693

In Senate, April 25, 2000, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Comes from the House, **REFERRED** to the Committees on **JUDICIARY** and **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Under suspension of the Rules, ordered sent forthwith.

Off Record Remarks

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:

Emergency Measure

An Act to Make Emergency Appropriations or Allocations in Fiscal Year 1999-00 only for the Emergency Items

H.P. 1953 L.D. 2692

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#417)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act to Establish a Patient's Bill of Rights

H.P. 543 L.D. 750
(H "D" H-1165 to C "A" H-1061)

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#418)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, KIEFFER, LONGLEY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

26 Senators having voted in the affirmative and no Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act to Limit Mandatory Overtime

H.P. 729 L.D. 1019
(H "A" H-1145 to C "A" H-893)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **FERGUSON** of Oxford was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Wednesday, April 26, 2000, at 1:00 in the afternoon.