

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

In Senate Chamber
Thursday
April 27, 2006

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

Prayer by Senator Christine R. Savage of Knox County.

SENATOR SAVAGE: Let us be in the spirit of prayer. Heavenly Father, we have so much to be thankful for. We thank You for the freedoms that so many of Your people around the world do not have. We thank You for the beauty that surrounds us; the blue sky, the sunshine, green grass, and flowers, all things we take for granted. Help us to slow down and enjoy the blessings You have given to us. Father, may we be ever mindful of the responsibilities placed upon us, and as our duties come to an end for the year, remind us to turn to You for the strength and guidance to do what is right and just for all Your people. Let us never forget the friendships made in these halls. Father, wrap Your loving arms around those who are hurting this day. Give them the strength and love they need to carry them through their difficult days and keep them in Your loving care. Grant that we may grow in harmony and friendship as brothers and sisters created in Your image to Your honor and praise. Amen.

Reading of the Journal of Wednesday, April 26, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

S.P. 507 L.D. 1481
(S "C" S-554 to C "C" S-437)

In Senate, April 6, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-437) AS AMENDED BY SENATE AMENDMENT "C" (S-554)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-437) AS AMENDED BY SENATE AMENDMENT "C" (S-554) AND HOUSE AMENDMENT "I" (H-1051)** thereto, in **NON-CONCURRENCE**.

Senator **SCHNEIDER** of Penobscot moved the Senate **INSIST**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **INSIST**.

SENATE PAPERS

Bill "An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council"
S.P. 856 L.D. 2114

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Senator: WESTON of Waldo.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

Ordered sent down forthwith for concurrence.

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

Tony Atlas, of Lewiston, professional bodybuilder, powerlifter and wrestler, upon his induction into the World Wrestling Entertainment Superstar Hall of Fame. Holder of the Maine State Bench Press Record in the 275-pound weight class, Mr. Atlas is a three-time Mr. USA and one-time Mr. Universe, and he was the first African-American to be part of a world champion tag team wrestling duo. We send him our congratulations on his receiving this new honor;

SLS 1099

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senator: ROTUNDO of Androscoggin,
Representatives: SAMPSON of Auburn, MAKAS of Lewiston,
WALCOTT of Lewiston, O'BRIEN of Lewiston, CRAVEN of Lewiston.

READ.

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. It is such a joy and privilege to stand here today and honor Tony Atlas. Last week I received a call. I had met Tony many years ago. I didn't really keep in close touch with him, but I know that Mr. Atlas is very active in his community and at this time is retired. When I found out that he was inducted into the World Wrestling Entertainment Superstar

Hall of Fame I said, 'Wow, what a wonderful opportunity to have a sentiment and to honor him.' Tony lives in Auburn. I believe he has his office in Lewiston. We could not make that correction in the calendar, but I do have it on his sentiment. I think it's wonderful and I don't know if this is the correct statement, but Maine to have a 'Main Man' here I think is pretty special. I hope we all will honor him and give him a great applause. Congratulations Tony.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Tony Atlas of Auburn. Would he please stand and receive the greetings of the Maine Senate.

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-975) AS AMENDED BY HOUSE AMENDMENT "C" (H-1055)** thereto.

Reports **READ.**

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"

H.P. 415 L.D. 560

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

Signed:

Senators:

GAGNON of Kennebec
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
MOORE of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-975).**

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York
PINKHAM of Lexington Township
NASS of Acton
BROWN of South Berwick

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 Specially (4/26/06) Assigned matter:

An Act To Establish a Food Policy for Maine
H.P. 1497 L.D. 2107

Tabled - April 26, 2006, by Senator **NUTTING** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2006, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 26, 2006, **PASSED TO BE ENACTED.**)

On motion by Senator **NUTTING** of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-629) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-629), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

Emergency Resolve

Resolve, To Create the Human Trafficking Task Force
H.P. 893 L.D. 1296
(S "A" S-534 to C "A" H-864)

Tabled - April 7, 2006, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864) AS AMENDED BY SENATE AMENDMENT "A" (S-534).**)

(In House, April 6, 2006, **FINALLY PASSED.**)

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.

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

Resolve

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center and To Establish a Task Force To Examine Using Stevens School in Hallowell for Veterans' Housing
S.P. 765 L.D. 1984
(C "A" S-480)

Tabled - March 21, 2006, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480).**)

(In House, March 21, 2006, **FINALLY PASSED.**)

On motion by Senator **GAGNON** of Kennebec, 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-480).**

On further motion by same Senator, Committee Amendment "A" (S-480) **INDEFINITELY POSTPONED.**

PASSED TO BE ENGROSSED, 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.

Senator **ROTUNDO** of Androscoggin 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.

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1506

JOINT RESOLUTION HONORING THE MAINE NATIONAL GUARD

WHEREAS, patriots from the District of Maine mustered to form a militia to fight for the colonies in the Revolutionary War and for the nation during the War of 1812; and

WHEREAS, the Maine National Guard has proudly served the citizens of Maine during natural disasters such as forest fires, floods and storms and has bravely defended the United States of America during times of war since Maine first entered the Union in

1820, and over the years the highest percentages of volunteers have been Maine people; and

WHEREAS, nearly 2,390 soldiers and airmen of the Maine Army National Guard and the Maine Air National Guard have faithfully answered the call to duty in America's Global War on Terror. At times the State has had a larger percentage of personnel mobilized in support of that mission than any other state in the Union; and

WHEREAS, members of the Maine Army National Guard and the Maine Air National Guard are defending freedom and democracy around the globe, including in Iraq and Afghanistan, where they are playing a vital role in protecting the safety and security of all Americans; and

WHEREAS, the people of Maine have the utmost respect for the members of the Maine Army National Guard and the Maine Air National Guard for putting their lives in danger for the sake of the freedoms enjoyed by all Americans; and

WHEREAS, the people of Maine are appreciative of the countless personal and professional sacrifices that the volunteers of the Maine Army National Guard and the Maine Air National Guard and their families have made in order to protect our freedoms; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our solidarity with the men and women of the Maine Army National Guard and the Maine Air National Guard and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Adjutant General of the Maine National Guard.

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

READ.

The President requested the Sergeant-At-Arms escort the Adjutant General of the Maine National Guard, Major General John Libby, to the rostrum.

MAJOR GENERAL LIBBY: Thank you, Madame President and members of the Senate. I stand before you this morning honored to be the Adjutant General of the Maine National Guard and I would ask that you join me in recognizing the people who continue to sacrifice on behalf of this state and nation by recognizing those members that I brought with me this morning.

Thank you. As I speak to you today we have soldiers deployed in Afghanistan; Iraq; soldiers at Ft. Shelby in Mississippi awaiting deployment to Iraq; and airmen in Cutter, Afghanistan, Iraq and other exotic locations around the world. As has been mentioned, virtually all of our organization has mobilized and deployed. They have, as you would expect, represented this

state and this nation extremely well and have set the bar extremely high in every situation they found themselves in.

I'm especially appreciative of the support that the Senate and the House have given us during this 2-year period when we've deployed so many soldiers and so many airmen and would be remised if I did not recognize the support that the people of the State of Maine have shown to our soldiers and to their families their deployment. You and they have made a difficult situation certainly a lot easier to deal with. We're grateful for the opportunity to serve you, the state, and the nation. We appreciate your support and look forward to it in the future. Thank you very much.

The President requested the Sergeant-At-Arms escort the Adjutant General of the Maine National Guard, Major General John Libby, from the rostrum.

PASSED, 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:

Mandate

An Act To Amend the Laws Concerning Eminent Domain
S.P. 417 L.D. 1203
(C "B" S-609)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY 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:

Act

An Act To Facilitate the Hiring of Health Care Personnel during Emergency Circumstances

S.P. 783 L.D. 2036
(C "A" S-615)

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 Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act

H.P. 1494 L.D. 2103
(H "A" H-1017)

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

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

COMMUNICATIONS

The Following Communication: S.C. 662

**122ND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

April 18, 2006

The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Seed Potato Board under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting
Senate Chair

S/Representative John F. Piotti
House Chair

READ and with accompanying papers **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:

Act

An Act To Enhance Maine's Energy Independence and Security
H.P. 1439 L.D. 2041
(S "A" S-628 to
C "A" H-1024)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/06/06) Assigned matter:

Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters" (EMERGENCY)
S.P. 789 L.D. 2044

Tabled - April 26, 2006, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF HOUSE AMENDMENT "C" (H-1035) TO COMMITTEE AMENDMENT "A" (S-575)**, in concurrence

(In Senate, April 11, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**)

(In House, April 14, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENT "C" (H-1035)** thereto, in **NON-CONCURRENCE.**)

(In Senate, April 26, 2006, on motion by Senator **GAGNON** of Kennebec, **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**. On further motion by same Senator, **RECEDED** from **ADOPTION** of Committee Amendment "A" (S-575). House Amendment "C" (H-1035) to Committee Amendment "A" (S-575) **READ.**)

House Amendment "C" (H-1035) to Committee Amendment "A" (S-575) **ADOPTED**, in concurrence.

Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) thereto, **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENT "C" (H-1035) thereto, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Off Record Remarks

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

On motion by Senator **BRENNAN** of Cumberland,
RECESSED until 2:30 in the afternoon.

After Recess
Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 663

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

April 27, 2006

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 78 An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund
- L.D. 198 An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine
- L.D. 544 An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals
- L.D. 844 An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy
- 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
- L.D. 1035 An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program
- L.D. 1311 An Act To Preserve the Integrity of the Fund for a Healthy Maine
- L.D. 1703 An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for the Meals on Wheels Programs
- L.D. 1737 An Act To Provide Funding for the Construction of a Regional Career Center
- L.D. 1960 An Act To Authorize a General Fund Bond Issue To Create a Block Grant Program To Promote Economic and Cultural Development

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

ORDERS OF THE DAY

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

Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

S.P. 507 L.D. 1481
(S "C" S-554 to C "C" S-437)

Tabled - April 27, 2006, by Senator **GAGNON** of Kennebec

Pending - motion by Senator **SCHNEIDER** of Penobscot to **INSIST**

(In Senate, April 6, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-437) AS AMENDED BY SENATE AMENDMENT "C" (S-554)** thereto.)

(In House, April 26, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-437) AS AMENDED BY SENATE AMENDMENT "C" (S-554) AND HOUSE AMENDMENT "I" (H-1051)** thereto, in **NON-CONCURRENCE**.)

Senator **COWGER** of Kennebec moved the Senate **RECEDE**.

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

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 Kennebec, Senator Cowger.

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I have of other motions to make but I hope we will address this motion to recede. I hope you will join me in it so that we can move this issue forward and take a look at some actions that I can't describe in more detail at the moment because they are not before us. Hopefully we can come to some concurrence with the other end of the hall and move this issue forward.

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

Senator **BROMLEY:** Thank you, Madame President and colleagues in the Senate. I hope you will join us in defeating the pending motion. There are ongoing conversations about changes and amendments. I will tell you that we have looked at all of them and hope that the Senate holds to its initial position. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Cowger to Recede. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#459)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DOW, GAGNON, MAYO, ROTUNDO, STRIMLING, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BROMLEY, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, HASTINGS, HOBBS, MARTIN, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TURNER, WESTON, WOODCOCK

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **COWGER** of Kennebec to **RECEDE, FAILED**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **INSISTED**.

Sent down for concurrence.

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

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"
H.P. 415 L.D. 560

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-975)** (5 members)

Tabled - April 27, 2006, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, April 26, 2006, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-975) AS AMENDED BY HOUSE AMENDMENT "C" (H-1055)** thereto.)

(In Senate, April 27, 2006, Reports **READ**.)

Senator **GAGNON** of Kennebec requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-975) **READ.**

House Amendment "C" (H-1055) to Committee Amendment "B" (H-975) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (H-975) as Amended by House Amendment "C" (H-1055) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-975) AS AMENDED BY HOUSE AMENDMENT "C" (H-1055)** thereto, in 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 **TRANSPORTATION** on Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006" (EMERGENCY)
H.P. 1382 L.D. 1974

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1036).**

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
COLLINS of Wells
FISHER of Brewer
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARADIS of Frenchville
SAMPSON of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-1037).**

Signed:

Representatives:

BROWNE of Vassalboro
McKENNEY of Cumberland
THOMAS of Ripley

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1053) AND "B" (H-1054)** thereto.

Reports **READ.**

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036)** Report, in **NON-CONCURRENCE.**

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. In my relatively short time here in this Body I don't believe I've encountered a bill that had this kind of discussion, support, and opposition all at once. This motion before us today would move the majority Ought to Pass Report as amended by Committee Amendment A which, in fact, would move the Highway Fund budget with all of its amendments. The amendments that are included in the Highway Fund budget are, for the most part, not controversial. There is one that has generated a bit of discussion. It is the one that was the final piece of an agreement that was arrived at by a group who had been convened at the request of our Executive when he learned that we had \$130 million structural gap in our current Highway Fund biennial budget. That gap was caused by, among other things, construction material costs that had escalated beyond anybody's wildest expectations and predictions. It had resulted in part from fuel cost increases that were borne as a result of some natural disasters here in the United States last fall, to wit Katrina and Rita the hurricanes. It was also borne to a large extent by other factors over which we had no control, and that is the emergence of countries in this world who are requiring the same things that we require and wanting the same things that we want; whether that be steel for their construction, concrete for their construction, fuel for their vehicles, or petroleum for products for all of the other things that petroleum products provide including asphalt. All of those conditions came together to create that proverbial perfect storm that resulted in \$130 million shortfall in our construction budget.

This group, a bi-partisan group, of us from this floor, some who are in this chamber and some in the chamber down the hall, along with members of the Department of Transportation, members of the business community, and members of the traveling public came together and developed a plan that could get us through this temporary crisis, this short term crisis, this immediate need. The plan, in its essence, called for \$30 million of cash, \$15 million coming from the General Fund budget, \$15 million coming from the Highway Fund budget, and \$60 million of borrowing. The plan that was proposed was unanimously endorsed by the group to which I have referred and was passed on to the Chief Executive and to the committee of jurisdiction, the committee which I am so honored to chair as part of the Senate

chamber, and it was then passed on to you, my colleagues in the Senate as well our colleagues down the hall. It's called the Report of the Governor's Capital Transportation Funding Working Group. It lays out all the problems and it lays out the solutions.

That's great and now it is a matter of how we are going to do it. Because we have worked so hard our leadership here in this chamber and the leadership at the other end of the hall, and when I speak of our leadership I mean our leadership on both sides of the aisle, were committed and worked hard to get us an agreement for our General Fund budget that would not divide us but that would unite us, and that would be what the people of Maine would expect us to arrive at. Because they did that, inadvertently I'll say, they subjugated this agreement that was made back in January. Members of the Transportation Committee, as we were now faced with a dilemma that was even greater than our deteriorating transportation infrastructure, our roads, and our bridges, came up with yet another solution, a solution that flies in the face of the deal that was made. Nonetheless, it's the best we could do, and as we have fashioned this solution, we have proposed to borrow \$60 million and to repay that with Federal Highway Fund dollars that will come into this state in the future. It's called a GARVEE. It's a grant anticipation revenue vehicle. It will encumber about 2% of our future Federal Highway Fund dollars; those dollars that are coming into Maine for what purpose? They are coming into Maine to help with our transportation infrastructure needs, our roads and our bridges. They will use about 2% of that money each year for the next 15 years in order to fund a \$60 million bond now to solve our present problems. I've referred to it, and I will tell you now, as a federal solution to fix a federal problem. That's a little bit too simplistic and it might be a little bit of casting too much blame so let me amend that by saying a problem that was caused in part by Federal Highway Fund dollars coming to Maine now.

You have been aware of this proposed solution for a number of days now, as we've entered into our last days here in the legislature of the 122nd. You must be challenged with your solution, the solution to the problem of deteriorating road and bridges in Maine, a problem that is so far bigger than the \$130 million solution, a problem that is actually rolling up ahead of us every single day that amounts to closer to \$1 billion of solution. If we were to put off and not vote for this bond package that is being presented to you today for your opportunity, it's easy for one to say that we can just do it next year. The roads, and hopefully, the bridge will be there next year, though 40% of our major span bridges are over 50 years old. If we leave them too long, indeed, we do have a critical problem as is evidenced by one of our current construction solutions. We could put it off until next year except is that the best decision for us to make here? Is that the best expenditure of the people's money? Is that the best solution to the people's needs? The roads, as you have been able to witness and as you have been able to hear from your constituents, are cracked, are deteriorating, and are potholed. Many of the road systems that we have in this state have not been rehabilitated and brought up to current and modern highway standards. Some of the bridges were last touched in the 1950s. Everyday, and certainly every year, that we delay doing what we should be doing, taking care of our infrastructure, it gets worse and worse.

To put this off for another year, as some might suggest, is not our best solution. I wish that we had not had to make the deal that we made, but we did. It's time that we really stop and

consider the ramifications of that action. It's time that we step up, take the responsibility that is ours, and maintain the infrastructure of our transportation system. Perhaps the two biggest components to economic development, to our present economy, and to our future economy are education and transportation. I don't know who in here would disagree with that. We need to take care of, in this particular bill, our transportation needs.

There has been a lot of information that has been coming to us from various sources, some I can identify and some that I can't. I can't identify them because nobody will take ownership. The information talks about all of the transfers that have been made out of the Highway Fund budget into the General Fund budget. It talks about all of the money that is still available in the Highway Fund budget that hasn't yet been spent and the bonds that have yet to be let. Ladies and gentlemen of the Senate, I will tell you that there are no bonds aside from \$27 million of bonds that were voted by the people of Maine last year that have not been obligated and will be sold in July 2006. Those are the only bonds that we have not sold. There is no more Federal Highway Fund dollars. There are no more Federal Highway Fund dollars available to us to provide in this match that I have also heard exists. That's the reality in spite of what some will tell us to the contrary. I would happy, and maybe will have the opportunity, to further discuss that falsity later in the debate. The real reason that we are doing this is to fix the problem that currently exists so that we can move forward and continue to address our needs in future legislatures and in future years. Failure to do that now will add enumerable millions of dollars to those costs to fix it later. The past history of the increase in construction costs in New England, including Maine, has averaged about 10% per year, higher, of course, than the rate of inflation. Those increases in construction costs are only predicted to go higher and you don't have to be an economist to figure out, when you look at the price of gas and the projections, what that price is going to be as we move into this summer and future years. All of those together, all of those combined interests; escalating costs, money now available at about a 4% interest rate using current dollars to pay for a future dollar cost increase, all of that makes sound fiscal sense. If we were doing it in our businesses, if we were doing it for capital construction and expansion, we would certainly do it and we ought to do it here and now. I would urge you to vote for the pending motion which is to support of the majority Ought to Pass as amended by Committee Amendment A. Thank you, Madame President.

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

Senator NASS: Thank you, Madame President, men and women of the Senate. It is true. Our roads are in bad shape. This is certainly a pretty good time of the year to be talking about that, just coming off winter. In fact, in our case, on the Mills Road, we told the commissioner months ago that we stopped driving on that road. We were fortunate to have some town roads we could drive on to get here that were not too much out of the way. Things are bad out there for roads and not much better for bridges. The point is, the reason why I'm in opposition to this borrowing package, because we have spent the money already. We made choices last year about bonding. In the end we spent \$27 million, as the chair of Transportation has indicated. That wasn't enough. In my opinion we should have spent a lot more of the \$83 million that we came to agreement on towards roads and bridges. What

did we spend the money on? Agricultural irrigation. UMS Lewiston/Auburn College got \$2 million. DOE Sunrise Center got \$1 million. Building at the Bangor campus, \$1 million. New Centuries Program got \$1 million. Bike trails got \$400,000. It seems a little disingenuous, and somewhat disconnected, at this point to say that we now need more money for roads and bridges. I think that's my main point today, Madame President. These things are not disconnected. Most people in this state understand that when you've spent the money on one thing it's no longer available to spend it on something else, no matter how important it is. I think this is the time to draw the line, Madame President, that these things not be disconnected, that we set priorities and we stick with them. Today we don't have the money that we need to do this fix. This proposal is one of borrowing. Get the credit card out and borrow the money. Borrow the money from a stream we know we have coming in, the GARVEE money. Some states have done that. Massachusetts is heavily involved in this. Texas, some people have said, is completely involved in this. In other words, all of their incoming Federal Highway Money has been committed through this GARVEE borrowing. I don't know if that is true or not. That's the story. The point is that this is a dangerous path. We used the GARVEE borrowing program to fix the Waldo-Hancock Bridge. In my mind, that was justified. That was an emergency. We had no other place to go. We ought to reserve this kind of borrowing for those kinds of emergencies. There will be more coming up. We ought not to borrow against an incoming stream. It's the same option we had with the tobacco money, what we now call the Fund for a Healthy Maine. That was to securitize the money. Sell the cash flow stream and spend the money now.

Again, most folks at home wouldn't understand the shortcomings of that. Today we don't have the money. We spent the money. Unfortunately, there is nothing left to fix the roads. Until we face up to that, until we face up to our long range needs, treat them seriously, and dump things like bike paths, we won't have a long-range plan and we won't catch up with these problems. They will never be fixed. I am urging you today not to borrow, not to get the credit card out, and vote against this option. We have a better proposal coming up. Thank you, Madame President.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. You will notice that I haven't approached anyone of you in the halls asking you to vote for or against the majority report. I am going to vote for the majority report and I want to explain to you why.

When I was appointed to the Transportation Committee 10 years ago I took my responsibilities very seriously. We've been charged with keeping our infrastructure, or highway system, in a safe condition so when you drive across those highways with your children in the booster seat, hopefully, in the back of your car you know they are safe. For that very reason, I'm going to vote for the majority report so we don't keep delaying the projects that should have been started this spring. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President, men and women of the Senate. I am going to support the motion. I have gotten numerous phone calls from citizens complaining about the conditions of the roads. Their understanding, and I think very rightly so, is that we cannot delay the repairs that need to be made to them. They are very fully aware also that this is a very important jobs bond. It minimizes it to simply say that we simply take care of the roads. We will also be increasing jobs and helping the economy. The fact of the matter is that the condition that our roads are in is terrible for commerce. It speaks very badly about our state to business people if we let it decline in this way. The statement of 'we can't afford to bond' is absolutely ridiculous and it's putting our heads in the sand. It denies the fact that what will happen is, by delaying this, we will be back here next biennium, or those of us who make it back, and we will have to be doubly bonding to make up for the fact that we have denied letting the people make this choice whether or not they want a bond. We need to allow the people of this state the opportunity to vote on this. I just think it's balderdash to say that we should vote against this and that we somehow don't have the money. We don't have the money not to do this, in my opinion. We must move forward with this. It's critical to the economy of this state. By delaying we will only increase the cost to the state and the people of Maine. I know that this is what the plan is. To me, it's my hope, that we here, today, will recognize the problems and not ignore our responsibilities so that we can go on some campaign stump on the slogan of 'I didn't support bonding or a borrowing package.' It's wrong. Everybody knows it here. It's wrong to put our heads in the sand and deny that we need this bond to go forward to the people of the state. I do hope that you will support the pending motion. It's the right thing to do. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I've been around this place for a few years and I think that this is, to my recollection, the first time that we have so married the General Fund budget with the Transportation budget. We've always dealt with budgets separately; the Lottery and liquor budget, the Fish and Wildlife budget, the General Fund budget, and the Transportation budget. None of them intertwined with one another. We have this year gone further than we ever have done. The only tinkering with the two in the past has been with what portion you were going to allocate from the General Fund to State Police and what portion of that would come from the Highway Fund. We have adjusted those figures to benefit one or the other every two years. This year we have somehow managed to do both to the detriment of the Transportation budget.

Over the years it's always been an issue with me because I always see the sand and gravel crowd supporting Republicans and I've always said that I would love to not help them. In the end I have no choice but to vote for the Transportation budget because without transportation Aroostook County doesn't exist. It's the only way out. Begrudgingly, I voted with the sand and gravel crowd to get a highway built in Aroostook County. Here we are today, what a turn of events. I would love to have people research all of the funds that I have acquired in all of my campaigns from the sand and gravel crowd. It would fill a very small pot. The very people who benefited from that crowd are

today voting against that budget and I wonder why. Have you asked yourself that question? I've asked myself the question. It's pure politics. They want to use that in a campaign issue this fall against Democrats because they believe in borrowing money for transportation purposes. We ought to say what it is. Then to have a member of the industry say to me, 'Oh, but Republican leadership agreed that next year there would be a large bond issue for transportation.' Can't do it this year because it's not in the political cards. That doesn't build many roads in Aroostook County and much less elsewhere in the state. People say that this is all right and we can catch up next year. Are you going to get the contractors from out-of-state? We only have so many. Once they have filled up the work that they can perform adequately that's all that they are going to do. When you vote against this bill, and I know some of you will, it will probably die. You need to know you are postponing projects permanently, one year to the next. You are not going to be doubling up next year or the year after. You need to tell your constituents that the bottom line is that the project that was expected to be done in 2007 might occur in 2008. If it was projected for 2008 it might come in 2009. This legislature, until last year, had adequately funded the Department of Transportation and raised the bonds to send to the voters for their approval to meet the needs that were projected that could be built for that year. We're not doing that this year. No one should leave this room today saying we did this to save money for the voters of Maine. What you can say is that you have denied the right of the voters to make a decision because you won't put it to a vote and let them decide. You obviously must think they are stupid because you won't give them the right to vote and let them make the decision because that is all we are, a pass through. Tell those same people, your constituents, that you've postponed their project for a year in the guise of not wanting to bond this year. That's what we are doing today. To me that is unfortunate.

It also means that a lot of people won't have jobs because those projects that were projected to go on line are not going to happen. If I had my way and I was in control of the Department of Transportation projects would go on this year but only in those districts where legislators voted for it. Then the citizens of Maine would understand what it means when their legislators refuse to vote for their particular area or not. I'd go back to the days of Dave Stevens and the Department of Transportation and reward those districts where people are supportive of construction programs. Look at how much money we spent last year for one bridge for a few thousand people to cross from one part of the state to another. We all stood here and voted for that GARVEE bond. There was another way for them to go. They could have gone around, gone to Brewer and go down along the river. We took almost all the money we had and committed it to the Hancock Bridge to the detriment of the rest of the state. Now even the legislators in that area won't help the rest of us build roads. Is that fair? I don't think so. Am I concerned about the future of transportation in Maine? Yes, because of where I live. If I lived along I-95 or 295 or the Maine Turnpike, I might feel a little differently about it. For those of us who live where we do we depend on it. I know I probably haven't changed a single vote, but I just lay it out on the record. For those of you who come back next year, or if you watch it from away, I want to see the results.

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

Senator **GAGNON:** Thank you, Madame President. I don't think I'll quite have the fire that everyone else seems to have on this particular issue, but I will admit that this has been a very difficult process; this entire process, this budget process, this highway budget process. Commitments have been made. I live on I-95 and the road in my area are in as desperate need as any place else. I don't have a problem with this bonding. I don't have a problem with its approach to funding. I applaud the committee for the work that they have done. I especially applaud and respect the work that the good Senator from Knox, Senator Savage, has done on transportation over the years. I served with her a few years back and she also took a very courageous position back then when we were talking about long-term transportation needs in this state. I thank her for that. I thank her for her leadership today.

For this vote I will live up to my commitments, but I'm going to try to do for the future what I was sent here to do and make sure I do it in the best interest of my district. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I'm hoping that you will support the right of the people to decide. That's what we were sent here to do. We were to be a voice for our constituents. I'm not having a chance to have a voice because deals have already been made and yet I sat with every legislator from York County who named three routes; 237, 111, and I don't remember the other one because it obviously wasn't in my district. It was in York County. East-west highway and there is not a way to get from the coast to Western Maine without potholes and serious safety problems. I have a letter that was forwarded to one of my constituents from Michael Canterra discussing Route 111 and the safety issues there. We discussed and we all agreed that the roads in York County needed to be fixed. It was bi-partisan. I want you to know that we don't get that chance to vote to allow our people to decide if they want to borrow that money or not. Where is that democracy when 187 people can deny 3 million people the right to vote on how they spend their money? Democracy? We have roads falling apart. Everybody talks about how they want economic development.

Well, people wake up. Maine is a rural state. The heartland, the heart light to this state is our roads. We have 1-1/2 decent roads; one being the Maine Turnpike. I say 1-1/2 because it only goes as far as here and then we pick up 95 up to 295 up to Presque Isle or Houlton, I'm not sure. There is another whole section we haven't even dealt with and we can't get from the coast to the west in any of our counties easily. How are we going to carry our goods or our oil? With all the salt that we put on our roads this winter, take a look around and look at the potholes. Look at the communities that are posting roads every spring because they are not able, and we don't have enough money, to put the base down and make them strong enough to be able to get through because the small rural communities just can't do it. You are denying those people, 3 million people, the right to vote on how they spend their money. Maybe we should just deny them the right to vote to send us here. Maybe we should just let the parties decide, all the leaders decide who we are going to send here. That's who decided this bond issue. I'm disappointed. I think it's time to realize that we don't have enough airlines

coming in here and we don't have railroad tracks being able to carry our goods. The best highway we have happens to be the internet. That's it. Thank God they don't wait for our votes in funding that. That would be full of potholes too.

I would ask you to please, and to the York County legislators here, I would ask you to remember what we spoke about and what we recognized as a number one commitment. It fell right after our York County Community College. It was bi-partisan. We all knew it; we knew it affected everybody in that part of the state. Now we've said there has been a deal made, and we weren't at the table, so let's just go ahead and follow along. I can't. I will vote to let the people decide if they consider our roads important enough to spend their money on. It, to quote a good person from the other side of the aisle, 'It is there money, after all.' Why can't they spend it as they see fit?

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. Just very briefly to clear up some things that I heard that were grating. For those of us that believe when we voted for the supplemental budget that we didn't know about this deal, I don't know where you were. Where were you? You now come in and say that you didn't know about it. If you had known about it you would have done what? You could have voted against it, but you voted for it and you knew what the deal was. These bonds, if we pass this proposal and it would have to go out for vote in November, are not going to be available for this construction season. What is available has been described by the Senate Chair of the Transportation Committee. \$27 million will be sold for this construction season, what we approved last year. That could have been higher. It should have been higher. We spent the money on something else.

I can't help but remember back just a little bit. I know when you look backwards at this relationship between the Highway Fund and the General Fund it gets a little murky and messy back there. I don't want to encourage the Senator from Aroostook, Senator Martin, to tell us about the history here, but I remember a little bit of it. My limited vision takes me back to the 121st Legislature. We had a huge structural gap, \$1.2 billion. We increased the gas tax, because that's on automatic pilot. That was worth about \$32 million. We took \$32 million, almost the exact same amount, out of the Highway Fund and put it in the General Fund. Whose fault is it that we don't have enough money to do our roads and bridges now? Guess what, we've met the enemy and the enemy is us. We have done it in the recent past. How can we now say roads and bridges. We spent the money. We did other things with it. We need to wait for the next round.

Finally, it is important. The blue covered report that was passed out in this debate, on page 53 towards the bottom, it does recognize something we haven't heard this afternoon. We are getting more money, considerably more money, from the federal government over the next five years, 30% more. A total of \$190 million in federal highway money is projects coming in. We're getting more money there. Why is it that we're having this trouble? Some reasons have been mentioned. Increased costs, that's significant. Also the federal earmarks have not been mentioned. The federal earmarks, I think, are significant. I wouldn't think they were significant because in my county there is not one project in those federal earmarks that is going to happen

in York County. None. I really have a concern that I'm going to share with our federal delegation. So federal earmarks are part of the problem. We're getting more federal money. With what we bonded last year, and that's all we have available, we should be able to get through this season. I urge you to vote against the pending motion. Thank you, Madame President.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to vote against this motion. I'm looking at the bond question that would go out in the event that this passes. It says, 'Do you favor the issuance of \$60 million in revenue bonds to be used to improve existing roads and bridges statewide to be repaid with federal transportation funds?' Almost makes it seem like it's free. It doesn't tell the whole story, does it, about how these future federal transportation funds won't be available to us if we take them now. Some of them will be, but we'll be missing \$60 million that we might need. Is the solution to go out and continually borrow more every time we need it or is the solution to run a more economically sound government and anticipate for emergencies?

I can't spend every nickel of profit I get in my business. I might need to go out and buy a new truck, which I do occasionally, for \$30,000 or \$35,000. It's small potatoes compared to what we're talking about here. I can't go on vacation like I did this month when we were away. I can't do it again next month or the month after and keep putting the bills on my credit card because eventually I'm going to have to take it out of my emergency store funds. I can't operate that way.

I did note for the supplemental budget this year. You remember last year I didn't vote for it. It was 34 - 1. I refused to vote for it. The reason I refused to vote for it was because we had one department that seems to be continually out of whack and continually in the red. At first I thought it was because of poor management. Now I realize it's by design that we do this. I'm not going to continue to act in a way that promotes borrowing all the time. I'm not the type that goes out and campaigns against the Democrats. I do it that way. I'm not going to use it for an argument. I've got too much respect for the Democratic Party and the members in this place. My campaign always has to do with how I feel a government should be run and how we should maintain fiscal responsibility and pay the bills as we come to them instead of continually borrowing. That's the type of campaign I intend to run. Therefore, even though I struggled with this question because my father was the chairman of Transportation at one time, I feel it's more important to uphold our obligations, our promises, and get back to a more economic and sound way of running our government in general. If we want \$60 million we should have taken it out of the General Fund before we decided the entire budget for the year. We should have anticipated what we were going to need. We should have prioritized better where we were going to spend our monies. For that reason I will be voting against this bill. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. This is an unfortunate way for this issue to come before the chamber, but it certainly is important to discuss

the issue. There is no question about the fact that our highway system and our bridge system is sadly out of whack. When you look back over the last 50 or 100 years you can draw some very broad conclusions about what we did. We spent most of the 20th century accommodating ourselves to the motor vehicle. When I was a kid, at 15 years old in 1958, I got my license three weeks after my birthday. At that time the gas tax was 8¢ and the price of gas was 20¢. We were spending 40% of the price of gasoline on state highway taxes in order to build all the brand new bridges, highways, and paved areas that we needed in order to adjust ourselves to this marvelous technological machine called the motor vehicle. That work was largely done sometime around 1960 or so and we've been slacking off ever since. There is a product of all of that. Many of the bridges that we built 50 to 70 years ago and many of those highways have become old and have become obsolete altogether, almost like the famous one-horse sleigh.

We've got a serious problem, but we also have a serious problem about sorting out our priorities. That, I think, is the basic message coming from my friends on this side of the aisle. It's a valid message. We fell into the trap of letting the Maine Municipal Association pass the MMA referendum in 2004. We could have accommodated them and come to an agreement, but oh no, we've got a public mandate now to pour hundreds of millions of dollars into K-12 education because that is what the people voted for. We've got promises to keep. We've been meeting them as we go over a 4-year span. We've got two more stages to go in the next biennium. We are committed, as a legislature or as an institution, to pouring hundreds of millions of dollars that might have been spent on other things into K-12 as a proxy for relieving the property tax. Social services grow at a rapid pace. The percentage gross in social services and human services year after year grows as if there were no constraints in the delivery of those services.

We will have a third priority honored, probably by unanimous vote of this chamber and the other chamber, and that is to grant major tax concessions to our failing paper industry. Those are the three priorities that we have adopted or will soon adopt. What has suffered? Where have the shortfalls come from? It's very easy to see. Higher education has been basically flat-funded. Economic development has been reduced. The Maine Technology Institute used to get something like \$7 million a year. It now gets \$5 million. It shows a remarkable return on our money. The highway system and the bridge infrastructure has not been allocated any where near enough money to keep up. The problem is not that we haven't spent enough money in global terms, it's that we have allowed ourselves to be, in some instances, trapped into resorting our priorities to put oil on the squeaky wheels, the ones that scream the loudest, and the price we pay for that is to let go some of the priorities that we, on the inside, know are very important.

There is no question about the fact that our highways infrastructure is crucial, but we don't have a choice at this point. The only responsible way, I suppose, to put this \$60 million set of capital improvements out to the voters would be to stop lying to them. Every time we send out a bond we implicitly lie to them by saying here it is and then don't reveal to them that there is an implicit tax increase in every single one of those programs that we send out. If you were going to do this honestly, you'd have to say, 'Let's put out a \$60 million set of capital improvements and let's put 2¢ on the gas tax for 4 years running.' That yields you just about \$60 million. There is your choice. Do you want to pay

more for gasoline because we've blown your tax money? We've blown your tax money on K-12, social services, and the paper industry. Those are our highest priorities. If you think it is also a priority for highways, we need more money. Do you want to buy tie rods and front-end alignments or do you want to pay more for gasoline? Those are the choices that are left because we, as an institution, have already sorted out our priorities in other ways. Those priorities are set and there were budget agreements made. As a loyal member of the rank and file I am prepared to honor them. I'm not happy about not being able to resort those priorities and spend more money on roads and highways because I think, frankly, those needs are stronger than the other needs that we've been addressing. It's too late for that and that's the reason why I will vote no on the pending motion. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President and colleagues in the Senate. I guess I'm a recovering House member where I had the unfortunate experience of having people change their minds when people had good debates. I don't believe that happens so much in this Body, but hope springs eternal. I want to share with you why I'm talking about roads.

I'm a selectwoman. I have been a selectwoman in Vassalboro for six years. You may laugh. I know I don't know as much about asphalt and shim and all the other things as many of you do, but I can tell you this, we struggle every year to keep on a capital road improvement plan. Guess what, this is small potatoes in the scheme of things, but four miles a year is really important to the town of Vassalboro. This year, because of the costs of asphalt and all the other things and because we were dealing with the school budget on the other side and trying to hold the line on taxes, we're only going to do 3-1/2 miles. We're very glad we can do that and going to try to make up for it in the future. We know, in our little town, that if you put it off you get further behind.

I'm very concerned about that because everybody who has spoken agrees there is a need for \$60 million in road repairs. I'm somewhat puzzled by talk about misplaced priorities. I never heard anybody who agreed with the 2/3 budget say there was \$60 million of other stuff that we didn't have to do and that we could put that on the roads if we had just been smart enough to think about it. I never heard that, but I miss a few things and I'm nearly as sophisticated in finance. I mean this very respectfully to my colleagues on the Appropriations Committee, but I've been wondering this for a long time. We have made bonding a dirty word, like it's a four-letter word. There is good bonding and there is bad bonding. I would like to ask all of you if you paid cash for your home. I don't think you did. I'd like to ask if you paid cash for your car, your truck, or business items. There is a time when borrowing is good financial sense because you are doing present day costs and paying it off with future dollars. That's what we are talking about and I am missing the point here. The credit card analogy just falls flat with me. It's not like charging a vacation or a new wardrobe. We're talking about capital improvements that you pay off over time. I'm just dumbstruck. First of all I'm a Democrat talking about what I believe is real fiscal responsibility and it really feels like it should be coming from my colleagues on the opposite side of the aisle. Bonding for things that are not capital improvement, I understand that. That is not appropriate.

This is capital improvement and you do borrow for that in a very financial and fiscally conservative world.

Again, hope springs eternal. I hoped that we could support this. Vassalboro, with its 3-1/2 miles this year, is more than willing to do the roadwork that would help fix some of those state roads. We've got the plow trucks. We've got the people who are willing to cut the brush. I doubt that we will even get any of this money. I don't know where it's going, but it doesn't matter because I know it has to keep coming year after year after year to keep us on schedule. Even those roads were little towns participate with the state are not going to be happening. Please reconsider your thoughts and let us move forward to keep our roads. It's part of economic development, probably even more so than the passionate things I spoke about yesterday when we talked about paying our teachers a livable wage. For goodness sake, nobody can say they are for economic development if their roads are falling in. Please reconsider and give us a vote for good roads.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. I will try to be brief but I've been trying to listen to the debate. I've been trying to take in all that I could to find out why it is that I'm proposing something and moving something forward which may not be the best thing to do. I can't find that in any of the debate. There are some great points that have come out though. One of which is that we can't afford our needs. I'm taking that in terms of our transportation needs, but we have bigger needs here in the state of Maine. We have over 22,000 miles of road in this state. It's not all state roads. We have about 8,500 miles of state roads, which is what this bond would go towards. We have over 3,000 bridges. As I said to you before, 40% of them are over 50 years old. Many of them are in need of repair. We have a tremendous transportation infrastructure need in our roads and bridge system alone and that doesn't even get into the rest of the modes of transportation, whether that be air, rail, ferry, or mass transit.

We can't continue, I will agree with you 100%, to fund our transportation and our highway budget in the way that we are so dependent upon, our fuel tax indexing. That thing that has been referred to as being on automatic pilot. It's on automatic pilot as long as we don't vote to take it off from automatic pilot. We are going to have to look at how we go into the future to fund our transportation needs. That's a bigger question and that's not part of this debate. We need to borrow, but we only need to borrow for emergencies. I submit to you, my fellow colleagues, we are in an emergency. I don't know if I can convince you of that. I don't know if I can persuade you of that. I don't know, in some cases, if there has to be a bridge collapsing to show it's an emergency. We, indeed, are in an emergency.

When I heard that we spent the money from my good colleague and friend from York, Senator Nass, for a minute I thought that we had spent the highway fund money in this capital program because I knew we hadn't done that. I knew that the cost of construction had grown beyond our budgeted amount. I knew that the projects that we had to defer were not as a result of not previously spending the money, but they were the result of having the costs go up or having the money that was coming into us encumbered. I didn't talk about that, but the federal highway dollars that have come to us have never been so encumbered in

federal law as they are in the present safety lieu dollars coming into the state of Maine in earmarks. What I learned as I listened further was that we spent money on other needs that we have. We have needs for healthcare. We have needs for the environment. We have needs for economic development. We have needs for education. We have too many needs and not enough money. This issue of prioritization ought to continue to be part of our discussion when we talk about money here in Maine. It ought not to cloud us from doing the right thing on the emergency that is before us today. We talked about borrowing. I guess in a technical sense it is. I guess if I was trying to convince you that it's simply leveraging some of the money that is coming to us anyways for this purpose, leveraging it now so that we have it for our use now. I suspect that this would fall on deaf ears.

I will tell you that the 2% of the federal highway fund money that is coming in to the state of Maine that we're proposing to use to find this GARVEE bond, the \$60 million bond, I have to try to do it in a simple fashion so that I can understand it and so that I can explain it. If every year for the next 15 years we were looking to receive \$100 from the federal government and that we were going to take \$2 of that \$100 to pay off something that we had this year. I can't make the comparison of how many dollars that is in terms of the \$60 million and what we receive, but I hope you get the point nonetheless. If we were to use \$2 of that for the next 15 years to take care of projects that we need to take care of today, I think it's a good investment. I think it's good leverage because if we want to take those \$2 in each year that they are given in the next 15 years their buying power is reduced by, at minimum, 10%. Next year the \$2 that we would take from the \$100 that we were given would really only buy us \$1.80 worth of construction. If you followed it along with those current inflation rates, in 5 years we have but \$1 worth of purchasing for the \$2 that we were given and in 10 years we wouldn't have any buying power. We'll still have the money, but the cost of doing the needed repairs and the needed construction will have escalated beyond what we are able to use today. We are actually paying for future projects with present dollars. To me it makes good sense.

One final thing on the GARVEE, it was authorized by Congress in 1995 as a financing instrument that is repaid with future federal highway funds. The fact that the funds used to repay the obligation are federal, not state, is a key difference between a GARVEE and a state general obligation bond. That money is coming to us, actually it's being rebated to us, from the federal fuel tax that we submit to the federal government. I wish they would give us back all that we put in. We don't get that, by the way, for every dollar that we contribute to the federal highway fund through the federal gas tax on fuel purchased in Maine. Not every dollar comes back to us. I think the number is 94¢. You know, some states get more than they put in. How do you get into that line anyways? Accordingly, the GARVEE obligations do not represent a pledge of the full faith and credit of the state of Maine and thus they do not require a citizen's referendum. We can just do that. We already did it once. We did it for an emergency. We issued a GARVEE bond. You know what, in this proposal before us and the amendment that is in this budget before us today it says that we ought to take it out to the people and let them vote on it. Let them decide whether or not it's a good investment. Let them decide. GARVEEs are a low risk and well rated by bond markets as the federal highway revenue stream is dependable. Congress has provided highway funds every year since 1916. As part of the discussion I have heard

that there is no guarantee that we'll get federal highway funds next year. I will concur that this probably true. There is no guarantee just as there is no guarantee, though there is the full hope and expectation, that the sun is going to come up tomorrow. If you look back on the history of the GARVEE, a history of the federal highway fund, and a history of sunrises, you might expect that this would happen. GARVEE is used and has widespread and growing in its use nationally. There are 22 other states that have authorized the use of the GARVEE financing to collectively fund \$9.7 billion. New Hampshire, our neighboring state, our only neighboring state, is a state that we often refer to in debates in this chamber. Did you know that Maine has only one neighbor in the continental United States. It's kind of lonesome here, but it's kind of the way I like it too. The State of New Hampshire recently approved the use of \$195 million in its GARVEE funding. Maine's GARVEE use to date has been modest. As I said before, \$48.4 million was used from GARVEE for the construction of the Penobscot Narrows Bridge and Observatory. In fact, aside from the other 22 that use it, we have the lowest encumbered amount of money for GARVEE. I'll finish this and I know we'll bring it to a vote. I really wish that some of the discussions could sway some of your opinions and maybe I'll sit and keep that hope alive until I see the lights go up. As you press that really consider the condition of the road in front of your house, the need of the constituents that you've come here to represent, and the wishes that they have entrusted in you. Please vote for the pending motion. Thank you, Madame President. Thank you, men and women of the Senate.

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 Hancock, Senator Damon to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" (H-1036) 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 (#460)

YEAS: Senators: ANDREWS, BARTLETT, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN

NAYS: Senators: BRENNAN, CLUKEY, COURTNEY, DAVIS, DOW, GAGNON, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036)** Report, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1037)** Report, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually
S.P. 457 L.D. 1330

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

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 To Pass as Amended by Committee Amendment "A" (S-636)**.

Signed:

Senator:
NASS of York

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce"

S.P. 746 L.D. 1948

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

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
LERMAN of Augusta
MILLS of Farmington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-637)**.

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough
FISCHER of Presque Isle

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senate at Ease.

Senate called to order by the President.

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

Senator **DAVIS** of Piscataquis 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.

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 5:30 in the evening.

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 Protect Victims of Domestic Violence"
S.P. 739 L.D. 1938
(C "A" S-525)

In March 30, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525) AS AMENDED BY HOUSE AMENDMENT "D" (H-1044)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **DIAMOND** of Cumberland, the Senate **ADHERED**.

Sent down for concurrence.

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:

SENATE REPORTS - from the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, To
Lower the Cost of State Government by Approximately
\$1,000,000 Annually

S.P. 457 L.D. 1330

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee
Amendment "A" (S-636)** (5 members)

Tabled - April 27, 2006, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **ROTUNDO** of Androscoggin to
ACCEPT the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 27, 2006, Reports **READ**.)

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm the prime sponsor of this bill, L.D. 1330. I feel very passionately about it. You've heard a lot of emotion here tonight on various issues and I think that has been very appropriate. I presented this particular bill to the Appropriations Committee 14 months ago. It's been in committee all that time and had a very quick two or three minute work session here a couple of days ago and is now before us. I think the first thing I want to say is that we all should be very proud that we have actually cut 2,400 State worker positions in the last 10 years. I think that is a good thing. Unfortunately they have all been what I refer to as front line positions. As I look back on this issue, and I have followed it for over 10 years because it has bothered me for over 10 years, you look at Governors who happen to be Republican, Independent, or Democratic and who haven't made the cuts at the top of state government that I wish they had. In fact all, in various different ways, have increased spending and increased numbers of political appointees at the top of our departments. Now I'm not talking about a position becoming a political appointee position. I'm talking about newly created positions that are also political appointee positions. I've distributed a handout, I think everybody should have received it, that's a list of about 280 political appointees who are now up to that high a number. This bill is funded by cutting 8 or 9 positions out of the 271 listed. My concern is that our departments are getting more and more top heavy. Last year, as part of the

budget, we removed one of these positions in the Department of Agriculture. That one position saved approximately \$130,000. They haven't missed them. They restructured the department. Life has gone on and the money was saved. In my opinion this million dollars a year would be better spent on our highways and bridges, frankly, then it is on departments that have more and more political appointees compared to what they have had in the past. I don't think we can support this level of spending at this top level of government and I'd urge you to oppose the pending motion. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I was pretty enthusiastic about this proposal from the beginning and remain enthusiastic about it. Obviously the committee report is split along partisan lines and for the few minutes that I have to address this I'm just going to contain my remarks to the Chief Executive's staff because there is, as I recall in the Public Hearing on this, concern about the size of the staff now relative to recent administrations. There is on this list 39 filled positions and a couple that were not filled. Not having been here for two recent past administrations, the administrations of Governor Brennan and Governor McKernan, I've only the reports to work with. It is my understanding that there were about half the number on the Governor's staff at that point under the term Governor's Special Assistant, which was a pretty all-inclusive term. You can look at the names and you know already, if you've been here a short time, what they do. That's what I thought was happening with this, focusing on those particular jobs and the number of jobs and leaving it up to the Chief Executive to decide exactly who wanted doing what. What I want to recognize tonight is the apparent expansion in the recent last 20 years or so of the number of jobs there. I'm not sure, and I ask you to consider, whether we can afford that level and that breadth of assistance to the Governor and if this is the time to do something about it. In addition to that I notice that if you look down here there is one job, for instance, that I can't even find out here. That's the Governor's Nuclear Assistant. We no longer have a nuclear power plant. My understanding, from reading the press, is that this Chief Executive has a nuclear assistant making over \$100,000 a year. His salary was raised last year. I think we objected to that, too, but it didn't matter. It's worse than what you're reading here. Not only are there almost 40 jobs on here, which is double what we have seen in recent years, but there are some that we know about, at least that have been reported in the press, that aren't even listed here. Either that person is getting paid with federal money or other special revenue or something that doesn't appear in the official listing. Madame President, I also would urge a vote in opposition to the current motion and hope that we can realize the savings that are posted here and obvious to all of us. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I urge you to support the motion on the floor. The staffing levels of state government have been thoroughly reviewed by the Administration and by legislative committees numerous times in the past year during the Part I, Part II, and supplemental budget processes. No one, with the

exception of the Agriculture Committee, identified any positions at this level for elimination. The committees, that are made up of all of you, didn't come forward to Appropriations with one exception, the Agriculture Committee, to offer up any Deputy Commissioners or other positions in their departments, even if doing so would have funded other needs. To me that indicates that committees didn't feel that these positions could be done away with. If you bring recommendations to us, as the Appropriations Committee, I can assure you that we will act as we did with the Agriculture Committee recommendation and eliminate the position. I'm really reluctant to have us eliminating positions that apparently the legislative committees of oversight feel are important enough to keep and not to offer up for cutting. For that reason I hope you will support the motion on the floor. Thank you.

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I'll be very brief. To answer the question from the good Senator from York, Senator Nass, if you look at the last page of the handout that is the totality of the cost of the Governor's Special Assistants that are listed on page 2 of the handout. As you will see on the last page, under previous administrations those totaled about 20 to 21 positions. At the end of Governor King's administration the total cost of those special assistants was \$1.6 million. The total cost now is almost \$2.3 million. I'm concerned that we just can't stand that level of spending, that level of increase. At the time of the Public Hearing last February I was asked by the Appropriations Committee what do all these particular positions that were listed on the second page do. I did make a request to find out that answer because I didn't know myself. Unfortunately, I still haven't received an answer to that question. To me, that leaves me to believe that we enact some savings here this evening with this bill. Thank you.

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 the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought Not 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 (#461)

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, TURNER, WESTON, WOODCOCK

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/26/06) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

H.P. 1483 L.D. 2091

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1026)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - April 26, 2006, by Senator **BROMLEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 14, 2006, 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-1026)**.)

(In Senate, April 26, 2006, Reports **READ**.)

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. Simply said, the goals behind this bill are laudable. It came in late at the end of session with no opposition. We all know how that happens. The concern that I will just put on the floor for all of us to consider is that Pine Tree Zones, when they were first drafted, were intended to move economic development into places that had a severe dearth of economic development. This would be the first Pine Tree Zone in Cumberland County. Though I reside in Cumberland County and certainly would love to have lots more economic development I think that's a big policy move from where we started and deserves more deliberation, thus the very lopsided vote you are seeing coming out of the committee. I wanted to put that concern on the floor in this Body. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I rise in opposition to the pending motion. This bill was offered to deal with a very unique situation in my district in the city of Westbrook. We have a mill there that sits on approximately 300 acres of property, that has been slowly closing down over the years and is down to a mere 350 jobs. There are a number of advantages and disadvantages to this particular site for future economic growth. One of the advantages is that there is a lot of electricity there, which means that electricity can be offered at a lower price. There are disadvantages, however, with going into a site that has previously been used for industrial use. What this bill is designed to do is to grant Pine Tree Zone status to that particular parcel of property, the old SAPI Mill site. Today we'll have to compete with other sites around New England and around the country. We believe that this property could be a very prime spot for attracting major employers in the future. Given the supply of electricity there, there is a real opportunity. It should be noted though that even though we can offer electricity at a lower cost than we can in most of New England, New England's electricity prices are much higher than the rest of the country. The lower electricity prices gets us competitive with New England but not with the rest of the country. We believe by making this a Pine Tree Zone we can make this particular site competitive to bring in some very large employers from around the country that will add jobs, not only in my district but also in the much larger Greater Portland area. That is the purpose for bringing this bill forward. I would urge you to oppose the Ought Not to Pass report so that we might go on to an amendment that will make sure that this is a very narrow case that is not going to be expanded and to make sure that we are not in any way competing with other towns for companies that already exist in Maine. I would again urge you to give this an opportunity to go forward to be amended so that we might enable this particular site in Maine to be a good spot for economic development and attract some companies that otherwise would never consider the state of Maine.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/11/06) Assigned matter:

Bill "An Act To Clarify the Sales Tax Exemption for Air Ambulance Services"

S.P. 816 L.D. 2085

Tabled - April 11, 2006, by Senator **PERRY** of Penobscot

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-589)**

(In Senate, April 11, 2006, Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-589) **READ.**)

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

Senator **PERRY:** Thank you, Madame President. I'll be very brief. This is a unanimous report out of the Taxation Committee. I suspect it will be heading down to the table and the prospect of funding isn't very good because the fiscal note is over \$500,000. I wanted to take one minute just to tell the Senate what this is.

It has to do with Life Flight of Maine, which is located in both Bangor and Lewiston. It is two helicopters and is an ambulance service that services the entire state of Maine. It is formed as a partnership between Eastern Maine Medical Center and Maine General in Lewiston. They are two non-profit corporations who set up a partnership between them that is a LLC. Come to find out, even though they are both non-profit corporations, an LLC cannot be a non-profit. They did not pay the sales tax on the two helicopters. They have received a half-a-million dollar assessment. I don't think any of us want to do that, but that is where we are. Hopefully this will just pass under the hammer and go to the table. There are some appeals underway and I plan to take it up again next year to help them find a way to rectify this. Thank you very much.

Committee Amendment "A" (S-589) **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-589).**

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Friday, April 28, 2006, at 10:00 in the morning.