

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

In Senate Chamber

Thursday

April 29, 2004

Senate called to order by President Beverly C. Daggett of Kennebec County.

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Prayer by Reverend C. Russell Thayer, Damariscotta Baptist Church.

**REVEREND THAYER:** Let us pray. Most gracious God, we give You great thanks for allowing us the privilege of living in this great country and state. We give You thanks for the freedoms we have been blessed with and all those who have given their lives to protect these freedoms. Especially we remember this morning those who have recently lost their lives in Iraq. Bless their families. Be with those still serving there and protect them. Be with our President and other world leaders, that peace may be a reality soon.

We give You thanks for those present in this Senate Chamber today. Give them wisdom in their decisions. Grant to each the willingness to cooperate and a desire to do what is best for the people of Maine. We give special thanks today, Lord, for Senators Bennett, Carpenter, Cathcart, Daggett, Kneeland, LaFountain, Mitchell, Pendleton, Shorey, and Treat who have served this state well and now will be going on to other things. We ask, God, that You would constantly guide this Senate in the decisions that they make and that You would make this day a profitable day for the State of Maine. Watch over the great State of Maine and bless its residents with prosperity and peace. May Your blessing be upon each of these Senators today as they continue to serve You in this chamber.

We pray this in Your holy name. Amen.

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Reading of the Journal of Wednesday, April 28, 2004.

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**Non-Concurrent Matter**

Resolve, to Fund Scholarships to the Seeds of Peace Camp

H.P. 55 L.D. 47

(C "A" H-704)

In House, March 3, 2004, **FINALLY PASSED**.

In Senate, April 27, 2004, the Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

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Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **TREAT**: Thank you, Madame President, men and women of the Senate. I would like to take a few moments out of our busy day today to recognize two young women who have come here from not too far, Gardiner Area High School. They are Delia Gorham and Tanya Russell. They are being honored today because they have achieved the high honor and literary distinction of winning the 2004 Longfellow Sonnet Writer's Award which is sponsored by the Maine Historical Society and coordinated by the Fine Arts Boosters of Portland High School. The Longfellow Awards recognize high levels of literary achievement in its sustained classic forms by aspiring young writers. I hope you will join me in recognizing them here today as they are here to accept their recognition for something I think we usually don't take time to recognize, poets. I think it's something kind of special and I was glad to have them come by here today to get your recognition. Thank you.

**THE PRESIDENT**: The Chair is pleased to recognize in the rear of the chamber Delia Gorham and Tanya Russell who are award winning sonnet writers and high honor students at Gardiner Area High School. They guests today of the Senator from Kennebec, Senator Treat. Would they please stand and accept the greetings of the Maine Senate.

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Off Record Remarks

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**ORDERS**

**Joint Resolution**

On motion by Senator **WESTON** of Waldo (Cosponsored by Representative SHIELDS of Auburn and Senators: BRENNAN of Cumberland, DAVIS of Piscataquis, GILMAN of Cumberland, MARTIN of Aroostook, SAVAGE of Knox, WOODCOCK of Franklin, Representatives: CURLEY of Scarborough, KANE of Saco), the following Joint Resolution:

S.P. 814

**JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS  
OF FOSTER FAMILIES**

WHEREAS, stable homes help provide a wholesome environment for the healthy growth of children; and

WHEREAS, children whose homes lack the love and nurturing necessary to create a wholesome environment are provided this love and nurturing by foster families; and

WHEREAS, the goal of a foster family is to provide a safe, secure and stable home along with concern, understanding and nurturing; and

WHEREAS, foster families, who open their homes and hearts to children whose families are in crisis, often play a vital role in helping children and families heal and reconnect; and

WHEREAS, foster parenting is a difficult but rewarding profession that requires hard work and good communication, understanding and decision-making skills; and

WHEREAS, foster parenting often requires the commitment of the entire foster family; and

WHEREAS, Governor John E. Baldacci has officially proclaimed the month of May 2004 as Foster Families Month in recognition of the efforts of these very special families; now, therefore, be it

RESOLVED: That We, the members of the 121st Legislature now assembled in the Second Special Session, on behalf of the citizens we represent, join Governor John E. Baldacci and others throughout the State in expressing our heartfelt appreciation to the individuals and families providing foster care services in our State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Commissioner of Human Services John Nicholas and to Adoptive and Foster Families of Maine, Inc. as an expression of our esteem.

**READ.**

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. It is difficult to understand child abuse and neglect and the fact that not all families provide safe, nurturing, and protective homes. Maine foster families are willing to open their hearts and their homes to the children in Maine who need it the most. It does require sacrifice and dedication. Today we have an opportunity to honor those foster families and to say, 'Thank you for all you do.'

On further motion by same Senator, **ADOPTED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Penny Dineen, who is the Program Manager of DHS, and Barbara Ford, President of Adoptive and Foster Families of Maine. They are guests today of the Senator from Waldo, Senator Weston. Would they please rise and accept the greetings of the Maine Senate.

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**ENACTORS**

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

**Emergency Measure**

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

H.P. 1418 L.D. 1916  
(H "A" H-923; H "B" H-946; H "C" H-947; H "D" H-950; H "E" H-952; H "F" H-953; S "A" S-552; S "B" S-555; S "C" S-559 to C "A" H-907)

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.

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**Acts**

An Act To Protect Forest Products, Loggers and Haulers

H.P. 1471 L.D. 1964

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

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An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

H.P. 1420 L.D. 1919  
(H "Q" H-932; H "T" H-935; H "V" H-937; H "Z" H-958; H "AA" H-964; H "BB" H-965; S "A" S-518; S "P" S-543 to C "A" H-904)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#425)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

An Act To Establish the Maine Military Family Relief Fund

S.P. 631 L.D. 1699

(C "A" S-438)

Tabled - March 31, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438).**)

(In House, March 30, 2004, **PASSED TO BE ENACTED.**)

On motion by Senator **CATHCART** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers

S.P. 646 L.D. 1714

(C "A" S-451)

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451).**)

(In House, April 16, 2004, **PASSED TO BE ENACTED.**)

On motion by Senator **CATHCART** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Recruit and Retain College Graduates through Loan Repayment

H.P. 1387 L.D. 1864

(C "A" H-794)

Tabled - April 7, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-794)**, in concurrence.)

(In House, April 5, 2004, **PASSED TO BE ENACTED.**)

On motion by Senator **CATHCART** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

An Act to Increase Maine's Minimum Wage

S.P. 237 L.D. 673

(C "A" S-359; S "A" S-491)

Tabled - April 13, 2004, by Senator **CATHCART** of Penobscot



Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AND SENATE AMENDMENT "A" (S-491).**)

(In House, April 12, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AND SENATE AMENDMENT "A" (S-491).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-359).

On further motion by same Senator, Senate Amendment "A" (S-563) to Committee Amendment "A" (S-359) **READ** and **ADOPTED.**

Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-563) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Senator **TURNER** of Cumberland requested a Roll Call.

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

Senator **CATHCART:** Thank you, Madame President. I hope that you will vote with us on this amendment. All the amendment does is strips off the fiscal note that was going to pay for a poster. Thank you.

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

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



(In House, April 12, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-486).

On further motion by same Senator, Senate Amendment "A" (S-562) to Committee Amendment "A" (S-486) **READ** and **ADOPTED.**

Committee Amendment "A" (S-486) as Amended by Senate Amendment "A" (S-562) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486) AS AMENDED BY SENATE AMENDMENT "A" (S-562)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products H.P. 1089 L.D. 1492

(C "A" H-641)

Tabled - February 11, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 3, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641)**, in concurrence.)

(In House, February 10, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-641).

On further motion by same Senator, Senate Amendment "A" (S-564) to Committee Amendment "A" (H-641) **READ** and **ADOPTED.**

Committee Amendment "A" (H-641) as Amended by Senate Amendment "A" (S-564) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641) AS AMENDED BY SENATE AMENDMENT "A" (S-564)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Join the Interstate Insurance Product Regulation Compact

S.P. 630 L.D. 1698

(C "A" S-389)

Tabled - March 3, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 19, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-389).**)

(In House, March 2, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-389).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-389).

On further motion by same Senator, Senate Amendment "A" (S-565) to Committee Amendment "A" (S-389) **READ** and **ADOPTED.**

Committee Amendment "A" (S-389) as Amended by Senate Amendment "A" (S-565) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-389) AS AMENDED BY SENATE AMENDMENT "A" (S-565)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Provide Equity in Veterans' Property Tax Exemptions

H.P. 1268 L.D. 1746

(C "A" H-725; H "A" H-742)

Tabled - March 18, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AND HOUSE AMENDMENT "A" (H-742)**, in concurrence.)

(In House, March 17, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AND HOUSE AMENDMENT "A" (H-742).**

On further motion by same Senator, Senate Amendment "A" (S-566) **READ** and **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725); HOUSE AMENDMENT "A" (H-742) AND SENATE AMENDMENT "A" (S-566), in NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Promote Responsible Pet Ownership

H.P. 1285 L.D. 1763

(C "A" H-727)

Tabled - March 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)**, in concurrence.)

(In House, March 11, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-727).

On further motion by same Senator, Senate Amendment "A" (S-567) to Committee Amendment "A" (H-727) **READ** and **ADOPTED.**

Committee Amendment "A" (H-727) as Amended by Senate Amendment "A" (S-567) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY SENATE AMENDMENT "A" (S-567)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"

H.P. 1307 L.D. 1785

(C "A" H-696; S "A" S-457)

Tabled - April 7, 2004, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "A" (S-457).**)

(In House, April 7, 2004, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "A" (S-457).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-457).

Same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-457), in **NON-CONCURRENCE.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-457), in **NON-CONCURRENCE.**

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

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Senate at Ease.

Senate called to order by the President.

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

An Act to Expand Maine's Homestead Exemption for the Blind

H.P. 1316 L.D. 1794

(C "A" H-724)

Tabled - March 10, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 4, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**, in concurrence.)

(In House, March 9, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-724).

On further motion by same Senator, Senate Amendment "A" (S-568) to Committee Amendment "A" (H-724) **READ** and **ADOPTED.**

Committee Amendment "A" (H-724) as Amended by Senate Amendment "A" (S-568) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY SENATE AMENDMENT "A" (S-568)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews

S.P. 286 L.D. 891

(H "A" H-880 to C "A" S-405)

Tabled - April 27, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405) AS AMENDED BY HOUSE AMENDMENT "A" (H-880)** thereto.)

(In House, April 16, 2004, **PASSED TO BE ENACTED**.)

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

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

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

**Emergency Resolve**

Resolve, Extending the Reporting Deadline for the Commission To Study Public Health

H.P. 1346 L.D. 1823

Tabled - January 28, 2004, by Senator **GAGNON** of Kennebec

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

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

(In Senate, January 8, 2004, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE**, in concurrence.)

(In House, January 27, 2004, Resolve and Accompanying Papers **INDEFINITELY POSTPONED**.)

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

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

Resolve, Directing the Joint Standing Committee on Taxation To Study the State's Participation in the National Streamlined Sales and Use Tax Agreement and Report Legislation Necessary To Bring the State into Conformity with That Agreement

H.P. 552 L.D. 746

(C "A" H-672)

Tabled - April 7, 2004, by Senator **TREAT** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**, in concurrence.)

(In House, April 5, 2004, **FINALLY PASSED.**)

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

**Resolve**

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

H.P. 1417 L.D. 1915

(C "A" H-800)

Tabled - April 7, 2004, by Senator **TREAT** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800)**, in concurrence.)

(In House, April 5, 2004, **FINALLY PASSED.**)

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

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

On further motion by same Senator, Senate Amendment "A" (S-574) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800) AND SENATE AMENDMENT "A" (S-574), in NON-CONCURRENCE.**

Sent down for concurrence.

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

**Emergency Measure**

An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

H.P. 1382 L.D. 1856

(C "A" H-833)

Tabled - April 13, 2004, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833)**, in concurrence.)

(In House, April 12, 2004, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-571) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833) AND SENATE AMENDMENT "A" (S-571), in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

H.P. 1456 L.D. 1957

(H "A" H-866; S "A" S-502)

Tabled - April 14, 2004, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENT "A" (S-502), in NON-CONCURRENCE.**)

(In House, April 12, 2004, **PASSED TO BE ENACTED.**)

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

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

On further motion by same Senator, Senate Amendment "B" (S-573) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENTS "A" (S-502); "B" (S-573), in NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

S.P. 671 L.D. 1826  
(S "A" S-506 to C "A" S-474)

Tabled - April 27, 2004, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474) AS AMENDED BY SENATE AMENDMENT "A" (S-506)** thereto.)

(In House, April 16, 2004, **PASSED TO BE ENACTED.**)

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

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

Same Senator moved the **RULES BE SUSPENDED.**

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

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by same Senator to **SUSPEND THE RULES.** (Roll Call Ordered)



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

**Resolve**

Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House S.P. 658  
L.D. 1725

(C "A" S-365)

Tabled - February 12, 2004, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 3, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-365).**)

(In House, February 11, 2004, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-365).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-365).

On further motion by same Senator, Senate Amendment "A" (S-577) to Committee Amendment "A" (S-365) **READ** and **ADOPTED.**

Committee Amendment "A" (S-365) as Amended by Senate Amendment "A" (S-577) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-365) AS AMENDED BY SENATE AMENDMENT "A" (S-577) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

An Act to Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities

H.P. 1286 L.D. 1764

(C "A" H-749)

Tabled - March 22, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 17, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749)**, in concurrence.)

(In House, March 19, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-749).

On further motion by same Senator, Senate Amendment "A" (S-576) to Committee Amendment "A" (H-749) **READ** and **ADOPTED**.

Committee Amendment "A" (H-749) as Amended by Senate Amendment "A" (S-576) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749) AS AMENDED BY SENATE AMENDMENT "A" (S-576)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

#### **REPORTS OF COMMITTEES**

##### **House**

##### **Ought to Pass Pursuant to Public Law and Resolve**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law 2003, chapter 422, Part B, section 2 and Resolve 2003, chapter 101, section 3, on Bill "An Act Regarding Penalties Assessed by the Bureau of Forestry"

H.P. 1472 L.D. 1965

Reported that the same **Ought to Pass**.

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication:

H.C. 422

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333**

April 29, 2004

Honorable Joy J. O'Brien

Secretary of the Senate

121st Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House today failed to enact An Act To Provide a Consistent Deadline for Filing Regulatory Agendas (EMERGENCY)

(S.P. 812) (L.D. 1963)

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

**COMMUNICATIONS**

The Following Communication:

S.C. 625

**121<sup>ST</sup> LEGISLATURE  
JOINT COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

April 29, 2004

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular and Second Special Sessions of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		32
Unanimous Reports	14	
Ought to Pass	3	
Ought to Pass as Amended	7	
Ought Not to Pass	3	
Referred to Another Committee	1	
Divided Reports	1	
Committee Bills & Papers	3	
Pursuant to Public Law	2	

Pursuant to Statute 1

Gubernatorial Nominations 14

Respectfully submitted,

S/Bruce S. Bryant

S/Linda Rogers McKee

Senate Chair

House Chair

**READ and ORDERED PLACED ON FILE.**

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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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

H.P. 1466 L.D. 1962

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-966).**

Signed:

Senator:

BRYANT of Oxford

Representatives:

McKEE of Wayne  
SMITH of Monmouth  
EDER of Portland  
LUNDEEN of Mars Hill  
PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-967)**.

Signed:

Senators:

KNEELAND of Aroostook  
YOUNGBLOOD of Penobscot

Representatives:

HONEY of Boothbay  
CARR of Lincoln  
CHURCHILL of Orland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)** Report, in concurrence.

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

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. Two years ago we passed a bill unanimously in the House and in the Senate and that the Governor signed that would put major substantive rules out to rulemaking that would substantially eliminate liquidation harvesting. Today we are here with those rules back for some changes after having public comments. The Majority Report has some changes in it. I think that over the last two years everybody has been involved. The process has not been easy. Over the last three or four weeks that process has not been easy but I do believe that we have a set of rules that will allow us to eliminate liquidation harvesting in the State of Maine within the period of five years of buying the land, cutting it, and selling it. I would urge you to vote for the Majority Report. Thank you.

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

Senator **YOUNGBLOOD:** Thank you, Madame President, ladies and gentlemen of the Senate. I have a few things I'd like to review with you regarding this process of liquidation harvesting. There are two reports. We have in front of us the Majority Report. As the good Senator from Oxford, Senator Bryant, has stated, this has been a very long process. We did, in fact, pass a bill to say we want to substantially eliminate liquidation harvesting and we do. It's an absolute true statement. There was no one on that committee that was opposed to doing something to stop liquidation harvesting. I think there are some things that we have to understand before we make the decision on which report is the right way to stop liquidation harvesting. There are a few things that we need to be made aware of. There was a long process. There were public hearings. Three were held in different parts of the state. There were many people who attended those and gave input to that process. Our Forestry Department tentatively listened to what was going on. That went on over the whole last year. Within the last couple of weeks they finally brought forward a set of rules for us to make a decision on, without a real opportunity for the people who attended the public hearings to have an opportunity to look at the rules and get back to them.

I need to say for the record, in my four years of being in the Maine Senate I've sat on four committees. Four years, four committees. I never get invited back to set on the same committee again. I always have to look for a new one.

This is major public policy. I have never seen an opportunity before where, when the state was bringing forth rules and a major part of our economy had real difficulties with them, they have not been told or even on their own go off and say they need to do some negotiating and work out their differences. The Maine Forestry Department refused to alter almost anything. The one or two changes they made were so very insignificant that it didn't really make a lot of difference. That's just not right.

Is there anybody who thinks liquidation harvesting is a good idea? Absolutely not. Is liquidation harvesting a problem in the State of Maine? No, it's not. Is it perceived as being a great problem? It absolutely is. I get lots and lots of telephone calls. I get discussions from my next door neighbors that say, 'Ed, you've got to do something about this because Joe down the street is creating a liquidation harvest' when, in fact, he is not. It is over perceived.

After a lot of work, bringing together lots and lots of data, the Forestry Department determined that in the last year it is a 2% problem. Roughly 14,000 acres in all of the entire State of Maine met the criteria of being liquidation harvesting. Not an enormous problem, but it is a problem. There is a door that is open. Could it be worse than 14,000 acres? Absolutely. We do need some major rules that will stop that effort because it is not an effort that any of us want people to participate in.

Most of our loggers are small, two or three employee kinds of operations. Not at the request of anyone on the committee, there were surveys that came forward, signed by small loggers who employ two, three, or four people, that said this would devastate them. These are people who went to the public hearings, who had input, and I do not honestly believe their input was seriously looked at. I believe the agenda was pretty much written before the public hearings.

From my perspective, the Department has come up with an 800 pound gorilla to take care of a red squirrel in the woods that is creating a little bit of a problem. I want to urge you not to vote for this Majority Report. We need to defeat this and go on to the Minority Report. The Majority Report calls for a plan on every single cut that is being made. I have been told this will add 15% to 20% to the cost of a job. Your small loggers in your districts cannot afford this. They have been working in the woods longer than most of us have been alive. They know what they are doing.

I'm absolutely convinced, just like it always is, that the real bad actors that are involved in true liquidation harvesting have already read these rules and they have already figured out how to get around them. What these over-kill rules do is make it very hard on the little, small logger that knows what he is doing, that is working hard to make a living. Economically, this is a disaster to that group of people. The



rules that say you have to have a harvest plan for the most part are very subjective. They say you have to go out and look at what has been harvested to see whether they met the plan or whether they did not meet the plan. I have to submit a plan. I have to have a registered forester on site to see that I'm following the plan. After I've completed my cut, I have to have a forester certify that I did do what my plan told me that I was going to do. If somebody drives by, calls the Forestry Department and says that they think Logger XYZ is liquidation harvesting, they have to go and count the stumps. Did you ever try to do that in December or January or February in central, western, eastern or northern Maine? Obviously, you can't do that. The way the rules are put together hold everybody accountable. I own the land. I hire a logger. He has a plan and follows it. Maybe he over cuts, but he does what I, the owner, told him to do. Unbeknownst to the logger, I decide to sell the land in the fall. The way these rules are written everybody that was involved is responsible and held liable to \$1,000 a day. The logger didn't know that I was going to sell that land. How did he have any idea?

These rules have not had a complete public hearing where one has had a chance to digest and bring all this data together. It's been hurried. A year in the making. A week or two in the finalizing. That's just plain not the way we ought to be setting public policy.

We have a limited number of people in the Forestry Department capable of doing this. I believe the exact words the people in the Forestry Department was that it would take at least nine people to enforce this, yet there is no fiscal note that goes with these rules. The reason there is no fiscal note is they said, 'Oh, we will let other things go and will concentrate on this.' Will we let go taking care of fires that happen this time of year? Will we let go all the issues that we've argued and talked about having to do with timber thievery or the problems of crossing people's land? Something has to give. They do not have enough staff in order to do this. It drags it out.

It's a brand new learning process. One set of these rules say you already understand the Forest Practices Act, because you are in that business, and this is how you look at a forest and how you look at a harvest. We are saying, 'Forget that, here's another whole new way of doing something.' Again, you will be adding educational time, training, and overhead. I think I have probably said enough at this point. I urge you to seriously consider your vote before you say you are interested in putting a lot of small loggers in this state out of business to handle a 2% problem. This isn't a problem to the major landowners. They have master loggers, certified loggers. This is not a problem to the major mills that have multiple acres and acres of land. This is a problem for the local small woodlot owners. It is a terrible thing to put on them. They prefer the alternate method, not these major rules that you have here in the Majority Report. Please, consider your neighbors, consider the logger in your area, and vote no on this motion. Thank you.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would say they we have spent a lot of time on these rules and to assert that the Agriculture, Conservation and Forestry Committee hasn't had considerable debate over these rules is incorrect. I think we've been more than generous with public hearings on a major substantive rule, which has met two and three times, going continuously for three or four hours, and negotiating a number of times. To put forth the accusation that there has been no negotiation on pieces of these rules is a bit disturbing.

I would just come back to the point that these rules apply to people that buy, cut heavily, and sell. To try to assert that it applies to everybody is wrong. To the point that you have to have a harvest plan, you don't. The paper that I passed out earlier, half the page tells you the rules and the other part is exemptions. If you don't want to have a forester, the Department will put an education piece together so you can go and get qualified so you don't have to have a forester or a plan. I think these are well-crafted rules. We took time to make sure that people that are out there have an opportunity, because if you have one business plan that says that they are going to buy, cut as heavy as they can, and sell the land to make a

profit and then you have another person over here trying to manage his land and do the right thing, those two business plans compete. What we are saying is that we need the person that is out there trying to compete to be on a level playing field so that they will at least know what the rules are and that someone cannot just liquidate assets. I would encourage you to vote for the Majority Report.

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

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I wasn't going to speak on this. Classic words uttered in the Legislature. Some of the arguments that were posed by my good friend, the Senator from Penobscot, Senator Youngblood, cause me to rise. I think before I address that I would like to point out that my view about the question of resolves of this nature coming before the legislature is that we are not at the point of making statute, as we know, we are at the point of reviewing proposed rules under our Administrative Procedures Act which has us review major substantive rules for the purpose of making sure that those rules are in keeping with the intent of the legislature. The intent of the legislature upon which these rules are based was articulated months ago and these rules are the products of that. Whether or not you think the Majority Report or the Minority Report is preferable, I think that the conclusion which has generally been reached is that liquidation harvesting is a problem, it was unanimously accepted as a problem by the legislature, and that these rules are before us for our review to make sure that they encompass the intent of the legislature. That is an important context for considering your vote on this matter.

I heard a couple of desperate and somewhat divergent thoughts from my friend, the Senator from Penobscot, Senator Youngblood. At one point I thought I heard him say that liquidation harvesting is not a problem in Maine. Shortly thereafter I think I heard him say that it is a problem in Maine, but it's a small problem. He suggested, I think, that of all the problems, this is sort of the red squirrel in the forest. I would just like to disclose that my family and I have been victimized by one of the red squirrels in the forest on this issue. It is a personal problem and I think it's fair, before casting a vote of this nature, that I disclose that my public policy concerns are influenced and shadowed by personal experience in this area. My family has owned land in Greenwood for over six generations. Currently my sister and I own a parcel that was subjected to rapacious acts by a liquidation harvester. His target was not our property. His target was a non-contiguous parcel nearby which he bought. To access it most quickly, and in the hurried fashion of these individuals, he built a road across our property. He blasted boulders with dynamite and cut trees on our property to effect a road across our property so he could haul out the timber as expeditiously and as inexpensively as possible from this neighboring parcel. He did not ask permission for use of our land. He did not notify us or make any claim upon legal access to our property. He just did it. In fact, in the litigation that inevitably ensued and cost my family and myself tens of thousands of dollars, he alleged that he was just using a roadbed that was already there. I question, of course, how a roadbed could have existed over glacial erratic that he decided to blow to smithereens out of the way. You will have to forgive me if my feelings on this are somewhat personal. For the people who are victims of liquidation harvesting, and the irresponsible attitudes that these people have perpetuated in forest practices, this is not a red squirrel in the forest kind of issue.

I do worry about the loopholes that this bill and these rules may have. These people have proven themselves to be extremely adept at avoiding rules and subverting our subdivision law and our forest practices acts. They have also proven adept at avoiding all sorts of responsibility and any sense of responsibility for their actions. I have to say that in my view this is a failure of self-regulation. I think the reason this measure is before us, and why the bill was before us a couple of years ago, is that the industry

failed to regulate itself. There are a lot of economic reasons that the industry has failed to regulate itself. I think my friend and colleague, the Senator from Oxford, Senator Bryant, touched on those eloquently a moment ago. The incentives too often are perverse incentives and people that do not have any sense of morality, or have a respect for property ownership, find it easy to subvert the rules and their responsibilities as business people and as citizens in their practices. I have to say though that in my family's situation, the liquidation harvester was enabled and empowered by a local, highly credible, forest products business who specifically enabled and empowered him to do his practices and had done so before and did so after. There are perverse economic incentives that have caused people with lower senses of morality about the treatment of private property to engage in this. I believe in private property ownership. I think it is a value. As many of us have seen, and I've seen on this parcel of 90 acres in Greenwood's forest, in recent years, in my view, people's respect for private property has ebbed. We've found trash and garbage dumped on our property. We find carcasses of dead animals. People are trying to avoid the cost of throwing away their tires and white goods and dump them out in the woods. You have to wonder when the forest products industry, not the whole industry but people within it and enablers of those people, are not treating private property respectfully, why would transients feel any sense of duty in doing so either?

Frankly, I don't know. I've been lobbied heavily on both sides of this issue. I've looked at it and I've read the documents. It hasn't been around for just two weeks. I think it was six weeks ago when I looked at the proposed rules. I'm concerned about loopholes. I'm concerned whether this is going to work or not. I do not believe this is a red squirrel in the forest. For that reason, I'm going to be supporting the Majority Report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-966) 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 (#427)**

YEAS:                Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, SAWYER, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators: BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-966) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966)**, in concurrence.

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

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

**ENACTORS**

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

**Acts**

An Act To Encourage and Support Maine Small Businesses

S.P. 427 L.D. 1325  
(S "A" S-562 to C "A" S-486)

An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products

H.P. 1089 L.D. 1492  
(S "A" S-564 to C "A" H-641)

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

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

**ENACTORS**

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

**Acts**

An Act To Join the Interstate Insurance Product Regulation Compact

S.P. 630 L.D. 1698  
(S "A" S-565 to C "A" S-389)

An Act To Promote Responsible Pet Ownership

H.P. 1285 L.D. 1763  
(S "A" S-567 to C "A" H-727)

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

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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 Provide Equity in Veterans' Property Tax Exemptions

H.P. 1268 L.D. 1746  
(C "A" H-725; H "A" H-742; S "A" S-566)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Mandate**

An Act To Expand Maine's Homestead Exemption for the Blind

H.P. 1316 L.D. 1794  
(S "A" S-568 to C "A" H-724)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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 Increase Returnable Beverage Container Redemption Rates"

H.P. 931 L.D. 1257  
(C "A" H-855)

In House, April 27, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto.

In Senate, April 27, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/28/04) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

H.P. 695 L.D. 938

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-740)** (5 members)

Tabled - April 28, 2004, by Senator **STANLEY** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 27, 2004, Reports **READ** and the RESOLUTION **SUBSTITUTED** for the Reports. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955).**)

(In Senate, April 28, 2004, Reports **READ**.)

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

Senator **BENNETT** of Oxford requested Division.



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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#429)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DOUGLASS, EDMONDS, GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAMON, DAVIS, GILMAN, HALL, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **NASS** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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Senate at Ease.

Senate called to order by the President.

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With reference to the action of the Senate whereby it **INSISTED** and **JOINED** in a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Bill "An Act To Increase Returnable Beverage Container Redemption Rates"

H.P. 931 L.D. 1257

(C "A" H-855)

The Chair appointed as conferees on the part of the Senate the following:

Senator **HALL** of Lincoln

Senator **SHOREY** of Washington

Senator **GAGNON** of Kennebec

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/28/04) Assigned matter:

JOINT ORDER - Joint Order To Require a Special Election on the Initiated Bill Pertaining to Tax Reform

S.P. 803

Tabled - April 28, 2004, by Senator **HALL** of Lincoln

Pending - **FURTHER CONSIDERATION**

(In Senate, April 16, 2004, on motion by Senator **GAGNON** of Kennebec, **READ** and **PASSED**.)

(In House, April 28, 2004, **FAILED PASSAGE**, in **NON-CONCURRENCE**.)

On motion by Senator **HALL** of Lincoln, the Senate **RECEDED**.

On further motion by same Senator, Joint Order and accompanying papers **INDEFINITELY POSTPONED**.

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

An Act to Promote Intergovernmental Cooperation, Cost Savings and Efficiencies

S.P. 767 L.D. 1930

(S "A" S-517 to C "A" S-510)

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-510) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto.)

(In House, April 15, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-510) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-510) as Amended by Senate Amendment "A" (S-517) thereto.

On further motion by same Senator, Senate Amendment "B" (S-575) to Committee Amendment "A" (S-510) **READ** and **ADOPTED.**

On motion by Senator **NASS** of York, Senate Amendment "C" (S-582) to Committee Amendment "A" (S-510) **READ.**

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. L.D. 1930 is the first of the two regionalization bills that we processed and had brief discussions about a week and a half ago. It was the product of a joint select committee. It happened at the end of the session, fairly rapidly. I have to agree that most of the work that was done on this particular bill was needed, well done, well proposed, and well considered here. There is, however, one piece of it that I think is a mistake. It is certainly a mistake for the county that I represent.

York County is currently in the midst of consideration of adopting a charter. There is great concern among municipal officials that the now in statute process for establishing a charter or changing a charter be maintained. In fact, on the November ballot for the citizens of York County, they will get a chance to vote as to whether they want a charter or not. A charter is an important document, whether it is in a municipality or a proposal for a county. It's not a simple decision of the commissioners. It's not an ordinance. It's more than that. In the municipality or county, in my opinion, this is as close as you can get to a constitutional type question. We have established in statute, and have had for many years, a process whereby the citizens get to decide whether they want to start the process or not. They get to vote on that. They get to vote on who their representatives to that process are going to be. Then they get to vote again on the product of that activity, whatever those folks propose. It's complicated. It's messy. It takes a long time. In my opinion, that is the way it should be.

L.D. 1930, in section 9 and 10, changes that process for counties only. The citizens of municipalities still retain the process of two votes and a chance to select the members of the Charter Commission. We are about to delete that possibility for county charters or county charter changes. It's been well documented in the press that if, in fact, this passes the Commissioners in York County are going to remove, if they can, the option this November for the citizens of my county to be able to vote as to whether they want a charter or not. I don't think this is the time. I think that is a mistake. I think we ought to leave it with the counties. Leave the process the way it is now. It's hard and it's cumbersome. It's the same process municipalities have. I don't think we ought to change it now.

Other than that, this bill is fine. I understand that if I were a county Commissioner I would like to make sure that process was shorter. I just think it's a mistake.

Same Senator requested a Roll Call.

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-582) to Committee Amendment "A" (S-510).

On motion by Senator **WOODCOCK** of Franklin, supported by a Division of at least 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 Penobscot, Senator Cathcart to Indefinitely Postpone Senate Amendment "C" (S-582) to Committee Amendment "A" (S-510). 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 (#430)**

YEAS:                Senators:    BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators:    BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-582) to Committee Amendment "A" (S-510), **PREVAILED**.

Committee Amendment "A" (S-510) as Amended by Senate Amendments "A" (S-517) and "B" (S-575) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-510) AS AMENDED BY SENATE AMENDMENTS "A" (S-517); "B" (S-575) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-740)** (5 members)

Tabled - April 29, 2004, by Senator **NASS** of York

Pending - **ACCEPTANCE OF THE MINORITY OUGHT TO PASS AS AMENDED REPORT**, in **NON-CONCURRENCE**

(In House, April 27, 2004, Reports **READ** and the RESOLUTION **SUBSTITUTED** for the Reports. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955).**)

(In Senate, April 29, 2004, motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED.**)

Senator **DAMON** of Hancock moved the RESOLUTION be **SUBSTITUTED** for the Reports.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. Substitution of the bill in question here takes us back. This was a carry-over bill. This is the so-called 'Chebeague Island' bill. It was rejected earlier today by the majority of the committee. I assume that is what we are talking about, it's a little confusing at this point. I would urge, for all of the problems that the Taxation Committee found with the Chebeague Island report and recommended to this body, that the motion not to support this remain in effect. I would urge that you vote against this motion.

Same Senator requested a Roll Call.

Senator **BENNETT** of Oxford rose to a **POINT OF PARLIMENTARY PROCEDURE** as to whether it was appropriate to move the Substitution motion prior to the acceptance of the Committee Report that it would substitute under Mason's Section 415.

**THE PRESIDENT** responded in the affirmative, it is appropriate to substitute the Resolution for the reports.

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

Senator **STRIMLING**: Madame President, I would like to ask a question through the Chair?

**THE PRESIDENT**: The Senator may pose his question.

Senator **STRIMLING**: Thank you. I also am confused. Are we now debating the amendment that was put on by the other body or are we debating the original bill that was put in front of the committee?

**THE PRESIDENT**: The pending motion is substituting the bill for the report. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: I'm sorry, Madame President. Does that mean we are now debating the amendment?

**THE PRESIDENT**: The motion is to substitute the bill for the report.

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

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. I share the confusion of the good Senator from Cumberland, Senator Strimling. We are seatmates on the Taxation Committee. Let me just try to recollect why it was that we found problems with the original bill, L.D. 938. The Chebeague Island proposal was fascinating. We spent many hours with the folks that were promoters of this. It got pretty good press coverage. They were concerned about a problem that we all recognize as a problem. We have some folks, especially those folks who live at the coast and on some of our lakes, that the assessed value of their property is rising so rapidly that their quickly losing the ability to be able to stay there. That is the problem that we have been struggling with for two years. I think we collectively found, even though this is a divided report, that none of us on the committee found that this was a doable solution.

The so-called 'Chebeague Island' proposal attempted to recognize or give favorable tax treatment to those folks who had lived on their property for a long time. Again, that would be nice. We'd all like to protect those folks. Unfortunately, it is difficult under our tax system to recognize longevity in a house or whatever. Chebeague Island also, as time has gone on, did not recognize another interest that some folks had. That was the difference between residency and non-residency. It is attractive, being residents of Maine, to somehow think or suggest that the non-residents pay more than their share. That was an element that was not covered in this bill. The idea that somehow we could figure out how to recognize people who had been, for perhaps many generations, on the same property just doesn't work under our current system. Somebody, some bureaucrat someplace, is going to have to decide how much longevity, who has it and who doesn't, with all kinds of family changes. It does not work. It will not work. I can just imagine the second or third generation of residents on the coast, maybe a summer resident, who show up at the town clerk's office and recount the family history to the clerk and then ask for abatement based on the history. The town clerk is supposed to give them credit for the number of years or generations or what? This is not something that works easily into our system.

As I recall, that was the main objection to L.D. 938. You had two reports in front of you. Collectively, they all rejected the original bill. I'm asking that you reject the original bill again. There are other proposals out there that are certainly much better than this. Chebeague Island, as we affectionately called it, is not it. I'm asking that you vote against the pending motion. Thank you.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending the motion by same Senator to **SUBSTITUTE** the RESOLUTION for the Reports. (Roll Call Ordered)

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Off Record Remarks

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

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Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. Earlier this year the Natural Resources Committee dealt with a bill dealing with Class SB and SC water that are impaired under the dissolved oxygen criteria section of Maine law. We killed that bill but I need to put something on the record. In a number of communities, I can't remember all of them but one that comes to mind is Yarmouth, what has happened is the systems that are in place work, and were designed to work well. Unfortunately, because of the natural conditions of the earth that are not caused by pollution but simply what is there, they cannot meet the standards beyond where we have now forced them to go. Basically the bill that we had is a downgrade of the quality of water along Maine's coast and we voted against that unanimously. However, we do have a couple of instances where we have serious problems with municipal systems that are operating right now. Waters that are not in attainment, where there are potential discharges that are not from pollutants, but where reduction and elimination of discharges alone are in combination and contribute to significant improvement of water quality, would not result in any attainment of meeting the law. Basically, what we are saying is that these waters will be assumed to attain their classification criteria for oxygen under the circumstances described and where it can be shown that the marine life is being protected according to the standards established for that classification. That clearly lays out what they are allowed to do. These facilities would then be allowed to operate within their existing license limits.

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**RECESSED** until the sound of the bell.



After Recess

Senate called to order by the President.

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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 Regarding Penalties Assessed by the Bureau of Forestry

H.P. 1472 L.D. 1965

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

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

**COMMUNICATIONS**

The Following Communication:

H.C. 424

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333**

April 29, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
121st Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Increase Returnable Beverage Container Redemption Rates"

(H.P. 931) (L.D. 1257)

Representative SULLIVAN of Biddeford  
Representative PELLON of Machias  
Representative TRAHAN of Waldoboro

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

**ENACTORS**

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

**Resolve**

Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation

H.P. 1466 L.D. 1962  
(C "A" H-966)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#431)**

YEAS:                Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, SAWYER, STRIMLING, TREAT, TURNER, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators: BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SHOREY, STANLEY, WESTON, WOODCOCK, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/28/04) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$18,250,000 To Match Available

Federal Funds for Improvements to and Development of Highways and Bridges; Airports; Ferry Vessels, Port Facilities and Marine Infrastructure; Rail Corridors and Structures; Intermodal Facilities; and Trail and Pedestrian Facilities"

S.P. 723 L.D. 1875

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-560)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-561)** (5 members)

Tabled - April 28, 2004, by Senator **WOODCOCK** of Franklin

Pending - motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560)** Report (Roll Call Requested)

(In Senate, April 28, 2004, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#432)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-560) **READ.**

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560) **READ.**

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

Senator **DAVIS:** Thank you, Madame President. The Land for Maine's Future Board buys land in the State of Maine, as we all know, for the people and for the future. What this amendment would do is ask or require the Board to enter into negotiations with the North Maine Woods Association and large landowners in other parts of the State of Maine for the purpose of removing gates and other impediments or restrictions for public access to large tracts of land in Maine. If you go to some of our towns in the Rockwood or Millinocket area, there is a lot of tension among the people because they can't go across to some of the ponds or lakes without paying gate fees. A lot of people feel that these landowners are getting tree growth tax breaks and those types of things, that they are paying taxes for land that is owned by the public in those areas, and they can have access to them. This amendment would ask the Land for Maine's Future Board to enter into negotiations to remove those gates. Thank you very much.

Same Senator requested a Roll Call.

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560).

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I will be supporting the amendment because, number one, it doesn't do any harm to the bond package. Number two, it is an issue that is obviously a major issue in my area. Number three, I will say that the state, on its own, could actually negotiate for its land. Basically, right now, the state is actually an owner and a participant in the North Maine Woods Association.

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

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

Senator **HATCH**: Thank you, Madame President, ladies and gentlemen of the Senate. I'm going to support this and I hope that the other side of the aisle will also support this and the bond issue. I know it involves my area in the Rockwood area. I would like to see something done. It doesn't hurt the package. I'd also like to see some support from the other side of the aisle in regards to the bond as a total. Thank you.

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

Senator **STANLEY**: Thank you, Madame President, ladies and gentlemen of the Senate. I want to commend the Senator from Piscataquis, Senator Davis, for this amendment. This is exactly an amendment that has to be done for the north Maine woods. This is an important piece of legislation because one of the problems that I've had with the Land for Maine's Future has been the access. We buy the land. We don't allow for access to it. This will remove the gates, hopefully, and put us in a direction where the land will become open to the public. With that being said, I am in favor of this legislation.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart to Indefinitely Postpone Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560). 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 (#433)**

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DOUGLASS, EDMONDS, GAGNON, PENDLETON, ROTUNDO, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, BRYANT, CARPENTER, DAMON, DAVIS, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560), **FAILED**.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of at least 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 Piscataquis, Senator Davis to Adopt Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560). 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 (#434)**

YEAS:                Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS:                Senators: CATHCART, ROTUNDO, THE PRESIDENT - BEVERLY C. DAGGETT

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **ADOPT** Senate Amendment "A" (S-578) to Committee Amendment "A" (S-560), **PREVAILED**.

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "B" (S-580) to Committee Amendment "A" (S-560) **READ**.

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

Senator **DAVIS:** Thank you, Madame President. This amendment is directed towards the Land for Maine's Future Board. A year to a year and a half ago in northern Maine a lot of land, I believe it was Township 5 Range 8, was for sale. The Land for Maine's Future attempted to buy it. They could not buy it because the law prohibited them from paying more than the assessed value. The land was purchased by another person and the subsequent events have been quite detrimental to the area. The towns of Patten and Mt. Chase are absolutely dependent upon access and use of that land. What this amendment would do is allow the Land for Maine's Future, under exigent circumstances determined by the Commissioner and with the consent and advise of the committee of jurisdiction, to pay more than the actual market value.

Same Senator requested a Roll Call.

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-580) to Committee Amendment "A" (S-560).

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I hope you will indefinitely postpone this amendment. It just seems to be doing some micro managing of the Land for Maine's Future Board to me with requirement that they have approval of the Joint Standing Committee of the legislature having jurisdiction over conservation matters. This seems to be a policy issue that shouldn't be an amendment to a bond package.

Same Senator requested a Roll Call.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I think the Senator from Penobscot, Senator Cathcart, may not fully comprehend the nature of this amendment. As I have read it, it doesn't involve a mix of Executive and Legislative authority. The question is the authority of the Land for Maine's Future Board and giving them greater flexibility. The whole point is to provide them less micro management and to open up opportunities where the assessed value is so low compared to the actual market value that we're missing out on opportunities to buy property that may be in the public's interest to buy. I care about Land for Maine's Future program. I went and testified in favor of this piece of the bond package before the Appropriations Committee. The proposal before you actually give greater latitude to the Land for Maine's Future Committee in making more land available for consideration under the program. I see no reason why one would not want to pass this amendment. In fact, I think that this would strengthen the program if we do pass this. I would encourage you not to indefinitely postpone this amendment.

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **LAFOUNTAIN:** To anyone who may answer, I'm having difficulty understanding exactly what the amendment is trying to do. As I understand it, 'exigent circumstances' means you have to act quickly, otherwise something is going to happen. In other words, somebody else will buy the property. I am curious how we can involve a legislative committee when we have exigent circumstances, considering the committee doesn't have the ability to meet over night as result of a phone call. A public notice needs to be given. I don't know exactly what the rule says as far as number of days before the committee can actually get together in order make any sort of determination. I'm curious as to how this amendment will actually help that process. It seems to me it may actually bog it down.



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

Senator **MARTIN:** Thank you, Madame President. I'm not going to respond to the good Senator from York, Senator LaFountain, because I'm not sure I know the answer. I hope someone else in the Senate will do that.

I do want to talk about the amendment. I like the concept but I also am somewhat nervous that this will allow people to come in and ask for more. This deals with appraised value and not assessed value. If this were written with assessed value it would be a different story. Let's say I own, which I don't, a township and I want to sell it to the Land for Maine's Future. I would then feel very comfortable saying, 'Well you can pay more and so I want you to pay more.' I think it may well work the reverse of what we are now contemplating. I will tell you this, in those instances where there has been purchases and land has been bought by Land for Maine's Future for more than the appraised value, organizations have come forth and put up the difference. I am a little nervous about the way that this is going to come out. This may well be a boondoggle for those in the unorganized territory so that they can just make more demands on the state and actually use up the Land for Maine's Future money quicker. I understand where the good Senator from Piscataquis, Senator Davis, is coming from and I support the concept. I think it will end up working the reverse. Unfortunately, I'll end up voting against this amendment.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I beg your indulgence. I was in error when I earlier spoke. It is, in fact, the committee of the legislature that this amendment addresses as being involved in this. Thank you.

On motion by Senator **CATHCART** of Penobscot, supported by a Division of at least 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 Penobscot, Senator Cathcart to Indefinitely Postpone Senate Amendment "B" (S-580) to Committee Amendment "A" (S-560). 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 (#435)**

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MITCHELL, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-580) to Committee Amendment "A" (S-560), **PREVAILED**.

Committee Amendment "A" (S-560) as Amended by Senate Amendment "A" (S-578) thereto, **ADOPTED**.

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

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

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#436)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560) AS AMENDED BY SENATE AMENDMENT "A" (S-578)** thereto.

Sent down for concurrence.

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

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

H.P. 695 L.D. 938

Tabled - April 29, 2004, by Senator **DAMON** of Hancock

Pending - motion by same Senator to **SUBSTITUTE** the RESOLUTION for the Reports. (Roll Call Ordered)

(In House, April 27, 2004, Reports **READ** and the RESOLUTION **SUBSTITUTED** for the Reports. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955).**)

(In Senate, April 29, 2004, motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**. Senator **DAMON** of Hancock moved the RESOLUTION be **SUBSTITUTED** for the Reports.)

Senator **DAMON** of Hancock requested and received leave of the Senate to withdraw his motion to **SUBSTITUTE** the RESOLUTION for the Reports.

Senator **NASS** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#437)**

YEAS:                 Senators: BENNETT, BLAIS, CARPENTER, DAMON, DAVIS, GILMAN, HALL, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS:                 Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DOUGLASS, EDMONDS, GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NASS** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-740) **READ**.

Senator **DAMON** of Hancock moved to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-740).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#438)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-740), **PREVAILED**.

House Amendment "A" (H-955) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-583) to House Amendment "A" (H-955) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. House Amendment "A" (H-955) as it was put on unfortunately would set up a circumstance by which somebody who newly went to a community to purchase a home would be paying a higher tax rate than somebody who had lived there for years and years. I certainly want to protect people who have lived here but I also don't want to prevent newcomers from benefiting from what this bill is trying to do, which is to try keep property taxes down. As new immigrants comes to this state, as new families come to this state, as our children grow up and purchase homes, they should not have to pay a higher tax rate just because they bought their house today versus ten years ago. What this amendment does is take out the provision that says that 'if it is the transfer of ownership.' As long as it says within it being somebody's primary residence it would keep the lower tax rate. If you transfer its use, yes, it would transfer up to the market rate at which it was sold. If you keep it for your primary ownership and it is your homestead, it would not. I encourage you to support this amendment. 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. This is, in my opinion, a relatively small amendment to a flawed base. Therefore, I would urge your opposition and vote against this. Thank you.

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

Senator **BENNETT**: Thank you, Madame President and fellow members of the Senate. In my opinion, this is a flawed amendment to a important base. It falls in the category of trying to have one's cake and eat it too. By virtue of doing so, it makes the underlying matter essentially irrelevant for any effective change on behalf of the people of Maine. The basis of the matter before us is trying to recognize that when people buy a property they are going to be buying themselves a new base level of taxation, based on the value that they decided to actually pay for it. I think this amendment before us undermines that almost totally. By doing so, it makes it really just eviscerates the guts of this well-meaning and thoughtful piece of legislation. For a different reason than my colleague from York, Senator Nass, I encourage you to vote against adoption of this amendment.

Same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-583) to House Amendment "A" (H-955).

Same Senator requested a Roll Call.

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

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

**THE PRESIDENT**: The Senator may pose her question.

Senator **WESTON**: To the sponsor, just for clarification, is it the tax rate that changes or the valuation? When you say the tax rate changes, I just need some clarification.

**THE PRESIDENT**: The Senator from Waldo, Senator Weston poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING**: It is the valuation and hence the rate that they are paying. Forgive me if I misspoke that earlier. I did not mean to eviscerate the intent. In fact, I think that we make it better in terms of protecting Maine residents. Often what we talk about is how we can export some taxes here. How can we have people from out-of-state come in and help share the burden when they live here for five months and thirty days instead of the six months and a day? What this does is say let's transfer the burden onto those people who are not residents of the State of Maine. Let's have a separate tax rate for those who are coming for elsewhere to be here just for the summer or for a few months. They are not residents. They are the ones who will get the new tax burden. If this is your primary home, and it is your residence, your valuation, and hence your tax, will be lower.

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I do think the good Senator from Oxford, Senator Bennett, had it correct when he categorized this as a flawed amendment to a flawed constitutional amendment. I am somewhat surprised that the good Senator from Cumberland, Senator Strimling, who I know cares deeply about those who are financially less advantaged in his Senate district, because it does seem to me that if we embrace what he asks, while you may push the burden over onto those from away, you will also push the burden onto those who own property that they rent to others because that will not be a homestead as envisioned in this bill. The long term effect of that will be to drive the taxes on apartments and apartment buildings higher and will therefore cause the rent of people he cares deeply about to go up at a higher rate. I would urge you to vote against this amendment. Thank you.

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

Senator **BENNETT**: Thank you, Madame President and fellow members of the Senate. With all deference to my friend from Cumberland, Senator Turner, I have an easy enough time mischaracterizing my own positions, I don't need his help. I did not say that this is a flawed amendment to a flawed bill or constitutional amendment. I suggested it is a flawed amendment to a sound and helpful underlying matter. I would just make one additional point, and that is that this seems like a well intentioned proposal but I think it is worthy of indefinite postponement because, in fact, rather than amending the constitution to accomplish this end, you could accomplish essentially the same thing by doing a very aggressive homestead kind of approach. You would not have to amend the constitution and tinker with valuations and all that sort of thing. I think if we have gotten to the point where we are debating a constitutional amendment, we ought to be thoughtful about what ingredients there are in the constitutional amendment. Rather than try to force what could be a statutory change into constitutional garb, it makes much more sense to deal with than in a separate matter. Thank you.

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

Senator **STRIMLING**: Thank you, Madame President. I did want to respond to a couple of points. I don't think that amending the constitution is my first and best choice. It's what we have in front of us and I want to make sure what we have in front of us is as strong as it can be, if it's going to go through, in terms of protecting people. I agree. I worry about what may happen with renters. I would say that if we could fund a fully funded circuit breaker program, we would deal with that problem over night. I would encourage my colleagues to help us find the revenue to fund that circuit breaker program so that it could go with this amendment to make sure that we protect renters and low income folks all over the state.

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

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett to Indefinitely Postpone Senate Amendment "A" (S-583) to House Amendment "A" (H-955). 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 (#439)**

YEAS:                Senators: BENNETT, BLAIS, BRENNAN, CARPENTER, CATHCART, DAVIS, EDMONDS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS:                Senators: BROMLEY, BRYANT, DAMON, DOUGLASS, GAGNON, HALL, HATCH, MARTIN, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-583) to House Amendment "A" (H-955), **PREVAILED**.

House Amendment "A" (H-955) **ADOPTED**, in concurrence.

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

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

Senator **NASS:** Thank you, Madame President. This should be the time to debate House Amendment "A" (H-955), which is what we've been working up to all day. It is my intention to debate in opposition to House Amendment "A" (H-955), which I am opposed to for a number of reasons.

**THE PRESIDENT:** The question before the Senate is Passage to be Engrossed as amended by House Amendment "A" (H-955).

Senator **NASS:** Thank you, Madame President. My concerns about this proposal are that it is a last minute proposal. The background of this proposal, it had been rejected by the Taxation Committee months ago and it was carried over at the request of the sponsor. What we have in front of us now is a major modification of the original proposal, which has been labeled by the public and the press as the 'Chebeague Island' proposal. We have a late session proposal that attracted some interest in the other body and is now in front of us.

There are two major parts of this that I think are important to start out with. One is that this is a tax shift. That doesn't mean tax shifts are necessarily bad. We have tree growth, farm land, and other types of



property that we have decided to shift the burden off from and onto everything else. This is a shift. There should be no doubt about that. In most areas where this happens the burden is going to fall from people who have a resident and who are residents of the State of Maine and shift to all other kinds of property. I guess that is going to be my main point of argument today. What are all those other types of properties that are going to pick up the burden? The other main item here is that this is an enabling legislation. This enables the various towns and cities in the State of Maine to adopt this or not, as they so choose. That, in itself, presents an inherent problem. There is some benefit for all of us, I think, to have a coherent property tax policy in this state and not to set one community off against another. I believe if this were to pass it would, in the long term, result in that.

This is a proposal that is based on holding the value of what they call homestead land. When I first looked at this I thought of scrounging around and trying to find the definition of homestead. It's not in here, nor is the definitions in other places in the statute, as I understand it, applicable in this case. A homestead, as you read this, has to stand on its own. There isn't much in this proposed constitutional amendment to help us define what the homestead land consists of. That, I believe, is it's inherent flaw.

Further down in the bill it states, 'The homestead land is a reasonable and necessary piece of land to support a personal residence.' That's all we have. Furthermore, we leave further definition of that up to future legislatures. That is good, I suppose. We are getting a lot of flexibility here. It's bad because I think it's bad tax policy. I'll try to give you some examples. If you look at a residence, a home, somebody has to determine how much land is going to go with that home qualify under this cap or control of its value. If you live in a city, you have a city lot and zoning has established its size, you probably have a pretty good mark. If you live in the country and you are in a one acre, two acre, three acre, or a general zone where there are larger pieces of land, the question is what will be the homestead land? If you get out into the real rural areas, the farm country that we still have in this state, you then have to question if the homestead land is going to be the entire farm or just some portion of the land around the farm? In addition to that, what if most of the land, as in many cases in this state, is already in tree growth? This is another current use or procedure already established in the constitution, in fact in the same article. While we may recognize the homestead land, we may not recognize the farm. If the farm is in tree growth, is there going to be a burden shifted over to the farm? What are going to do with the part of the farm that is in tree growth? Over time is the burden accrued to that portion that we already had adopted as the current use? We've already suggested that the burden on that land should be reduced or mitigated.

The other thing that I think is worth talking about is that it appears that it is quite popular here to shift some of the burden on those folks who are not residents of the state. In fact it says that here. This benefit is only available to residents of the state. It further indicates that it is also only available to the principle residents. In my area it is quite popular that someone has a summer property on a lake and also has a principle residence in a nearby town. They are residents of Maine. They reside in the State of Maine. That does not necessarily mean that both of those properties would qualify. In fact the summer property, the camp, is not going to qualify for this. A lot of people in Maine and a lot of the property they own are not going to qualify for this. This does not draw the line between those folks who live in Maine and those folks who don't. The line is drawn differently.

Finally, I guess I would have to ask, 'Who's going to be effected, who is going to bear the burden?' Is it fair that they should bear this burden? It has already been suggested tonight that the burden of this shift is going to be towards renters, towards young people, and first time homebuyers. For those of us who are concerned about the ability of our children to come back to Maine and live here, they are going to pay more. Anybody that is moving, moving recently, or newly moved is going to pay the burden of this shift. I would suggest that this is too much too late. There has been no public hearing on this proposal. This is an item that is very attractive and should be studied by the Taxation Committee at length. I would urge you to vote against this motion.

Same Senator requested a Roll Call.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I find myself in complete agreement with the Senator from York, Senator Nass. I wish to talk just a few moments about why that is. I'm very concerned that we are attempting to amend the constitution, which is a very serious things and serious things in this Body do require a 2/3 vote. I think this is for a very good reason. It is true that the language is perhaps less clear than it should be, certainly for language that cannot be changed easily once we take that step. I'm also very concerned that this resolution, if adopted, would, indeed, greatly limit access to affordable housing. This is a concern that has already been raised by one of my colleagues. I know that the goal is actually the opposite. It is a good goal and a laudable goal. That is a goal to address the rising property tax burden of many of our citizens here in Maine. I think a far more appropriate way of addressing that burden, as others have expressed, is to focus on the homestead exemption, and what we now call the circuit breaker provision, and beefing that up. I know that many of us have spent many hours over the last weeks trying to come up with a package that would fund just that proposal. I feel that some of the support for the pending measure has come from out of the frustration of many people here in the legislature, many legislators and others, who have not seen us moving to consensus with a real solution there. That is an understandable frustration and I share it. I don't think the solution is to simply pass whatever comes across our desks, particularly something in the form of a constitutional amendment, which I really think we ought to be thinking very carefully about before taking that step. I do urge you to vote against the pending motion.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. I'd like to talk to you a bit about what I believe House Amendment "A" (H-955) actually does. This amendment would allow towns to limit the increase in value of the land on which your primary residence sits. This is a local option, not a statewide requirement or any requirement at all, for that matter. It is handled by the municipality. It simply allows those towns where homeowners are seeing exorbitant inflationary increases in the value of their land to cap that increase in value for property tax purposes. Under the Maine Constitution towns have to assess all properties the same, whether the properties are mansions, papermills, condos, elderly housing developments, or farm houses in which the same family has lived for generation upon generation, whether the property is coastal or inland, mountainous or flat. The Maine Constitution has been amended several times to allow exemptions to the rule of fair apportionment and just value. As my good colleague, the Senator from York, Senator Nass, previously mentioned, the constitution has already allowed for lower taxes on farmlands, on land in tree growth, land in open spaces, on game preserves, or lands dedicated by their private owners to preserve historic sites or scenic easements.

Let's see what the bill does not do. It does not allow someone who builds a mansion to escape taxation. It only applies to the value of the homestead land and assesses routinely the value of land and buildings separately. It applies to the homestead land. It does not place an arbitrary tax cap on all properties. It is not Palesky or even Palesky-like. It will provide targeted tax relief to the folks who need it most, people whose primary homes are now being taxed out of sight.

Why do we choose to try to place this into the constitution rather than in the proposal that has been floated tonight within the circuit breaker? Only through a constitutional amendment can the legislature authorize towns to discriminate in the way that they tax land on which a taxpayer has his or her primary residence as opposed to the owner of a second home, a seasonal property, or any other kind of taxable real estate. The Maine Constitution has been amended 135 times in the last 94 years. During that time period, the legislature has actually sent out to the voters 163 proposed amendments to the constitution. Frankly,

the constitution, when originally passed, was probably only a dozen pages long. Now it is about 100 pages long. In the past 20 years alone the legislature has sent out 27 proposed constitutional amendments, 18 of which have passed.

Now is the time for homeowners to secure this same constitutional protection so that people will not be forced from their homes because of irrational inflation of property values caused by people who buy and build second homes down the street and pay such extraordinary monies for land which costs half as much just a few short years ago. This bill would give homeowners that constitutional right to be free of oppressive taxation and I urge your vote in support of this amendment. Thank you, ladies and gentlemen.

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

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I have a slightly different view of this measure than my friend from York, Senator Nass. I don't look at this matter as being something that has come into the discussion at the end of the debate. I look at it as the culmination of a long session that, with fits and starts, has been largely about property tax relief. In fact, this legislature, from the first to the second to the special sessions, has been about that question. I really look at this not as last minute but as sort of the last measure standing in a long running debate that has taken place inside the Taxation Committee and in rooms and cubbyholes all across this building. In fact, even in town offices, selectmen's meetings, and around kitchen tables all across Maine. Every other matter has essentially been either disemboweled, changed, killed, or in some way no longer before us. This is really the last proposal left that has increasing amounts of support.

The reason that it has increasing amounts of support is that I think we, as a legislature, are finally coming to the conclusion that, notwithstanding all of the different agendas that people have in changing our tax system and relieving property taxes, there is one fundamental inequity that we hear more and more from our constituents. This measure, even though it is a constitutional amendment, is pretty limited and targeted in its effect because that inequity that we're trying to address, and which I think this measure does better than anything else that has seen the light of day and has received positive responses in this building, addresses the problem of people who buy a house and then, because of the passage of time, get priced out of that residence because of economic events of which they have absolutely no control. People buy a piece of land, they live on it for decades or generations, and then the proverbial Martha Stewart moves in next door and increases the value. We've all heard about this problem. We all acknowledge it. This is the central issue that this measure seeks to address. It is the greatest inequity, in my view, in our property tax system.

Frankly, I think it's hard for us, as a legislature, to deal with all of the other agendas that people have in the area of equity and fairness in tax relief when we can't even agree on a solution to the fundamental inequity that everybody acknowledges. I think if we could get this along, pass it out of here, and get public approval of it, we could have a victory, and an important victory, on a core problem in our property tax system and then perhaps future legislatures will be able to deal with the rest of the tax reform agenda. That is my hope. That is my prayer. It's the last gasp, frankly, that we have, as a legislature, to deal with this issue. I will be voting to engross this measure. Thank you.

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

Senator **MAYO**: Thank you, Madame President, ladies and gentlemen of the Senate. I would have to agree with the good Senator from Oxford, Senator Bennett, that this most likely is the last gasp as far as property tax relief that may be coming before us in this particular session. However, that in itself does not mean, because it is the last gasp, that we should accept it and go down a road which I feel is basically flawed. The good Senator from Oxford, Senator Bennett, mentioned the Martha Stewart situation. We've all heard about it, read about it, and so forth. If my reading and my questions have been answered correctly, that deals more with the dwelling than it does with the land upon which the dwelling sets. This particular bill as amended does not deal with the issue of property.

That being said, there are a couple of things about it that really gives me cause for concern. In the morning paper there was an editorial that mentioned something that I think should be brought to your attention if you did not read it. That is that someone living in the Cape Elizabeth area in a \$2 million home could end up paying considerably less in property tax than somebody living in one of the Portland suburbs, a young couple living in the Portland suburbs. I don't think that is the type of situation that this legislature, this Senate, even in its last hours, wants to establish.

My last point would be that, if this is passed, there is also going to be a shift to increasing the tax on businesses. Certainly our business climate today in Maine is not what it should be and we hope that it will improve. Things do look better. Someone is going to be paying the property taxes. It's going to be businesses. It is going to be renters. It is going to be the new homebuyers. I don't think that that situation, even though it is the last gasp, is a good gasp. I hope that we will kill this attempt before it grows any larger. Thank you.

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

Senator **STRIMLING**: Thank you, Madame President. I do just want to go on the record saying that at this point I will not be supporting the bill after my first attempt was eviscerated so nicely and which I understand. The inequities of the bill run too deep for me in some of the issues, without trying to protect new folks from coming. I don't think the issue about this being the last gasp is a reason to vote. I think all of us know that one of our best answers to dealing with this problem without having to amend the constitution is the circuit breaker program. It gets directly to the issue we're all talking about, as specifically and as targeted as we can. It gets to those who need it. If we really want to do this, that is the way that we should try to deal with the property tax problem in the state.

**THE PRESIDENT**: The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#440)**

YEAS: Senators: BENNETT, DAMON, HATCH, LEMONT, MITCHELL, SHOREY

NAYS: Senators: BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

6 Senators having voted in the affirmative and 29 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955), FAILED, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

**ENACTORS**

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

**Act**

An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities

H.P. 1286 L.D. 1764  
(S "A" S-576 to C "A" H-749)

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

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**Resolve**

Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House

S.P. 658 L.D. 1725  
(S "A" S-577 to C "A" S-365)

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

H.P. 1456 L.D. 1957  
(H "A" H-866; S "A" S-502; S "B" S-573)

In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENTS "A" (S-502); "B" (S-573)**, in **NON-CONCURRENCE**.

In House, April 29, 2004, that Body **RECEDED** and **CONCURRED**.

Comes from the House, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENTS "A" (S-502); "B" (S-573)**. Subsequently, **ADHERED** to **PASSAGE TO BE ENACTED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENT "A" (S-502)**.

Senator **TREAT** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

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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 Authorize Department of Transportation Bond Issues in the Amount of \$18,250,000 To Match Available Federal Funds for Improvements to and Development of Highways and Bridges; Airports; Ferry Vessels, Port Facilities and Marine Infrastructure; Rail Corridors and Structures; Intermodal Facilities; and Trail and Pedestrian Facilities"

S.P. 723 L.D. 1875

(S "A" S-578 to C "A" S-560)

In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560) AS AMENDED BY SENATE AMENDMENT "A" (S-578)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560)**, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

H.P. 695 L.D. 938

In House, April 27, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955)**.

In Senate, April 29, 2004, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-955), in NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Senator **TREAT** of Kennebec moved the Senate **ADHERE.**

Senator **BENNETT** of Oxford moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

Senator **TREAT** of Kennebec requested a Division.

Senator **MAYO** of Sagadahoc requested a Roll Call.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **BENNETT** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.** (Roll Call Requested)

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Off Record Remarks

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**RECESSED** until the sound of the bell.



After Recess

Senate called to order by the President.

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The following proceedings were conducted after 12:01 a.m., Friday, April 30, 2004.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/15/04) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform"

H.P. 844 L.D. 1141

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-901)**

Tabled - April 15, 2004, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 14, 2004, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 14, 2004, Reports **READ**.)

On motion by Senator **STANLEY** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

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

H.P. 1456 L.D. 1957

(H "A" H-866; S "A" S-502; S "B" S-573)

Tabled - April 29, 2004, by Senator **TREAT** of Kennebec

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENTS "A" (S-502); "B" (S-573)**, in **NON-CONCURRENCE**.)

(In House, April 29, 2004, that Body **RECEDED** and **CONCURRED**.)

(In House, April 29, 2004, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENTS "A" (S-502); "B" (S-573)**. Subsequently, **ADHERED** to **PASSAGE TO BE ENACTED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENT "A" (S-502)**.)

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

The Chair ordered a Division. 34 Senators having voted in the affirmative and no Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership

H.P. 695 L.D. 938

Tabled - April 29, 2004, by Senator **TREAT** of Kennebec

Pending - motion by Senator **BENNETT** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.  
(Roll Call Requested)

(In House, April 29, 2004, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In Senate, April 29, 2004, Senator **TREAT** of Kennebec moved the Senate **ADHERE**. Senator **BENNETT** of Oxford moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.)

Senator **TREAT** of Kennebec moved the Senate **INSIST**.

Senator **BENNETT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

Senator **TREAT** of Kennebec requested a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#441)**

YEAS:                Senators:    **BENNETT, DAMON, MITCHELL, SHOREY, WESTON**

NAYS:                Senators:    **BLAIS, BRENNAN, BROMLEY, BRYANT, CATHCART, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT**

ABSENT:            Senator:    CARPENTER

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **TREAT** of Kennebec, the Senate **INSISTED**.

---

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

**ENACTORS**

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

**Resolve**

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

H.P. 1417 L.D. 1915  
(C "A" H-800; S "A" S-574)

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

---

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

**ENACTORS**

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

**Act**

An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies

S.P. 767 L.D. 1930  
(S "A" S-517 to C "A" S-510; S "B" S-575 to C "A" S-510)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

H.P. 1382 L.D. 1856  
(C "A" H-833; S "A" S-571)

In House, April 12, 2004, **PASSED TO BE ENACTED**.

In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833) AND SENATE AMENDMENT "A" (S-571), in NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833); HOUSE AMENDMENT "A" (H-976) AND SENATE AMENDMENT "A" (S-571), in NON-CONCURRENCE**.

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

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

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

**COMMUNICATIONS**

The Following Communication:

S.C. 627

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 29, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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 bill out "Ought Not to Pass":

L.D. 356      An Act To Build a Prison in Washington County

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart

S/Rep. Joseph C. Brannigan

Senate Chair

House Chair

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

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Off Record Remarks

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**ORDERS OF THE DAY**

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

**Emergency Measure**

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, 2004 and June 30, 2005

S.P. 769 L.D. 1934

(C "A" S-487)

Tabled - April 14, 2004, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-487).**)

(In House, April 13, 2004, **PASSED TO BE ENACTED.**)

Senator **HATCH** of Somerset moved the **RULES BE SUSPENDED.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#442)**

YEAS:                    Senators:    BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                    Senators:    BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT:                Senator:    CARPENTER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 18 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **HATCH** of Somerset to **SUSPEND THE RULES, FAILED.**

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

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

An Act to Honor Maine's First Peoples

H.P. 1254 L.D. 1732

(H "A" H-744 to C "A" H-717)

Tabled - March 18, 2004, by Senator **HATCH** of Somerset



Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY HOUSE AMENDMENT "A" (H-744)** thereto, in concurrence.)

(In House, March 17, 2004, **PASSED TO BE ENACTED.**)

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

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The Chair laid before the Senate the following Tabled and Later (4/28/04) Assigned matter:

**Emergency Measure**

An Act To Establish the Department of Health and Human Services

H.P. 1414 L.D. 1913

(C "A" H-890)

Tabled - April 28, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 2004, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate April 28, 2004, **RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 813, in concurrence. On motion by Senator **CATHCART** of Penobscot, **RECONSIDERED PASSAGE TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

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

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"

H.P. 1307 L.D. 1785

(C "A" H-696; S "A" S-457)

Tabled - April 29, 2004, by Senator **MARTIN** of Aroostook

Pending - pending the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-457), in **NON-CONCURRENCE**

(In House, April 7, 2004, **FINALLY PASSED**.)

(In Senate, April 29, 2004, Senator **CATHCART** of Penobscot removed from **SPECIAL APPROPRIATIONS TABLE. RULES SUSPENDED. RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "A" (S-457). RULES SUSPENDED. RECONSIDERED ADOPTION** of Senate Amendment "A" (S-457).)

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-457) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "B" (S-585) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I'm not sure how many of you want to hear the whole story about all of what happened today, but this involves the closing of a state facility in Presque Isle. We were going to extend the life of the facility because there were four people being left in the facility. We finally worked out an arrangement where the state will actually be transferring the operation under contract. Originally, the money was on an amendment that was subsequently postponed by the Senator from Penobscot, Senator Cathcart. What we have now done is correct the portion of the bill that was also in the amendment that was killed. If anyone wants specifics I'll be more than happy to fill them in. This is a corrective amendment, as the result of killing Senate Amendment "A".

On further motion by same Senator, Senate Amendment "B" (S-585) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "B" (S-585), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

S.P. 671 L.D. 1826  
(S "A" S-506 to C "A" S-474)

Tabled - April 29, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **SUSPEND THE RULES**. (Roll Call Ordered)

(In House, April 16, 2004, **PASSED TO BE ENACTED**.)

(In Senate, April 29, 2004, Senator **GAGNON** of Kennebec removed from the **SPECIAL STUDY TABLE**. **RULES SUSPENDED**. **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#443)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: CARPENTER

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 19 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **GAGNON** of Kennebec to **SUSPEND THE RULES, FAILED.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#444)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, TURNER, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: CARPENTER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

The Chair laid before the Senate the following Tabled and Later (4/27/04) Assigned matter:

An Act To Improve the Viability of Railroads Operating in Maine

S.P. 757 L.D. 1918

(H "A" H-779)

Tabled - April 27, 2004, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, March 22, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-779)**, in concurrence.)

(In House, March 25, 2004, **PASSED TO BE ENACTED.**)

On motion by Senator **CATHCART** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

An Act to Support the Regional Library System

H.P. 222 L.D. 279

(C "A" H-703)

Tabled - March 4, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 26, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703)**, in concurrence.)

(In House, March 3, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-703).

On further motion by same Senator, Senate Amendment "A" (S-590) to Committee Amendment "A" (H-703) **READ** and **ADOPTED**.

Committee Amendment "A" (H-703) as Amended by Senate Amendment "A" (S-590) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703) AS AMENDED BY SENATE AMENDMENT "A" (S-590)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**Resolve**

Resolve, To Renew the Veterans' Emergency Assistance Program

S.P. 350 L.D. 1021

Tabled - April 27, 2004, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 16, 2004, **PASSED TO BE ENGROSSED**.)

(In House, April 16, 2004, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE**

**ENGROSSED.**

On further motion by same Senator, Senate Amendment "A" (S-600) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-591) in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor  
S.P. 373 L.D. 1149

(C "A" S-391)

Tabled - March 9, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 25, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391).**)

(In House, March 4, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-391).



On further motion by same Senator, Senate Amendment "A" (S-591) to Committee Amendment "A" (S-391) **READ** and **ADOPTED**.

Committee Amendment "A" (S-391) as Amended by Senate Amendment "A" (S-591) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391) AS AMENDED BY SENATE AMENDMENT "A" (S-591)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails

S.P. 390 L.D. 1186

(H "A" H-697 to S "A" S-380)

Tabled - February 26, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 19, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-380) AS AMENDED BY HOUSE AMENDMENT "A" (H-697)** thereto, in concurrence.)

(In House, February 25, 2004, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-380) AS AMENDED BY HOUSE AMENDMENT "A" (H-697)** thereto, in concurrence.

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

On further motion by same Senator the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-380) as Amended by House Amendment "A" (H-697) thereto, was **ADOPTED**.

On further motion by same Senator, Senate Amendment "A" (S-380) as Amended by House Amendment "A" (H-697) thereto, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, **SENATE AMENDMENT "B" (S-592) READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (H-592)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Create the Maine Military Family Relief Fund

S.P. 657 L.D. 1724

(C "A" S-422)

Tabled - March 23, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422)**.)

(In House, March 22, 2004, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-422).

On further motion by same Senator, Senate Amendment "A" (S-593) to Committee Amendment "A" (S-422) **READ** and **ADOPTED**.

Committee Amendment "A" (S-422) as Amended by Senate Amendment "A" (S-593) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422) AS AMENDED BY SENATE AMENDMENT "A" (S-593)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act to Support the New Century Community Program

H.P. 1309 L.D. 1787

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 2004, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 16, 2004, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-594) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-591), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

---

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

An Act To Make Minor Substantive Changes to the Tax Laws

H.P. 1335 L.D. 1813

(C "A" H-824)

Tabled - April 7, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-824)**, in concurrence.)

(In House, April 7, 2004, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-824)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-824).

On further motion by same Senator, Senate Amendment "A" (S-595) to Committee Amendment "A" (H-824) **READ** and **ADOPTED**.

Committee Amendment "A" (H-824) as Amended by Senate Amendment "A" (S-595) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-824) AS AMENDED BY SENATE AMENDMENT "A" (S-595)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

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

An Act to Establish the Maine Jobs, Trade and Democracy Act

H.P. 1337 L.D. 1815

(C "A" H-783; H "A" H-801)

Tabled - April 7, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783) AND HOUSE AMENDMENT "A" (H-801)**, in concurrence.)

(In House, April 5, 2004, **PASSED TO BE ENACTED**.)

Same Senator moved the **RULES BE SUSPENDED.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#445)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: CARPENTER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 18 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **CATHCART** of Penobscot to **SUSPEND THE RULES, FAILED.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#446)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO,

PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, YOUNGBLOOD, THE  
PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators: BENNETT, BLAIS, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE,  
SAWYER, SHOREY, TURNER, WESTON, WOODCOCK

ABSENT:            Senator: CARPENTER

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To appropriate Funds for World War II and Korean War Memorial Plaques in the hall of Flags

H.P. 1367 L.D. 1841

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2004, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 16, 2004, **PASSED TO BE ENACTED**.)

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

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-591), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

---

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

An Act To Coordinate Education, Job Training and Employers in Maine

H.P. 1399 L.D. 1883

(C "A" H-825)

Tabled - April 7, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825)**, in concurrence.)

(In House, April 7, 2004, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-825).

On further motion by same Senator, Senate Amendment "A" (S-598) to Committee Amendment "A" (H-825) **READ** and **ADOPTED.**



Committee Amendment "A" (H-825) as Amended by Senate Amendment "A" (S-598) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825) AS AMENDED BY SENATE AMENDMENT "A" (S-598)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

H.P. 1419 L.D. 1917

(C "A" H-856)

Tabled - April 13, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-856)**, in concurrence.)

(In House, April 12, 2004, **PASSED TO BE ENACTED**.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-599) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-856) AND SENATE AMENDMENT "A" (S-599)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

---

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

**Emergency Measure**

An Act to Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003

S.P. 771 L.D. 1937

Tabled - April 27, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2004, **PASSED TO BE ENGROSSED.**)

(In House, April 16, 2004, **PASSED TO BE ENACTED.**)

Same Senator moved the **RULES BE SUSPENDED.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#447)**

YEAS: Senators: BRENNAN, BRYANT, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, MARTIN, MAYO, MITCHELL, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, BROMLEY, LAFOUNTAIN, LEMONT, NASS, PENDLETON, SHOREY, TURNER

ABSENT: Senator: CARPENTER

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, and 25 being more than two-thirds of the entire elected Membership of the Senate, the motion by Senator **CATHCART** of Penobscot to **SUSPEND THE RULES, PREVAILED.**

On motion by Senator **CATHCART** of Penobscot, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion by same Senator, Senate Amendment "A" (S-569) **READ.**

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

Senator **LAFOUNTAIN:** Thank you, Madame President, men and women of the Senate. I won't belay the issue given the early hour of the session, however it is my belief that it's bad precedent to be borrowing money from one agency in state government and placing it in another. If I may pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **LAFOUNTAIN:** I wonder if perhaps a member of this Senate can advise me as to how I can explain to an insurance agent from York, Maine that the funds he is paying annually for his fee to the Bureau of Insurance to register himself as an insurance agent in Maine is being used to destroy potatoes in Aroostook County?

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

Senator **MARTIN:** Thank you, Madame President. I'd be more than happy to respond to the question posed by the good Senator from York, Senator LaFountain. First of all, the amount of money that is actually

being borrowed is to be returned under the terms of the order because, at this point, it is obviously clear that it's very difficult to find money to do what needs to be done. If in fact the money is not allocated, Aroostook can sustain a major problem with the fall crop. There is a substantial amount of those potatoes that are left right now that need to be taken care of and buried before June 1, before the season begins. We had this problem happen to us before. We ended up losing almost half of the potato crop in Aroostook County because of blight.

I might also say that I have a license from the Bureau of Insurance and my explanation to myself and to others is that this is to protect one of the largest crops we have in Maine and that the money will be returned to the agency.

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

Senator **LAFOUNTAIN:** Thank you, Madame President, men and women of the Senate. I thank the good Senator from Aroostook, Senator Martin, for the explanation. However, as you know the amendment says the money will be paid back to the General Fund by the year 2005. I must say that one of the first lessons I learned here as a legislator when I served in the 117<sup>th</sup> down the hall was that no one legislature can bind another. I find it highly suspect and I'd be completely surprised if this money was ever paid back. Thank you.

Senator **BENNETT** of Oxford requested a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart to Adopt Senate Amendment "A" (S-569). 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 (#448)**

YEAS:                    Senators:    BRENNAN, BRYANT, CATHCART, DAMON, DAVIS, DOUGLASS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, MARTIN, MAYO, MITCHELL, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT, WESTON, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, BROMLEY, EDMONDS, LAFOUNTAIN, LEMONT, NASS,  
PENDLETON, SAWYER, SHOREY, TURNER, WOODCOCK

ABSENT: Senator: CARPENTER

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CATHCART** of Penobscot to **ADOPT** Senate Amendment "A" (S-569), **PREVAILED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-569), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

**ENACTORS**

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

**Bond Issue**

An Act To Authorize Bond Issues for Ratification by Voters at the November 2004 Election

S.P. 723 L.D. 1875  
(C "A" S-560)

Comes from the House, **FAILED PASSAGE TO BE ENACTED**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication:

S.C. 628

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 29, 2004

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the Second Regular and Second Special Sessions of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	49
Unanimous Reports	40
Ought to Pass	5
Ought to Pass as Amended	4
Ought Not to Pass	31
Divided Reports	9

Respectfully submitted,

S/Mary R. Cathcart  
Senate Chair

S/Joseph C. Brannigan  
House Chair

**READ and ORDERED PLACED ON FILE.**

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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 Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

H.P. 1382 L.D. 1856  
(C "A" H-833; H "A" H-976; S "A" S-571)

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

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

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Joint Rule 309**

From the Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief to Maine Homeowners" (EMERGENCY)

H.P. 1347 L.D. 1824

Received by the Clerk of the House on April 26, 2004, pursuant to Joint Rule 309.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#449)**

YEAS:                Senators: BENNETT, BLAIS, BROMLEY, BRYANT, CATHCART, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators: BRENNAN, DAMON, STRIMLING

ABSENT:            Senator: CARPENTER

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STANLEY** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

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

**REPORTS OF COMMITTEES**

**House**

**Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Increase Returnable Beverage Container Redemption Rates"



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

That the House **Recede** from Passage to be Engrossed as amended by Committee Amendment "A" (H-855) as amended by House Amendment "A" (H-956) thereto; **Recede** from Adoption of Committee Amendment "A" (H-855) as Amended by House Amendment "A" (H-956) thereto; **Recede** from Adoption of House Amendment "A" (H-956) to Committee Amendment "A" and **Indefinitely Postpone** same; **Read and Adopt** Committee of Conference Amendment "A" (H-977) to Committee Amendment "A" (H-855); **Adopt** Committee Amendment "A" (H-855) as amended by Committee of Conference Amendment "A" (H-977) thereto; and **Pass the Bill to be Engrossed** as amended by Committee Amendment "A" (H-855) as amended by Committee of Conference Amendment "A" thereto.

That the Senate **RECEDE** and **CONCUR** with the House.

On the Part of the Senate:

Senator HALL of Lincoln

Senator SHOREY of Washington

Senator GAGNON of Kennebec

On the Part of the House:

Representative SULLIVAN of Biddeford

Representative PELLON of Machias

Representative TRAHAN of Waldoboro

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-977)** thereto.

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

**RECEDED** and **CONCURRED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act to Provide Funding for the Maine-Canada Trade Ombudsman

H.P. 464 L.D. 634

(C "A" H-722)

Tabled - March 10, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 4, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722)**, in concurrence.)

(In House, March 9, 2004, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-722).

On further motion by same Senator, Senate Amendment "A" (S-603) to Committee Amendment "A" (H-722) **READ** and **ADOPTED**.

Committee Amendment "A" (H-722) as Amended by Senate Amendment "A" (S-603) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722) AS AMENDED BY SENATE AMENDMENT "A" (S-603)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

H.P. 1409 L.D. 1903

(H "B" H-884 to C "A" H-860)

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860) AS AMENDED BY HOUSE AMENDMENT "B" (H-884)** thereto, in concurrence.)

(In House, April 16, 2004, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860) AS AMENDED BY HOUSE AMENDMENT "B" (H-884)**, thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884), thereto.

On further motion by same Senator, Senate Amendment "A" (S-601) to Committee Amendment "A" (H-860) **READ** and **ADOPTED**.

Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884) AND Senate Amendment "A" (S-601) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860) AS AMENDED BY HOUSE AMENDMENT "B" (H-884) AND SENATE AMENDMENT "A" (S-601) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act to Support Domestic Businesses in Publicly Funded Construction Projects

S.P. 217 L.D. 608

(C "A" S-386)

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-386).**)

(In House, April 16, 2004, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith for concurrence.

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

An Act to Ensure the State's Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf

S.P. 614 L.D. 1682

Tabled - April 16, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED**.)

(In House, April 15, 2004, **PASSED TO BE ENACTED**.)

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

Ordered sent down forthwith for concurrence.

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

**Emergency Measure**

An Act to Clarify Financial Management Procedures at the Maine Developmental Disabilities Council

S.P. 641 L.D. 1709

(C "A" S-401)

Tabled - March 10, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, February 26, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-401).**)

(In House, March 9, 2004, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith for concurrence.

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

An Act To Promote Economic Growth by Retaining Engineers in Maine

S.P. 334 L.D. 993

(C "B" S-553)

Tabled - April 28, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-553).**)

(In House, April 28, 2004, **PASSED TO BE ENACTED.**)

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

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

An Act to Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

S.P. 761 L.D. 1924

(S "A" S-550 to C "A" S-545)

Tabled - April 28, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545 ) AS AMENDED BY SENATE AMENDMENT "A" (S-550)** thereto.)

(In House, April 28, 2004, **PASSED TO BE ENACTED.**)

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

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

**Emergency Measure**

An Act to Conform the Maine Tax Laws for 2003 to the United States Internal Revenue Code H.P. 1229 L.D. 1651

(C " B" H-757)

Tabled - April 27, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-757)**, in concurrence.)

(In House, April 27, 2004, **PASSED TO BE ENACTED.**)

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

Sent down for concurrence.

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

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

Resolve, to Fund Scholarships to the Seeds of Peace Camp

H.P. 55 L.D. 47

(C "A" H-704)

Tabled - April 29, 2004, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, March 3, 2004, **FINALLY PASSED.**)

(In Senate, April 27, 2004, the Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)



(In House, April 27, 2004, that Body **ADHERED**.)

On motion by Senator **BENNETT** of Oxford, the Senate **RECEDED** from whereby the Resolve and accompanying papers was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (H-704).

On further motion by same Senator, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-704) **READ**.

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

Senator **BENNETT:** Thank you, Madame President. Just a short word of what this amendment would do. I know that this program, the scholarships to Maine kids to participate in the Seeds of Peace Camp, is a popular one in this body. Many people who were not able to support it earlier because it required new money had a great deal of difficulty in opposing it. What I have here before you today in the form of this Senate Amendment is a proposal not to use any new money. Candidly, it's not the best of solutions, but it is a possibility.

One of my concerns that I haven't expressed before on the floor of the Senate is that the Seeds of Peace Camp is a unique asset for Maine. We really don't do a lot for the Seeds of Peace Camp. In addition to its effect to provide an opportunity for Maine kids, this program was also sort of a lifeline to the Seeds of Peace Camp in letting them know that we appreciate their presence here in Maine. Other states, including Connecticut, have been very aggressively courting the Seeds of Peace Camp by offering them free land and all sorts of perquisites to get the Seeds of Peace Camp to relocate out of this state.

This amendment before you would give the Governor some flexibility by permitting him, not mandating but permitting him, to use funds from his contingency account if he so chooses to provide funds for the purpose of the resolve. This is what this does. It's less than ideal, but it is a way, I think, that we can continue to support, as a Legislature, the Seeds of Peace Camp and its value to Maine and its kids. I urge you to adopt this Senate Amendment. 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 would urge you to vote against this amendment. The Seeds of Peace is a wonderful camp and organization. However, we have very limited amounts of money this year and there are many wonderful organizations that we have not been able to fund. For me, I guess it's a question of fairness and thinking about all of those things that

we would have liked to have funded this year but weren't able to. I am also aware of the fact that this great organization, because of its great reputation, has been very successful in its private fund raising and has the capacity to raise funds. I would encourage you to vote against the amendment. Thank you.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I don't wish to belabor this and I certainly respect the Senator from Androscoggin, Senator Rotundo. I just want to reemphasize that this is not new money, it is just permissive language which allows the Governor, if he so chooses, to allocate some money for this program. My expectation is that he would do that, particularly in the eventuality that it is necessary as part of a package to try to keep the Seeds of Peace Camp here if, in fact, it is being lured away. This is giving the Governor the authority to give money that has already been appropriated and to use that money for this purpose. Yes, the Seeds of Peace Camp is very successful in raising money. They raise money for foreign kids to come there, not so much for the Maine kids to participate in the program. That is why I present this today. Again, it is less than ideal, but I do ask for your support. Thank you.

The Chair ordered a Division. 24 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-589) to Committee Amendment "A" (H-704), **PREVAILED**.

Committee Amendment "A" (H-704) as Amended by Senate Amendment "A" (S-589) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704) AS AMENDED BY SENATE AMENDMENT "A" (S-589)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**ENACTORS**

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

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the "Aroostook Residential Center"

H.P. 1307 L.D. 1785  
(C "A" H-696; S "B" S-585)

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

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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 Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003" (EMERGENCY)

S.P. 771 L.D. 1937

(S "A" S-569)

In House, April 16, 2004, **PASSED TO BE ENACTED**.

In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-569)**, in **NON-CONCURRENCE**.

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

On motion by Senator **LAFOUNTAIN** of York, the Senate **RECEDED** and **CONCURRED**.

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.

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Off Record Remarks

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**THE PRESIDENT:** As we approach, hopefully, the end of the Second Special Session of the 121<sup>st</sup> Maine Legislature, I would like to take a few moments to make a couple of remarks and to thank all the members of the Senate for making this a very memorable two years.

I want to thank my fellow Senators for giving me the honor of having served as the first woman Senate President in Maine history. It certainly has been the greatest honor that I have had in my life and certainly the highlight of my legislative career. I'm very proud of the accomplishments that we have had here in the 121<sup>st</sup> Maine Senate and legislature. We've worked with our colleagues in the House and have worked with our Governor, Governor Baldacci, and I believe we have made a difference for Maine's people. The end of the session is a period of heightened stress and tension. It's not an easy time. I just think it's remarkable that we have virtually everyone here. It speaks so well of this citizen part-time legislature to stay here, spend the time, and do the business. We've had bills that have died for lack of funding. We've had some bills that have taken a turn that we didn't expect. We've had negotiations that have forced difficult choices. There are long-sought goals that have remained elusive.

I would just take a look back over several of the things that have happened over the past two sessions. Together we have closed a billion dollar structural gap without raising broad-based taxes. We have combined the Department of Human Services and the Department of Behavior and Developmental Services into a new agency and set the stage for more efficient operations and certainly better service to Maine people. We have created the Maine Community College System in a move that shows our commitment to education. We know the importance of education to Maine people. We've adopted a revolutionary new approach to K-12 education funding and recommitted the state to paying its full share of education. Essential programs and services model will help ensure that every Maine student has the opportunity for a good education and a good job. We've passed the groundbreaking Dirigo Health Program that will provide small businesses and individuals with an affordable healthcare plan and help everyone to keep down healthcare costs. While there are still some disagreements about this plan, I know that we all have a goal of providing healthcare to all Maine citizens and I believe that we will continue to work on that over time. There will continue to be agreements and disagreements, but I know we share the goal of good health for all of our citizens. We've helped working Mainers by raising the minimum wage. Just as significantly, we've acted to make changes in the composition of the Maine Worker's Compensation Board so that the board could move forward and make the decisions it needs to make in order to effectively protect Maine workers.

None of our work would be possible without the many outstanding people who work for and with the legislature. Many of these people arrive long before we get here and they stay long after. I would specifically thank the Secretary of the Senate, Joy O'Brien, and her fine staff at this time. I can tell you that I, personally, could not do without Joy and her staff. Sergeant-At-Arms Bob Crockett and the chamber staff have always been a joy to work with and we want to thank them as well. I want to thank the staff of my office and the staffs of the partisan officers. These are the people that help us keep in touch with our constituents and help us do the work that we need to do. That is the most valuable thing we do, keep in contact with our own constituents and represent them here. It is with their help that we are able to do that. I'm certainly continually amazed and grateful for the skill, stamina, and work ethic of our non-partisan staff, many of who have been particularly stressed over these last few weeks trying to get the amendments done and taking care of our needs. We impose an extraordinary workload on these people. We have very high expectations of the employees of OPLA, the Fiscal Office, the Revisor's Office, the Law Library, the Legislative Information Service, and the Executive Director's Office and these times at the end of the session are particularly difficult. They certainly meet those standards and continue to exceed our expectations.

I also want to thank Governor Baldacci, the Commissioners, and all the Executive Branch employees who work with the legislature and help to provide information to us. It is truly a team approach and it takes all of us to see that the work gets done. I want to thank them for their work with the legislature, their support, cooperation, and patience over the last two years.

I think together we have all worked for the good of Maine people and in the interest of Maine people has been at the front of all each of us has done, regardless of how we have moved to do that. I'm certainly grateful for the members of the Senate Democratic caucus for all of your support. It's been a rare joy to be a part of this group. I appreciate your support and I particularly want to thank my good friend and colleague, Senator Sharon Anglin Treat, who has done such a great job, particularly during this past year when I was not able to be here for some time. She stepped up and did many jobs in addition to her other jobs outside of the legislature. I thank you very much for a job very well done. I also want to thank Assistant Majority Leader, Ken Gagnon. You both have been a pleasure to work with. I want to thank our Republican colleagues, Republican Leader Paul Davis and Assistant Republican Leader Chandler Woodcock. Working with them over the past two years has been a wonderful experience. There certainly have been times that we have disagreed. We sometimes disagree with members of our own caucus. I think here we have treated each other with respect and dignity. We have respected the views that each other have. I thank you all for that. Thank you very much.

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

Senator **DAVIS**: Thank you, Madame President. Thank you very much for your eloquence. Thinking back and looking mercifully at the hour that is drawing near when we may go, I would agree with you, Madame President, that, while we certainly have had differences, the one thing that we do agree on is the betterment of Maine people. Perhaps we have a different idea on how to accomplish that, but certainly we share the goal of betterment and respect of the people.

I just want to say that I wish you continued good health and I congratulate you on your place in history and may God bless. Thank you very much.

Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **TREAT**: Thank you, Madame President and men and women of the Senate. I, too, would just like to express what a wonderful experience this last two years, particularly, have been for me, personally, and to thank you, President Daggett, for all that you have done. I did step, briefly, into your shoes and I think that one thing that made it possible and easy for that to happen was the fact that you have lead in a way that shares leadership with all of us. Not everybody who is in a position of leadership does that. I think it makes for a stronger Democratic caucus and more democracy in the Body itself. I think that we have all benefited from that leadership style, which is something that perhaps we will see more of in the future.

I also want to mention that I've had people coming up to me, mostly lobbyists, recently saying, 'Isn't it awful that this session is just coming to this grinding halt,' and 'What a way to end your term.' I really have to say that this last two years, for me personally, have been actually the most enjoyable, even though it's been painful with budgets and everything. I think the reason is that this Senate has been a place of, indeed, great respect and a willingness to really work together to try to get things done, both within our own Democratic caucus and also across the aisle with the Republican caucus. I really appreciate the leadership from the Republican leaders, Paul Davis and Chandler Woodcock. It's really been a pleasure to work with them. We are continuing to work right up until the last minutes of this session to see what we can do together. It's really been great. I just feel very good about this legislature. I know we haven't accomplished everything we want to accomplish here today and over this session, but we've done a lot.

I also want to mention my Assistant Leader, or Whip as he prefers to be called, Ken Gagnon, who has been a tremendous help and who has really pitched in during times that have been quite difficult during this session.

My remarks are unprepared and less thought through, but no less heartfelt. I just want to again thank you so much, President Daggett, for all you've done and you have modeled for us as a leader here as the first woman President, and I am sure, one of many to come. Thank you.

**THE PRESIDENT:** I thank you both for your kind remarks. I would say that for any of us here, it is not for us, as individuals, that we do what we do, but to set standards for those that come after us. While we may not have accomplished everything that we wished to accomplish, I would say that there has probably never been a legislative session that has accomplished everything they have aspired to accomplish. To use an old phrase, 'Failure is only a failure if we fail to try.' I think that many of us have put a lot of effort into many things over the last two sessions. Some of it we have accomplished and some we have furthered the debate. We have raised the issues up to be continually discussed, and I'm sure they will continue to be discussed. That is a part of what we do.

Again, it has been an honor for me to be a part of this, and as the 121<sup>st</sup> Maine Senate, this is a special group. There won't be anyone else added to it. We've had these experiences together and they certainly have been wonderful to be a part of. I thank you all for that.

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

#### **ENACTORS**

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

#### **Acts**

An Act To Support the Regional Library System

H.P. 222 L.D. 279  
(S "A" S-590 to C "A" H-703)

An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor

S.P. 373 L.D. 1149  
(S "A" S-591 to C "A" S-391)

An Act To Provide Funding for Court Security

S.P. 390 L.D. 1186  
(S "B" S-592)

An Act To Create the Maine Military Family Relief Fund

S.P. 657 L.D. 1724  
(S "A" S-593 to C "A" S-422)

An Act To Make Minor Substantive Changes to the Tax Laws

H.P. 1335 L.D. 1813  
(S "A" S-595 to C "A" H-824)

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

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

**ENACTORS**

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

**Acts**

An Act To Support the New Century Community Program

H.P. 1309 L.D. 1787  
(S "A" S-594)

An Act To Appropriate Funds for World War II and Korean War Memorial Plaques in the Hall of Flags

H.P. 1367 L.D. 1841  
(S "A" S-597)

An Act To Coordinate Education, Job Training and Employers in Maine

H.P. 1399 L.D. 1883  
(S "A" S-598 to C "A" H-825)

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

H.P. 1419 L.D. 1917  
(C "A" H-856; S "A" S-599)

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

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**Resolve**

Resolve, To Renew the Veterans' Emergency Assistance Program

S.P. 350 L.D. 1021  
(S "A" S-600)

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Amend the Laws Concerning Returnable Beverage Containers

H.P. 931 L.D. 1257  
(CC "A" H-977 to C "A" H-855)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.



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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

**Emergency Measure**

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, 2004 and June 30, 2005

S.P. 769 L.D. 1934

(C "A" S-487)

Tabled - April 30, 2004, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In House, April 13, 2004, **PASSED TO BE ENACTED**.)

(In Senate, April 30, 2004, on motion by Senator **HATCH** of Somerset, removed from the **SPECIAL HIGHWAY TABLE**. Motion by Senator **HATCH** of Somerset to **SUSPEND THE RULES, FAILED**.)

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

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

**ORDERS**

**Senate Resolution**

On motion by Senator **GAGNON** of Kennebec (Cosponsored by Senator: MAYO of Sagadahoc), the following Senate Resolution:

S.R. 1

WHEREAS, a plurality of Maine voters have endorsed the referendum issued known as "Question 1-A," a proposal to increase education funding and reduce property taxes; and

WHEREAS, the voters will be asked to decide this issue finally in June; and

WHEREAS, both Houses of the Legislature and the Governor have been unable to reach agreement on a meaningful alternative; and

WHEREAS, the Maine Senate is concerned that property taxes in Maine are too high and pose an unfair burden on many Maine taxpayers; now, therefore, be it

RESOLVED: That the Maine Senate endorses Question 1-A and urges its passage with the following understandings:

1. If Question 1-A passes its provisions will be adjusted to incorporate the Essential Programs and Services model as passed by the Legislature as it applies to all education funding, including special education funding;
2. That the provisions of Question 1-A will be phased in equally over 2 biennial state budgets; and
3. That the increase in funding for schools required by the passage of Question 1-A will be made up by the use of surplus, growth in the State's economy, efficiencies, cuts in current programs and increased revenues.

**READ.**

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

Senator **GAGNON:** Thank you, Madame President. Madame President, during your remarks you made a comment that struck home with me as I was preparing for this resolution. There are still long sought goals that remain elusive. Eight years ago, when I came to the legislature, I pleaded with the then first woman Speaker of the House, Speaker Mitchell, after serving on Taxation. My goal was to provide and to work on property tax relief, particularly in my area and for the people in the State of Maine. I have said at the beginning of this session that I thought that the planets were in alignment, that things were happening, and things were really going shake. We have a Presiding Officer in the other Body that had served on Taxation and the Presiding Officer in this Body having served on Taxation, my service on the Taxation Committee, our Chief Executive had chaired the Taxation Committee, and a variety of people here who have served on the Taxation Committee, including the good chairman who served these last two years. I really thought this would be the year. It's difficult for me to say that I'm not disappointed.

Almost every time we go up to meet with the President, when she asks for the leaders to come up, my good friend, the Senator from Franklin, Senator Woodcock, always checks the buttons on my shirt. As many of you know, since serving on the legislature eight years ago, I committed to the workers at the Hathaway Shirt Company that I would always wear one of their shirts. This is my last shirt. I only have three left and then there are no more Hathaway Shirts from my city. I don't know if you know that or not, but buttons on Hathaway Shirts only have three holes. That is what distinguishes them from all other shirts. It's been their trademark.

After eight years of service, when I normally would have been termed out, I am running again for the Senate. I would have normally been termed out after serving this many terms if I had stayed in the House. I really thought this was the time for property tax relief. We weren't able to achieve that. That is one of those long sought goals that remain elusive. Many people in this Body, particularly people in this front row, this famous and infamous front row, worked hours and hours to continue to try to find some agreement. I really thank them for that. It does remain elusive. This is what I refer to as our last potential effort. We were not able to come to an agreement with the other body. We were not able to come to an agreement with the Chief Executive.

I present this simple Senate Resolution, that has no force other than those of us who are willing and those of us who have the courage to say that there is something out there, to present the proposal and the recognition that 73% of the Maine public wants something done because 73% of the people voted for either 1A or 1B in the last election, with 1A receiving the plurality. That is what this resolution recognizes. There are also many flaws in that referendum question, as I think you are going to hear about. That is what I tried to do in this resolution and to imply our support for that question, but with three conditions. The primary one, I think, is the recognition of the work that has been done on a long sought goal that no longer remains elusive. Incredible work that was done over the last few years, attributed to my colleague from Cumberland, Senator Brennan, in establishing EPS. When we sat in the special group looking at this issue that the President and Speaker asked us to form, I learned more and more about EPS. I was amazed at the complexity of it and the controversy associated with educational funding and to see the recognition by so many groups; business groups, education, municipal associations, Democrats, Republicans, on the support of the EPS program. It really is phenomenal. I thank those who worked on that. I quickly understood that EPS had to be the basis of property tax reform. We had to get control. We had to have a system for making sure we understand why education spending is where it is and where it is going.

I want to thank the people at the Maine Municipal Association and the Maine Education Association for their efforts and their acceptance of this resolution, with the understanding that when, no if but when, 1A is passed by the people of this state, we will have to do some work. I also want to thank my colleague, the Senator from Sagadahoc, Senator Mayo. We sat together for hours. I got to know this very fine gentleman as worked through that casino issue. I know I promised I wouldn't mention it again. He understood that I

understood, as we wrestled with trying to make a change to something that people had voted for, how to go about that as legislators. How do we walk that very fine line over implementing the people's will, making the critical adjustments to legislation, without thwarting their will? That is what I think we will have to do next time, when we come back, after 1A passes.

I will ask for your vote. I'm not asking for your vote as a leader. I'm asking for your vote as a person who began serving eight years ago and came to this building looking for property tax relief. As a statement from the Senate, show we can accomplish something; we can at least make a statement about what is important.

Same Senator requested a Roll Call.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. Good morning. I can't really remember if it was today or if it was yesterday when we were addressing the flawed amendment. I think this is a flawed resolution with a noble intent. I would agree with most of the sentiments of my colleague, the good Senator from Kennebec, Senator Gagnon, in that we do have a deeply divided concern that we are facing in the very near future regarding property taxation in this state and relief of that taxation. However, the last three words of this particular resolution are a bit disturbing to me. I would call your attention to the wording and I quote, 'and increase revenues.' It is not my intent, I believe it should not be the intent, and must not be the intent of those of us who serve in the legislature to make an attempt to increase taxes for the people of the state. We've had a growth in the state's economy. It continues to grow. Our revenue stream has been very constant. We do not need to increase the taxes in order to solve this problem. Again, I'm very supportive of the intent of the resolution. I am deeply concerned about the wording at the end of it. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I'm very tired, but I am invigorated in my opposition to this resolution. As we all know, 1A is a deeply flawed proposal. In fact, it's so deeply flawed that last year this legislature, rather than enact it, chose to send it out to the voters. It is so deeply flawed that not only did we send it out to the voters but we decided to put a competing measure on the ballot because we were concerned and thought the voters should have an option to 1A because it was so deeply flawed. We've worked all this session to find an alternative to 1A because we do not believe it is the best educational policy, tax policy, or financial policy for the State of Maine. Why is it so deeply flawed? It raises almost \$250 million worth of taxes. It does not say where it will come from. Furthermore, it doesn't provide any guaranteed property tax relief. Those are two huge issues that we've struggled with in the last two years. Where does the revenue come from and how do we make sure or guarantee this property tax relief with that effort?

What is most unprecedented about this resolution is that before the voters of this state will vote on this, we, as a Body, will tell them how we will change that referendum. Unprecedented. I don't know of any other time that a referendum goes out for the people to vote on and a legislative body is saying, 'Here's how we're going to change it even before you vote on it.' I don't think that is right. I don't think that is appropriate for this Body to take that action and to send that message to the voters. I think that if we decide to send it out to the voters, the voters should have the opportunity to vote it up or down based on

its merits, not on some preconceived understanding of what the legislature will do once it is passed. I urge you to vote against this resolution.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I, like the good Senator from Cumberland, Senator Brennan, am very tired. I'm having difficulty at times putting mind and mouth in gear. Bear with me for a minute.

While I do not completely disagree with what we just heard from the good Senator from Cumberland, Senator Brennan, I think that what we are attempting to do is to go home with something. If I heard anything in the past six months or the past year as a Senator representing District 19 it is that the people want something done with regard to property tax relief. I think most of the people in this chamber have had the same reaction. Through no fault of the Taxation Committee, through no fault of any of us, circumstances came together and made it impossible for us to have and to do what the people of the State of Maine wanted.

The decision was made, not this year but earlier, to set up the situation where 1A will be on the ballot in June and there will be another measure on the ballot in November. 1A is flawed. I think the people who developed 1A will admit that, if I heard them correctly last evening. They admit that there needs to be some changes made to it. I think the people who are going to be voting in June deserve to know that the legislature, this current legislature and hopefully the 122<sup>nd</sup> legislature, realizes that there are some mistakes with it. Unless the people in my district are far different than the people in the districts represented in this room, they are going to vote 'yes' on 1A in June. We will have a flawed document, but we learned a lot with the flawed document that we dealt with for four months this year, the racino issue that the good Senator from Kennebec, Senator Gagnon, said we shouldn't be mentioning again for a while because we've heard enough of it. I think we all learned a great deal in our development of what I think turned out to be a rather good piece of legislation when we were done making the necessary changes. That is why I agreed to join with the Senator from Kennebec, Senator Gagnon, on this particular Senate Resolution. I feel that the people who will be voting in June deserve to know that there are problems but it is better than nothing and that the problems will be and can be corrected when we come back, hopefully, in the 122<sup>nd</sup> legislature. I would seriously plead with you to pass this resolution and let us at least take something home to our constituents. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Adopt the Senate Resolution. 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 (#450)**

YEAS: Senators: BRYANT, CATHCART, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, MARTIN, MAYO, PENDLETON, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, DAMON, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MITCHELL, NASS, ROTUNDO, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: CARPENTER

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ADOPT, FAILED**.

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Resolve**

Resolve, to Fund Scholarships to the Seeds of Peace Camp

H.P. 55 L.D. 47  
(S "A" S-589 to C "A" H-704)

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

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**ORDERS OF THE DAY**

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

**Bond Issue**

An Act To Authorize Bond Issues for Ratification by Voters at the November 2004 Election

S.P. 723 L.D. 1875  
(C "A" S-560)

Tabled - April 30, 2004, by Senator **BENNETT** of Oxford

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560).**)

(In House, April 30, 2004, **FAILED PASSAGE TO BE ENACTED.**)

Senator **BENNETT** of Oxford moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560).**

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

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

Senator **BENNETT:** Thank you, Madame President. I know the hour is late, or early, and there are some who wish to move on from this measure. I am moving to reconsider because it is evident to me that the measure, as it has currently come to us, does not have sufficient support to pass. In fact, it is the last remaining measure before us that would handle bonds and bond proposals. The rest of them have been

killed by this legislature. By failing to reconsider at this point, I think we are accepting failure. As the President said earlier in her eloquent remarks, failure is only failure if we fail to try. Even at this late date, I am one who is not prepared for failure in trying. I ask you to vote to reconsider this matter. Thank you, Madame President.

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I hope you will vote with me on this motion. I think that we may have to reconsider this bond proposal, but I don't think at 7:34 a.m., when we've all been up all night, is the time to do that reconsideration. I think that we should wait until we have all had some rest and time to think this over and put in more hours negotiating as a group before we even reconsider anything. I certainly don't feel that we've failed. I think we've tried to tackle a tremendous amount of work this week and we've gotten a great deal of that done. We may not have succeeded at everything, but as we all know, it is not too late now for us to come back at a later date and enact a bond proposal that we can all support. I hope you will follow our light. Thank you, Madame President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett to Reconsider whereby the Bill was Passed To Be Engrossed As Amended By Committee Amendment "A" (S-560). 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 (#451)**

YEAS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: CARPENTER, HALL, LEMONT

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560)**, **FAILED**.



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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#452)**

YEAS:                Senators:    BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS:                Senators:    BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT:             Senators:    CARPENTER, HALL, LEMONT

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, required the affirmative vote of two-thirds of the Members present and voting. 17 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 17 being less than two-thirds of the Members present and voting, **FAILED ENACTMENT**, in concurrence.

On motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**, in concurrence.

Same Senator moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560)**.

On motion by Senator **CATHCART** of Penobscot, supported by a Division of at least 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 Oxford, Senator Bennett to Reconsider whereby the Bill was Passed to be Engrossed as Amended. 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 (#453)**

YEAS:                Senators:    BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, MAYO, MITCHELL, NASS,  
   SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS:                Senators:    BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS,  
   GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO,  
   STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT:             Senators:    CARPENTER, HALL, LEMONT

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-560), FAILED.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#454)**

YEAS:                Senators:    BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS,  
   GAGNON, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO,  
   STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, DAVIS, GILMAN, KNEELAND, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: BENNETT, CARPENTER, HALL, LEMONT

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, required the affirmative vote of two-thirds of the Members present and voting. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 17 being less than two-thirds of the Members present and voting, **FAILED ENACTMENT**, in concurrence.

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

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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 Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

H.P. 1409 L.D. 1903  
(H "B" H-884; S "A" S-601 to C "A" H-860)

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

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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 Provide Funding for the Maine-Canada Trade Ombudsman"

H.P. 464 L.D. 634

(S "A" S-603 to C "A" H-722)

In Senate, April 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722) AS AMENDED BY SENATE AMENDMENT "A" (S-603)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" AS AMENDED BY HOUSE AMENDMENT "A" (H-980)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **CATHCART** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

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

**ORDERS**

**Senate Order**

On motion by Senator **TREAT** of Kennebec, the following Senate Order:

S.O. 41

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

**READ and PASSED.**

The Chair appointed the Senator from Kennebec, Senator **TREAT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Kennebec, Senator **TREAT** reported that she had delivered the message with which she was charged.

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On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 42

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

**READ and PASSED.**

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **GAGNON** reported that he had delivered the message with which he was charged.

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At this point a message was received from the House of Representatives, borne by Representative RICHARDSON of Brunswick informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

**GOVERNOR BALDACCI:** Thank you all very much. Let me just say I tried to pull out all the stops. I've Murphy with me and Sam's out back. My son, Jack, is out there too. You know Murphy, she's just looking for ten pounds of sausage or bacon bits. She's just going around and trying to keep everything under control.

Madame President, Senate Majority Leader Treat, Assistant Majority Leader Ken Gagnon, Senate Minority Leader Paul Davis, Assistant Minority Leader Chandler Woodcock, I have been able to reflect on this year and three months. I want you to know I have really enjoyed working with you. I know we've had some issues that we've not been able to resolve, but I think there has been so much that we have been able to do together as we look back over that short period of time. I've enjoyed working with you, Madame President. I really have. At times she has been the glue that has held us together. I appreciate that very much. I can always hear you saying, 'Just give it a little bit of time.' I've appreciated being able to do that.

Let me just say, folks, that a year and three months ago, it was the beginning of January, we had \$1.2 million structural gap, Great Northern Paper Company had declared bankruptcy, and the wind was rattling through the windows here at the State House during those cold winter months. I often said to people, 'Well, if we weren't near the bottom, we certainly can see it from where we are.' You know, folks, you all pooled together. You all worked together and the citizens are better for it.

You've had an awful lot of accomplishments. I think that this has probably been the most productive legislature in the last 40 years in terms of your accomplishments. You've set the foundation for the 21<sup>st</sup> century in so many different areas when you look at what you've done. You balanced the budget without raising state taxes. You've created Pine Tree Zones. You've fully funded the BETR program. We've been able to inch our way down from our tax standing, but we are still working on that, trying to still be open to investments, industry, and good paying jobs and opportunities in our state. We didn't have a Community College system in our state, and if we were going to transition our workers from the older manufacturing jobs to the new technologies in the knowledge-based economy, we needed a Community College system. You folks established that. I'm pleased to report record numbers in enrollment have occurred.

Not only that, when there was a loggerhead on the Workers' Compensation Board, and it actually had created a government shutdown a few years ago, you folks came out with a unanimous report out of the Labor Committee, almost a unanimous report out of the legislature, and I'm pleased to report that the Board is functioning. Issues that they have been able to address have been unanimous issues. It was through your work and effort that you are helping business and workers so that we can both benefit together as we move forward in our state in providing more and more opportunities.

You have been able to expand healthcare. We did have a big debt, we had a lot of responsibilities that we needed to balance, but at the same time, you folks were able to initiate a healthcare program where you are expanding access. You are the first in the nation. Given the difficult economic times we are in, you are still undertaking an effort to make sure that every single citizen has quality, affordable healthcare. While recognizing that we need to do a better job of taking care of ourselves, we've got to have an opportunity for an affordable insurance for all of our citizens and small businesses. We're going to be rolling that program out later this summer.

You've been able to invest in research and development to help grow future economies. We're beginning to see that return. In the third and fourth quarter of 2003, Maine lead the New England region in per capita income growth. Maine lead the region in per capita income growth. That doesn't happen by accident. That happens because of the investments that you make and the expansion of Community Colleges, our colleges and universities and our citizens recognizing that we've got to have higher learning to have higher earning. Those things were done here.

You've been able to do so many other things. In merging the two biggest departments of state government, not only is it going to save \$5.8 million and eliminate 31 positions, but also it's going to serve those families and individuals better and give quality services to people. We're going to be working with you and Senator Brennan and the committee as we roll that out over the next couple of years. That's huge. We've got to continue to do those kinds of things because we want to stretch the dollars, but we want to make sure we're giving the services in health and education.

Folks, when we had a difficult budget this last time around, you worked together with me and we were able to make sure that the most vulnerable amongst us didn't have elimination of services, but were provided needed services, especially for special needs and special circumstances. That doesn't go unnoticed. These are difficult challenging times, but you folks have risen to the occasion. I've appreciated that. There are so many other areas that are too numerous. Sometimes I want to talk about them in terms of all the efforts that all of you have made. We talked about it with our dairy farmers, and remembered them when they were here in the State House a little over a year ago, and how they needed help. What did you folks do? You came up with a dairy stabilization program. I'm pleased to report that most of our family farms are still intact. They are becoming stronger and more diversified. It is through your efforts. Frankly, we found that Maine was doing more than any other state was and we didn't have much money. As a matter of fact, we had a debt to address, but you folks wanted to make sure the dairy farmers got the attention they needed.

You've also had areas in terms of the energy, with the wind portfolio standards, our environment, the liquidation harvesting issue that was addressed just a little while ago in this chamber very eloquently by Senator Bennett and the Committee on Natural Resources, to be able to make sure that we are protecting our resources and at the same time we're getting better value from those resources. Timewarner is buying 120,000 tons of paper from International Paper because it's grown in a sustainable fashion because their advertisers want that kind of a product. Those things are happening in the natural resource area in our state.

We have issues to work on and we're going to continue those discussions. At the same time, folks, you have accomplished an awful lot. You've set the foundation for the future growth and opportunity in our state. I just want you to know how much we appreciate it and how much the citizens do and how much I've enjoyed working with all of you. I wish you the best and look forward to continuing this discussion as we continue to serve the citizens of the State of Maine. Thank you very much.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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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 Provide Funding for the Maine-Canada Trade Ombudsman

H.P. 464 L.D. 634  
(H "A" H-980 to C "A" H-722)

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

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On motion by Senator **SAVAGE** of Knox, the Honorable **BEVERLY C. DAGGETT**, President of the Senate, declared the Second Special Session of the 121st Legislature **ADJOURNED SINE DIE** at 7:59 a.m.