

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

In Senate Chamber
Friday
August 22, 2003

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

Prayer by Senator Christopher Hall of Lincoln County.

SENATOR HALL: Good morning. Please join with me in prayer or in meditation, according to your traditions.

Almighty Creator, God of a thousand names, we ask that You be present in our hearts and in our mouths as we deliberate the concerns and welfare of the people of this state. Give to each member of this Senate a strong and abiding sense of the great responsibilities laid upon us. We pray that our decisions will prove to be wise, and that they are taken with goodwill and a clear conscience. As we conclude our work in this session, may each of us return home, knowing that in serving here well we are also serving You. May we go in peace and reconciliation and friendship with those with whom we have debated and struggled and compromised this day, as we do the work You require of us. Amen.

Reading of the Journal of Thursday, August 21, 2003.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

Ten members of the Committee on **TAXATION** on "RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness"
H.P. 1209 L.D. 1629

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-601)**.

Signed:

Senator:

STANLEY of Penobscot

Representatives:

LEMOINE of Old Orchard Beach

PERRY of Bangor

SIMPSON of Auburn

LERMAN of Augusta

SUSLOVIC of Portland

CLOUGH of Scarborough

COURTNEY of Sanford

McCORMICK of West Gardiner
TARDY of Newport

One member of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "D" (H-602).**

Signed:

Senator:
STRIMLING of Cumberland

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "E" (H-603).**

Signed:

Senator:
NASS of York

One member of the same Committee on the same subject reported in Report "**D**" that the same **Ought Not to Pass.**

Signed:

Representative:
MCGOWAN of Pittsfield

Comes from the House with Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) READ and ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY HOUSE AMENDMENTS "C" (H-608) AND "F" (H-612)** thereto.

Reports **READ.**

On motion by Senator NASS of York, Report "**C**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "E" (H-603) ACCEPTED**, in **NON-CONCURRENCE.**

READ ONCE.

Committee Amendment "E" (H-603) **READ.**

Senate at Ease.

Senate called to order by the President.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. First, I'd like to thank the Senate President and the majority for allowing a minority of one on the Taxation Committee to make this brief presentation. After five or six months of agonizing over tax reform, I think it should be of no surprise to anybody that we have ended up with some philosophical differences that probably started there, although we did not realize it at that time. Basically, what you are going to hear from me today is a recitation and very brief form of a philosophical program for tax reform, fiscal relief, tax relief, or whatever you want to call it. It is all of those things. The reason I have been given this opportunity, and I want to thank you for allowing this, is because I think this is the only way we're going to get Maine out of the position of being the highest state in the country and the damage that it does to our economy, to our citizens, and to our ability to produce jobs and tax revenue in this state. That is what this is all about. Here it is. It is very brief. This is

where we disagree with the Administration's proposal, the amended version of L.D. 1629, and where we continue to disagree with the results of tonight's activities.

First, we think really need a 2/3 vote, or super majority vote, in both chambers of the legislature in order to increase taxes in a broader sense. We think the growth in state revenue should be less or no greater than the growth in the state paychecks of Maine's people. We think we should reduce our reliance on the income tax and use, what I call, the natural growth in state revenues, which has become the focus of a great deal of attention in the last couple of days. This is currently projected to be \$100 million a year. We should do something with that. We ought not to fritter it away. We should use that to provide income tax relief to Maine citizens, to reduce the state cost shifting to cities, towns, and counties in the State of Maine. We can do that through the real estate transfer tax. This is something that really galls the people who work in county government. They do the work, and we take the money. That is what it is all about. We need to change that. We have offered that proposal today.

Finally, Madame President, we agree with the Administration on the essential programs and services piece, which is essentially the heart of the proposal. We think that is important. It will provide a better base for discussion of education funding in the state in the future.

Madame President, thank you.

On motion by Senator **TREAT** 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 to Adoption of Committee Amendment "E" (S-603). 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 (#196)

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

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

ABSENT: Senators: DOUGLASS, LAFOUNTAIN, LEMONT, SAWYER

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators being absent, **ADOPTION** of Committee Amendment "E" (H-603), **FAILED**.

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "E" (H-603)**, in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **STANLEY** of Penobscot, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) ACCEPTED**, in concurrence.

Committee Amendment "C" (H-601) **READ**.

House Amendment "C" (H-608) to Committee Amendment "C" (H-601) **READ**.

On motion by Senator **STANLEY** of Penobscot, House Amendment "C" (H-608) to Committee Amendment "C" (H-601) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

House Amendment "F" (H-612) to Committee Amendment "C" (H-601) **READ**.

On motion by Senator **STANLEY** of Penobscot, House Amendment "F" (H-612) to Committee Amendment "C" (H-601) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "H" (S-351) to Committee Amendment "C" (H-601) **READ**.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I'm very pleased to be talking about this issue as I have served a number of years in the Taxation Committee, both as a House Chair and later as a Senate Chair. I feel this is probably one of the most significant pieces of tax relief that we could possibly have in the State of Maine at this time, under these pressured circumstances. With the economy, and what is going on in the world, we are now at point where we can provide significant tax relief to Maine's citizens, and provide an alternative on the ballot for citizens to consider. I want to applaud the good chairman for his leadership in this, and both members of the Senate for their tremendous work. I know how long and grueling it can be down in that room. Even though there are new facilities down there, you tend to get sick of it after a while, because you are there for so long. I really want to applaud you guys. You did a tremendous job and I appreciate it, as I am sure the people of the state are going to appreciate it.

This amendment simply addresses the local control issues raised by many of our colleagues at the local level. There was considerable concern having to do with the so-called caps at the municipal level when the proposal was initially presented. The feeling, particularly at the municipal level, was that the municipalities were somehow not as conservative, or as thorough in their investigation of budgets, as we know they are. Those of us who have served at the local level know how difficult it is to deal with local budgets, particularly as there are federal mandates and other significant costs that are out of control for municipal officials. What we want to make sure of, as we move forward, and this is something I'm very excited about, is that we have them as partners in trying to encourage passage of this referendum. This will remove the cap. It will remove any type of penalties associated with the cap. Quite simply, that is what this amendment does. I would encourage everyone to vote for it. I think we will be hearing more about this question, as a whole, and specifically what it will do through property tax relief for the people of the State of Maine. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. If I may pose a question. My understanding is that this amendment also removes the referendum issue from expanding education funding at the locality. I was just wondering if I could get clarification on that.

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

Senator **GAGNON:** Thank you, Madame President. Quite simply, in answer to the question, the answer is yes.

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

Senator **BLAIS:** Thank you very much, Madame President. As one of those people who is very much involved in trying to bring attention to the problems with the municipal cap, or the cap on municipalities as part of this legislation, I will be happy to support this amendment. However, there is other language in this amendment that does give me some concern. The original language had indicated that, as part of this, we would not be raising Maine sales and personal income taxes. The changed language, as I understand it, now says that we will make an attempt to avoid the need for a major increase in state taxes. I would just like to say that I'm very concerned about any kind of increase in state taxes in order to support this amendment and its competing measure. Thank you very much.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I just wanted to rise and add my voice to those in support of this amendment. I want to congratulate, in particular, the architects of this amendment, who have worked long and hard, and the leadership in this and the other body for working out an agreement on this important measure. We have all heard the crying need for property tax relief, and in doing it in such a way that ensures that we will not be replacing property tax monies with income and sales tax monies. I think that has been the challenge of the legislature for many, many years. I want to say thank you to the Maine Municipal Association for putting forward a proposal which has demanded action, which has forced us to deal with an issue that has been very difficult for us to deal with for many years, and has brought the issue to a head in a fashion that has forced us to really look deep within ourselves, find our differences, and find a means of overcoming them. I look at this proposal as a triumph for this legislature, for this session, for public work, and public deliberation in Maine. I believe this builds upon the foundation that the Maine Municipal Association and their petition started and does so in a constructive way, in the spirit of that citizen initiative, and strengthens it as a way of providing real property tax relief. As the good Senator from Kennebec, Senator Gagnon, suggested, this will mean that we don't have to deal with the issues, the very difficult issues, of finding lost revenue that hits the state budget, calamitously, in a few months. I want to encourage all of you to pause for a moment, and after a very long, difficult, and in some ways painful number of hours here today and yesterday, and realize that out of this something, I think, very good has emerged. I want to congratulate leadership and the architects of this amendment for their constructive work. Thank you.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "H" (S-351) to Committee Amendment "C" (H-601) **ADOPTED**.

On motion by Senator **STANLEY** of Penobscot, Senate Amendment "G" (S-350) to Committee Amendment "C" (H-601) **READ**.

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

Senator **STANLEY:** Thank you, Madame President, ladies and gentlemen of the Senate. I stand before you today on something that started way back in January. People said it would probably never get done. Well, we've moved this far, and things can get better down the road. Basically, what this amendment does is goes back to the original homestead exemption. It is extended back to \$7,000 for the first valuation on all residential property in the state. It also extends the circuit breaker program. By extending the circuit breaker program, it also has a different income threshold that will ratchet itself up to help people later on down the road. This is an additional benefit for about 28,000 people in the State of Maine. What I think is good is that it is coming out with no tax increases. As was mentioned previously by another speaker, we are one of the highest taxed states in the country. This will help us through that. We might still be one of the highest, but we did not move to put that gap higher. That is important to the people of Maine because, in these tough economic times, this is one of the things a lot of people look at when they move to a state. With that, I'll sit down. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I stand in strong support of the amendment before us this afternoon. Of any of the issues that we had before the Taxation Committee this year, there was great and unanimous support that this was a very effective way to provide property tax relief to the people of this state. It's a program that we've had in place for decades and it works. In the first proposal that came out of the committee, there was also circuit breaker expansions. I'm very glad to see that this is going to be coming forward. This will allow us, as we go and talk to people, to tell them about the two proposals on the ballot and ask them to make a choice. To say that this question, without question, provides property tax relief. It guarantees property tax relief. It guarantees \$35 million worth of property tax relief to the people of Maine. We all have stories in our districts of people who are being forced out of their homes because their property taxes are too high, and they don't match their incomes. This program rights that wrong. It makes sure that we take care of the people of Maine.

I would also like to take just a moment to greatly appreciate the chair of the committee. He has the patience of Job. In the seven months that I have been experiencing and going through tax reform in my first session here, I cannot imagine how anyone could last as strongly as he lasted and

persevered through all of the hard times. With that, I would like to just say thank you very much for showing us the way and being a mentor in that process.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise to encourage you to vote in favor of this amendment. This amendment includes the reinstatement in full of the homestead exemption program that was reduced in the budget that was passed in the spring. As someone who is very concerned about providing property tax relief to my community and in communities throughout the state, I have been very concerned about the reduction in the homestead exemption. I appreciate the willingness of the good Senator from Penobscot, Senator Stanley, as well as the rest of the Democratic caucus, and their willingness to help me to reinstate in full this program. I hope you will join me in voting for this amendment. Thank you.

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. To me, it is still not okay that we're the most taxed state in the nation. I think we could have gone farther here. There are some things that are troubling to me in this amendment. I congratulate the good chair for bringing it forward, and it is a good start. I think we could have done a lot more. I think we're excluding a lot of people. Look at the clip that you have here. You have a situation in 2005 with a household making \$60,001 that will not be included. There are a lot of people in everybody's districts that would be considered middle class at \$60,000 with a two-earner family. I think we're really leaving a lot of people out. I think we're targeting this to some people, but are leaving a great deal of people out. That troubles me. It also troubles me that we think it's okay to be the highest taxed state in the nation. It's not okay with me. Thank you.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I encourage your support for this amendment that, in my mind, really makes the proposed referendum question before us a very significant and important measure. It will be one that I think can go out to the public, and we can feel very good about. It puts real money into the pockets of real people in this state. It does so in a pretty expeditious manner, and in a fiscally responsible manner.

This is not everything to everybody. There are many people that wanted all kinds of things such as major property tax, sales tax, and income tax reform. They wanted things speeded up a little faster. They wanted a little more money here, a little more money there. It is a significant start to changing the dynamic in our state, which has put tremendous pressure, particularly on the property tax. Twenty-eight thousand additional Maine households will now be eligible for the circuit breaker tax relief program, if this is adopted by the people of the State of Maine. Twenty-eight thousand people and their households are a very significant number of people. In fact, the number of dollars going into this program is being doubled by this proposal. Not only that, the benefit that is available to these 28,000 people, and everybody else who's currently in the program, will be doubled. Ultimately, that will be available when this is fully phased in. The program is phased in, not over a four or five-year period as some had proposed, in a three-year period, with the most significant amount of money frontloaded into the first year so that we can fix the homestead exemption, and add that back into our property tax relief program. We are having a significant \$15 million of property tax relief in the first year of implementation. It is very significant, with an additional \$10 million in the two subsequent years. It is very significant relief, yet done in a way that is fiscally responsible. Not all at once, but over time. Yet short enough so people will notice it, and be able to take advantage of it. I think it is a very wise proposal, and it is a proposal that reflects a lot of peoples' involvement and the involvement of the legislature. I think we really should take some credit here in the Senate, as well as the House, for merging our ideas, putting them together, and coming up with something that has bi-partisan support in this amendment. It is very significant. It's important. I urge your support.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. While I share some of the frustrations expressed by my good friend and colleague, the Senator from Washington, Senator Shorey, about the regrettable plight of our tax burden in Maine, I have to say that I strongly support this amendment. I believe this is the heart of the bi-partisan agreement that actually strengthens the proposal that the Maine Municipal Association put before us. Focusing on

a program that works and could work better, the circuit breaker program, and strengthening and improving that as well as restoring the homestead program. I found it regrettable when we tinkered with that program as part of the budget passed earlier this year and reduced the effectiveness of it by changing it in a fundamental way to something of a welfare program, in my view, instead of a general property tax relief program, which it should be. In my view, this is the heart of the bi-partisan agreement that we are celebrating here tonight. By supporting it and by sending this out as a proposal to the citizens of Maine, I don't look at this as a competing measure to the Maine Municipal Association's initiated measure. I look at this, instead of as competing measure, as a completing measure. It completes the work that they began, which was initiated by the tremendous amount of frustration that they hear every day, on the front lines, in our town halls, dealing with property tax payers and their real concerns. We have taken their work, and we have built upon it to make a completing measure. I urge your support of this amendment as the heart of the bi-partisan agreement. I think it is something we can be proud to take to the voters of Maine in November as a down payment on future work in tax reform and in providing real tax relief for Maine voters and Maine citizens going forward. Thank you, Madame President.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I just can't resist rising on this issue again, since I did spend so much time down there and spent quite a bit of time on the homestead exemption. I was pleased to see the chairman and others wanting to restore what had occurred because of the budget situation earlier this year, and making sure we turned the homestead back to what it originally was.

Again, I want to thank the committee. I think what is important to remember here is that people of the State of Maine finally, after years of discussing tax reform, which is the primary reason I got involved with wanting to run for the legislature, together with the high taxes in the State of Maine, the people finally forced it upon us in such a way that we had to come to an agreement, even though it was very difficult. It is amazing how we are now able to circle around this winning measure. I just want to be sure that people understand that this is significant property tax relief, and it is responsible. It also provides significant improvements for our schools, which we know translates into property tax relief as well. For the first time, we're going to be able to have a program that is fiscally responsible. It will provide 55% of funding necessary to run our local schools, which in itself will provide property tax relief, the reinstatement of the homestead act, and the dramatic expansion of the circuit breaker program, which laser targets property tax relief to those individuals who are in the most desperate need for that relief. We need to congratulate ourselves, but before we get too carried away with congratulating ourselves, we must remember that this is not a law that will be passed tonight, and signed into law by the Governor. This is a law that we are going to send out to the people, rather than to the Chief Executive, and allow them to either veto or pass into law. I think we owe it to ourselves to make sure to get out there and present that message to the people in the State of Maine and make sure they understand it. We were very careful in trying to craft a question that has truth in advertising on what this amendment is going to do, and make sure that the people understand the distinction between the two questions and what it means to them. I'm hoping, as a so-called tax geek, or tax wonk, or whatever you want to call it, that the people of the State of Maine will speak very loudly, very clearly, and with a very large percentage in passing what will be Option B, we don't know what the number is going to be yet. I'm hoping that people will be smart. If we can begin the campaign already, and pass this by an overwhelming number, we can come back here and continue the work for both property tax relief and tax reform in the future. This is a night to celebrate, but I will be very pleased to celebrate after November, when the people of the State of Maine provide real property tax relief to themselves and give us a strong message to continue in that effort. Thank you very much, Madame President.

On motion by Senator **STANLEY** of Penobscot, Senate Amendment "G" (S-350) to Committee Amendment "C" (H-601) **ADOPTED**.

Committee Amendment "C" (H-601) as Amended by Senate Amendments "H" (S-351) and "G" (S-350) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **MARTIN** of Aroostook, 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 (#197)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: None

ABSENT: Senators: DOUGLASS, LAFOUNTAIN, LEMONT, SAWYER

31 Senators having voted in the affirmative and no Senator having voted in the negative, with 4 Senators being absent, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY SENATE AMENDMENTS "H" (S-351) AND "G" (S-350)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Provide a Clear Transition for the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43 and as Codified by Public Law 2003, Chapter 291
S.P. 600 L.D. 1637

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Joint Resolution

On motion by Senator **MARTIN** of Aroostook (Under suspension of the Rules, cosponsored by Senators: BENNETT of Oxford, BLAIS of Kennebec, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, CATHCART of Penobscot, President DAGGETT of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot, Representatives: ADAMS of Portland, ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BENNETT

of Caribou, BERRY of Belmont, BERUBE of Lisbon, BIERMAN of Sorrento, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BREault of Buxton, BROWN of South Berwick, BROWNE of Vassalboro, BRUNO of Raymond, BRYANT-DESCHENES of Turner, BULL of Freeport, BUNKER of Kossuth Township, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of Orland, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, Speaker COLWELL of Gardiner, COURTNEY of Sanford, COWGER of Hallowell, CRAVEN of Lewiston, CRESSEY of Baldwin, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUGAY of Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, DUPREY of Medway, EARLE of Damariscotta, EDER of Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, GERZOFKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GREELEY of Levant, GROSE of Woolwich, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KANE of Saco, KETTERER of Madison, KOFFMAN of Bar Harbor, LANDRY of Sanford, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LERMAN of Augusta), the following Joint Resolution:
S.P. 601

JOINT RESOLUTION HONORING EMILIEN A. LEVESQUE

WHEREAS, the Honorable Emilien A. Levesque, of Farmington, passed away on August 21, 2003 and will be remembered as a proud Franco-American, a civic-minded and active member of the Democratic Party and a strong advocate for American veterans; and

WHEREAS, Emilien was born in Grand Isle in 1923, the son of Emile and Anna Chasse Levesque, and graduated from Van Buren High School in 1941; and

WHEREAS, Emilien was drafted in 1943 and served as staff sergeant heavy machine gunner with the 157th Infantry 45th Infantry Division 3rd battalion in World War II; and

WHEREAS, Emilien was a prisoner of war in Eppenheim and Manheim, Germany and received a Purple Heart, Combat Infantry Badge, Victory Medal Ribbon with service stars and a Bronze Star. He served in North Africa, Italy, France and Germany; and

WHEREAS, Emilien was a 58-year member and commander of the American Legion Edgar L. Poss Chapter No. 17 in Madawaska and a member of the Smith-Wiley Post No. 4 in Gardiner; and

WHEREAS, Emilien was known and respected for his effective leadership in labor union management and civic organizations and in the Maine State Legislature, where he served as a representative in the 100th, 101st, 102nd, 103rd and 104th Legislatures, and as House Minority and House Majority Leader; and

WHEREAS, Emilien also served as the Director of the Bureau of Civil Defense, Commissioner of the Maine State Employment Security Commission, Coordinator of Canadian Affairs and Director of the Bureau of Veterans Services for the State of Maine; and

WHEREAS, Emilien served as Lector and Eucharistic Minister of St. Joseph's Parish in Gardiner and was a member of the Canabas Council No. 1299, Assembly No. 348; and

WHEREAS, Emilien's generous and compassionate nature was expressed in his commitment to his family, his faith, his state and his nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Special Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to the loving family of our former colleague and friend, the Honorable Emilien A. Levesque; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Emilien A. Levesque's family.

READ.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Tonight I rise to present this resolution in memory of a former member of the Maine Legislature, Emilien Levesque, who was originally from Madawaska. I began my legislative career after the 1964 election. I suspect you may remember that election. Emilien ended up the Majority Floor Leader of the Maine House. Shortly thereafter, of course, the parties switched control and he became the Minority Leader. That was my involvement with him as a legislator. Following his departure from the legislature, I was elected the Minority Floor Leader of the Maine House. At the time that I began to work with Emilien, little did I know about his background. Yet, after having served with him, it was a long time before he would even talk about it. He had been involved in World War II, and had been a prisoner of war in Germany. He came back to this country and was subsequently awarded the Purple Heart, among other awards, for his military service. He served in Africa, Italy, France, and Germany during his military career. Yet, he was one who would simply not talk about it.

When he returned home, he chose to get involved in the Madawaska Town Council and subsequently, veteran's affairs. He chose to be elected to the legislature from Madawaska for about 10 years. Following that, he was active at the state level. He became the Commissioner of the Maine Employment Security Commission, the coordinator of the Canadian Affairs Office, and the Director of the Bureau of Veteran's Affairs for the state. He continued that service through, literally, his entire lifetime, serving his country, his state, his community, and I must point out, his party. He did this very well.

He's spent the last number of years in a facility in Waterville with Alzheimer's disease. He passed away this week, roughly a year since the passing of his wife. In my opinion, I cannot think of a finer person from my heritage to have represented the St. John Valley.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I wish to join in saying a few comments about a constituent, a neighbor, and a friend, Emilien Levesque. I had not had the opportunity, and never will because of term limits, to have served as long as the Senator from Aroostook, Senator Martin. Therefore, I did not serve with Emilien in the legislature, although I did meet him. He was involved, as some of you may recall, when we had the most difficult negotiations and debates around the Workers' Compensation issues during one of my very first years here in the legislature. He was an impressive, thoughtful, and extremely caring person, who, I believe, represented the very most compassionate and important principles of the Democratic Party, as well as what people in this state really cared about. He was a wonderful Representative. He was very supportive of me when I was first seeking this Senate seat. He was always willing to take a sign, and give advice. For that, I was most appreciative and am very pleased to be able to join in on this resolution.

On motion by Senator **MARTIN** of Aroostook, **ADOPTED.**

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Make Additional 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. 1213 L.D. 1636

(S "A" S-344)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements"

S.P. 531 L.D. 1572

(S "M" S-345; S "N" S-346 to C
"A" S-317)

In Senate, August 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317) AS AMENDED BY SENATE AMENDMENTS "M" (S-345) AND "N" (S-346)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317) AS AMENDED BY HOUSE AMENDMENT "I" (H-622)** thereto, in **NON-CONCURRENCE**.

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

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. We have much to be thankful for and to celebrate tonight because we finally have a bi-partisan agreement on a bond package that we can put out on the ballot in November for the voters to consider. I hope that they will approve all three of the bonds.

This has been an extraordinary year for the Appropriations Committee. Before I say any more about the bond, I certainly want to thank all of my colleagues on that committee, and particularly my Senate colleagues, the Senator from Androscoggin, Senator Rotundo, and the Senator from Cumberland, Senator Turner. We have struggled. We've passed four budgets. We've cut over \$1 billion this year. I must say, for me, the bond package is the most difficult part of all of the work we do on appropriations. We spent time in the spring. We had a huge number of bond requests this year. Obviously, there was not any cash to spend, so people wanted to turn their requests into bonds so we could get new projects done, new infrastructure built, and create some jobs. We had a really successful bond on the June ballot that we are all proud of that the voters approved by a good majority. Now, we are going out to the voters again in November.

Out of \$400 to \$500 million in bond requests, we had to narrow it down and cut it down to a package for November that was under \$90 million. That was no easy task for us. We spent many, many long hours in discussions. I thank my colleagues again because of the collegial atmosphere that we were able to maintain in our committee. I think we work extremely well together. I think we can all be proud of the work that we've done. As we all know from our experience here and as we have been reading in the press, this bond package did not come together easily. It took a lot of sweat, and even tears. I don't think any blood so far, I hope none. It has taken many hours.

I want to particularly thank my leadership here in the Senate. Most of all the Senate President, the Senator from Kennebec, Senator Daggett, for the hours that she and the other two Senators from Kennebec, Senator Treat and Senator Gagnon, have put in while working with the leadership of the other caucuses, the Governor and his staff, and the Chief Executive, to try to come up with a bond package that we could all support and feel very comfortable putting out to the voters.

I have to say, and stand up and admit, that I would really prefer that we could have passed the bond package that we passed last night. I preferred the majority report, for which I voted. However, I think we have a very good compromise here. We can all feel good about the way we have put this together with a bi-partisan spirit. For weeks and months, we've been anywhere from \$10 million to \$20 million and more apart in the bonds that we wanted to put out to the voters in November. It has been very difficult to cut, from our end of it. The Governor, the Chief Executive, presented us with a bond package that totaled \$175 million, which to me seemed to be a very reasonable amount. We bonded \$60 million in June, and now our total is going to be more than \$25 million under what was recommended by the Chief Executive. To me, that is a pretty low amount of bonding. I think it is something that, in a year when we've had to cut \$1 billion from our budget, we can feel proud to support and feel that we've been extremely prudent in crafting this package.

It doesn't have everything that I would like to have in it, but it has very many of the things. We've come a long way. I have a folder on my desk downstairs that has all the different ramifications, incarnations, and manifestations of bond proposals that we've had. It is a thick folder. We've gone a long way to come to this final bond proposal that I hope everyone here will support with me.

I think my biggest disappointment is that there is a paltry amount of support for our university system, which has infrastructure that is desperately in need of fixing. It will take millions of dollars to fix it. I can speak more specifically to my own campus, and to a bond proposal that I co-sponsored with the good Senator from Cumberland, Senator Brennan. That proposal requested \$35 million for the university system for capital improvements. In particular, the two buildings on the campus that I represent, Orono, were homes in Colburn Halls. They are buildings that were built around 1882 and 1884. They need at least \$10 million worth of renovations in health, safety, and environmental improvements. They are not going to get those this year. There is nothing for them in this bond package. I am disappointed with that.

Overall, I feel very proud that we, in my caucus and my party, were able to continue to come down on the amount, to tighten up our proposal. I feel very grateful and want to thank my colleagues on the other side of the aisle for being willing to come up from their original amount and meet us in the middle. I hope that you will all join me in supporting this, because I believe it is a package that will be of benefit to the State of Maine for a long time to come, and that the people will definitely support it in November. Thank you, Madame President.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise tonight to ask you to vote in favor of this bond package. This package is a victory for those in the legislature who care about the environment and education, as well as transportation. Last night, the Senate Democratic caucus unanimously rejected a proposal that included funds just for transportation. In the 24 hours that have just passed, we have moved from that proposal to an agreement, in the form of the proposal before you, which includes funds for education and the environment, as well as for transportation.

While I regret that funds for higher education, school renovations, and programs to provide clean water and clean-up hazardous waste had to be cut in order to find a compromise on this bond, those of us who care about these issues will be back in January to continue our advocacy on behalf of them. We will do this because the people of Maine care about these issues.

If we are serious about keeping young people in the state, our universities need to have up to date laboratories. If we care about property tax relief for our communities, we need to help communities renovate old schools. If we are serious about property tax relief, we need to help our communities pay for the clean-up of hazardous waste, and for clean drinking water. As I said, we will return in January to continue our advocacy. For the time being, I hope you will join me in voting in support of this bond package. 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. First, I'd like to echo many of the comments of the good Senator from Penobscot, Senator Cathcart, in thanking the Senate President, the Senate Majority Leader, the Senate Majority Whip, members of the minority leadership, and members of the Appropriations Committee for the long and hard work they

did in crafting this bond issue. It is not a job that any of us would want to take on after looking through all the discussions and all the work that has gone on for the last two months. We have reached a place now of agreement. We do have something to put forward to the voters. It is a very positive, very good bond package, and a sound bond package to put before the voters. I'm pleased to be able to support it.

There are several cautionary notes in this bond issue. Both relate to education. The first is the absence of any money for renovation or repair for our local schools. In the late 1990's, there was a study done of the need in the State of Maine for renovation of schools, and for rebuilding of schools. That study revealed that the need in the State of Maine was not \$100 billion, not \$200 billion, not \$300 billion, but \$500 million. A half a billion dollars of need in this state. In response to that, we've created a revolving loan fund of \$100 million. Much of that has been used in the communities, but much of it has already been committed. As our schools and communities are struggling to meet the needs of students through paying teachers, updates in curriculum, and meeting learning results, we need to continue to assist them to make sure that we have the best and most up to date facilities in our schools. I would hope, even though this bond package does not include a commitment for renovation or repair, that when we come back in January we will have an opportunity to move forward on that issue again.

Secondly, and this is my opinion that is probably not shared by everybody, but the legislature in this state made a mistake. From 1991 to 1996, we level funded the university system. The reason that we level funded the university system is because we had lean economic times. We said we could not continue to invest in higher education in the State of Maine. By 1996, in response to the lack of support by the legislature, we had almost doubled tuition and caused significant affordability problems for our students in this state. We also had a system, in 1996, that was physically crumbling. There were quality issues. We had almost no investment in research and development. I'm proud and happy to say that many of us here, both in this body and the other body, as well as the Executive Branch, have invested heavily in the university system in the last several years in research and development. We have looked at ways to lower tuition, and ways that we can make the university system more affordable for our students. However, it is starting to creep back into the discussion again, as we are facing lean economic times and we cannot afford to support the university system in the way that we have in the past. That is not a mistake, and that is not a direction, that we want to revisit again. We have clear evidence from what we did in the early 1990's that it was a mistake. We don't want to make that mistake again. While there is clearly some investment in this bond issue for higher education, we need to do more. The citizens of this state are asking us to do more. Our young people need us to do more. I'm sure all of you, in January when we come back, will sit down and look at ways that we can do more to continue to support higher education in this state. Thank you.

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

Senator **TURNER:** Thank you, Madame President. Senator Brennan, when you started in, I thought of Everett Dirksen, a Senator in another chamber. A billion here, a billion there, and pretty soon you're talking about real money. We have been talking about real money with respect to our bond package. I think all of you recognize that, in the Appropriations Committee chamber, we were looking at \$430 million of requests with a capacity to do considerably less than that. I think it has been a difficult period for us as we worked through it, passionately sometimes, always earnestly, while trying to figure out the things that we must do and to put it in front of the voters in November. I think we've reached an agreement as to what those things should be. I applaud the other members of the Appropriations Committee for the great work that they have done along with our President, the leadership, and the also the individual members in this chamber to coalesce and reach agreement on something that is very important for our state and its people.

I do think that when we reflect on demand, whether it's for education or other items, we do have to be mindful that we do not have infinite capacity. I think we have infinite requirements. All of them worthy, when you look at them individually, but we are forced to make judgments as to what must be done first and what is most important to us, collectively as a people. I think we've done that with the package that we are approving here this evening.

I think any of us, whether we are Republicans or Democrats, as I reflect on the comments by the good Senator from Cumberland, Senator Brennan, with regard to education, recognize a need to support education and continue to support education in the future. However, my cautionary note with respect to that, is that we cannot continue to do things in the same fashion, and in the same way. We have two parallel higher education operations working, hopefully, together, and in the future more closely together than they have in the past, in our community colleges and our university system. I think it will be incumbent upon us, in the future, to look very carefully at how we can extract efficiencies from that organization. With respect to K-12, we are continuing to face

a declining enrollment in K-12. That has to be reflected into the spending that we do for K-12 on a go-forward basis. At the same time that we do that, we have a responsibility and obligation to fully prepare the generation that is in the education system now and those that will come after, so that they will be able to compete effectively in the 21st century. I look forward to revisiting the education topic with my colleagues as we go into the second session of the 121st and beyond.

In closing, I would urge that you support the offer before us this evening. Thank you, Madame President.

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

Senator **HALL:** Thank you, Madame President, men and women of the Senate. I, too, want to rise briefly to compliment the fine work that has been done today and yesterday, and indeed over the last many weeks, by the Senate President, the caucus leaderships, and by members of the Appropriations Committee. They have my sincere gratitude and I think they deserve that of the taxpayers of the State of Maine.

I do want to just briefly raise one issue of concern to me. That is the trend in recent years to begin projects through one bond issue, but not to fully fund them. To work on the assumption that future bond issues or future sources of funding will be found to complete a project. I want to express my concern about this, although it may be necessary and expedient because of the diminishing institutional memory of legislatures today. Perhaps I can highlight two projects that are of importance to my district, although they are not located in it. They are projects that are of importance to a wide area of the mid-coast and central Maine. One of which is to be completed through funding in this bond issue, the completion of the Mack Point Freight Project. It is a good thing that the fund to complete that project, which has such an enormous economic impact on a wide area of this state, has been found. There is another project that is to be started with funding in this bond issue, but the funds are not sufficient to complete it. That is the project to extend the passenger rail from Portland to Brunswick. The \$3 million level of funding in this bond issue, combined with the federal match, is probably sufficient to complete the first two years of work. While certainly enough to get the project started, it will require significant additional funding in the future. We must expect that those demands will be made, either next year or the following year.

I want to conclude by saying a word of thanks to parties who have not yet been given credit where credit, I believe, is due. That is to the members of the Transportation Committee. In particular, to the good Senator from Somerset, Senator Hatch, the Senator from Hancock, Senator Damon, and the Senator from Knox, Senator Savage, the distinguished former chair of that committee. They have brought a level of bi-partisanship and a commitment to bringing the state's infrastructure into the 21st century that is to be credited. I think the size of this transportation bond also reflects the degree of respect in which the leadership of the Department of Transportation has held in this legislature. I want to thank Commissioner David Cole; Deputy Commissioner Bruce Van Note; the head of the Office of Passenger Transportation, Ron Roy, and Rob Elder, the head of the Office of Freight Transportation. As somebody who has worked in the transportation field in a number of states, I can say that this Department of Transportation is highly respected, highly professional, and highly sensitive to the needs of this state's economy and taxpayers.

I'll simply conclude by adding my voice to those who urged the passing of this package of bonds, which is a credit to the State of Maine and to all who have worked on it. Thank you.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. Just a few words to encourage you to support the compromise package that is before us tonight. It is very difficult to get 2/3 of any organization or group of people to come to enough of an agreement to pass something. Certainly, in the legislature, with 185 different individuals with their own little political base and set of priorities and constituencies, it is particularly difficult. I'm very appreciative for all the work that was put into this, and ultimately the fact that we have come out with a package that includes not only transportation, as we discussed last night, but also some money for education and for the environment. The amount of money for each of those second areas, environment and education, is, in my view, inadequate. I do believe, as others have mentioned, we will need to come back in January and address those issues. The \$6.9 million for the environment and agriculture is a very small amount. It fails to match \$9 to \$12 million from the federal government that we could have received had we funded these programs at a level that was closer to what the department had initially requested, and the majority report of the Appropriations Committee had recommended. Even so, over 100 communities in this state will benefit from financial assistance to comply with federal and state regulations to clean-up clam flats, so that we can have improved economic

development and natural resources on our coast, to clean-up hazardous waste facilities, and other very important programs.

In the education area, no one could speak more eloquently than the Senator from Cumberland, Senator Brennan, about the needs of our schools. For that reason, I have been involved in seeking renovation money. Just a word about renovation money. The Senator from Cumberland, Senator Turner, mentioned that we're in an era where schools are consolidating and we are closing schools. We have declining enrollments and are looking to do some different things in our education facilities. It is in times like these that we particularly need to look to renovation money, which has been able to be used to do minor expansions, consolidations of schools, and to really make use of existing facilities as opposed to creating brand new buildings out in a corn field someplace, the sort of Taj Mahals that people have complained about in the past. Renovation money is really money that is invested in a way that is very fiscally responsible. I think that in times such as these, that is a very appropriate place to be putting our money.

Just as we need to be really paying attention to what our children in K-12 schools are experiencing, we need to have good learning environments in our university system. We set up a task force this summer to look at ways to keep young people here in the State of Maine. If young people are going out of the state to go to college, we don't need any task force to tell us they are far more likely to start their careers outside the State of Maine. If we have facilities, such as science labs, that are antiquated and less adequate than a number of high school facilities that have been built in the recent past, you do have to question why some of these students, who have been offered wonderful scholarships outside the State of Maine, would stay here. This is an investment in our future. It's economic development, and is something that we are going to have to address. The proposal before us does not adequately do that.

There is an amendment that was recently passed out to you. I'm not going to offer that. It does provide funding at a more sufficient level. I would hope that, as we work on these issues in January and beyond, that we take a look at some levels of funding that are more sufficient than what we have in front of us today.

With that said, it has been long and hard to get to this point. I think we really need to move this out to the people of Maine. It's an investment in the future. What is here is very significant and very worthwhile. It does deserve your support.

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

Senator **MARTIN:** Thank you, Madame President. I do not need to repeat what has been said thus far, because I think the statements reflect to the correctness of what has been said for the program. For the record, I just want to indicate that on page 2, the amount that is listed for airport improvements, the \$3.6 million, \$1 million of that is for Loring. So there is no misunderstanding by the Department of Transportation or anyone else.

Secondly, under the Department of Environmental Protection, there is money there for other communities in addition to the City of Gardiner, even though Gardiner will be unable to get all of the money necessary to function under the present allocation.

On motion by Senator **CATHCART** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

Ordered sent forthwith to the Engrossing Division.

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 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. 1213 L.D. 1636

(S "A" S-344)

Tabled - August 22, 2003, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, August 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-344).**)

(In House, August 22, 2003, **PASSED TO BE ENACTED.**)

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

Senator **MARTIN:** Madame President, I have an amendment that is being prepared and will be available shortly. I would ask if someone would table this until later in today's session.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness

H.P. 1209 L.D. 1629
(S "G" S-350; S "H" S-351 to C
"C" H-601)

In Senate, August 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY SENATE AMENDMENTS "G" (S-350) AND "H" (S-351)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY SENATE AMENDMENTS "G" (S-350) AND "H" (S-351) AND HOUSE AMENDMENT "C" (H-608)** thereto, in **NON-CONCURRENCE**.

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

Ordered sent forthwith to the Engrossing Division.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Bond Issue

An Act To Authorize Bond Issues for Ratification by the Voters at the November 2003 Election
S.P. 531 L.D. 1572
(H "I" H-622 to C "A" S-317)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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 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. 1213 L.D. 1636
(S "A" S-344)

Tabled - August 22, 2003, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, August 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-344).**)

(In House, August 22, 2003, **PASSED TO BE ENACTED.**)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-344).**

On further motion by same Senator, Senate Amendment "B" (S-353) **READ.**

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

Senator **MARTIN:** Thank you, Madame President. Unfortunately, in about three weeks or so we will be starting moose season in most of Maine. By error, a bill was enacted in the last session that allows moose meat to be sold in Maine. This was done by error, obviously. This was brought to my attention by a warden in northern Maine who became gravely concerned about what could potentially happen. When the hunt begins, obviously, people will be coming north and would be, literally, in a position to be setting up stands along the road, selling moose meat. We felt, since Maine has always had a law that prevents the sale of wild animal meat, this would set a very bad precedent. The amendment in front of you, basically, repeals a section of law that was adopted by error. It repeals that line right out of the law that was enacted by the committee, and subsequently, by this legislature.

The other thing, which got added onto it, deals with a postponing of another section of law that was another error. That certainly was not my concern, but apparently certainly not a big deal. That is why I'm doing this. It was the only vehicle that became available for me to do this. Luckily, a number of years ago we changed the title of the Appropriations bills in order to do anything that people wanted to do in the Appropriations bills. Over the years, as you well know, we've probably

had 50 to 100 changes that take place in various sections of state government, so you can do anything you want to now in a budget act. In fact, we do. That is why this amendment fits there, unfortunately. Hopefully, we can adopt this and we can prevent the horrible possibility of this occurring in Maine.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "B" (S-353) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-344) AND "B" (S-353), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senator **STRIMLING** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **STRIMLING**: A couple of nights ago, in the City of Portland, there was a motorcycle accident. A young man of the age of 19 named Mateusz was killed when he was crossing Warren Avenue. He was a student of mine at Portland West. It's been very hard to be here, actually, the last couple of days while my staff has been dealing with the tragedy among the rest of the students. He was a troubled soul. He had been through a lot, in and out of our corrections system, and in and out of a number of schools. He found a real home at Portland West in his last year. He graduated this past June. He had a wonderful sense of humor and a very warm heart. We miss him. It was very hard news to hear. It's only the second student I've ever lost while I've been there. I would ask that tonight we adjourn in the memory of Mateusz. Thank you.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Competing Measure

RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

H.P. 1209 L.D. 1629
(S "G" S-350; S "H" S-351; H "C"
H-608 to C "C" H-601)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Secretary of State.

The following proceedings were conducted after 12:01 a.m., Saturday, August 23, 2003.

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

ENACTORS

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

Emergency Measure

An Act To Make Additional 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. 1213 L.D. 1636
(S "A" S-344; S "B" S-353)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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.

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. 26

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.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:
S.O. 27

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **GAGNON** reported that he had delivered the message with which he was charged.

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

GOVERNOR BALDACCI: Thank you very much, Madame President. I appreciate the opportunity to be here with you and I want to thank you, President Daggett, for your leadership. I want to thank the Senate Majority Leader, Sharon Treat, the Assistant Majority Leader, Ken Gagnon, the Minority Leader, Paul Davis, the Assistant Minority Leader, Chandler Woodcock, and the members of the State Senate. I appreciate what you have done in a short period of time. You've addressed an awful lot.

You have allowed us to put forward a measure, before the voters, which I think is a responsible plan, to provide property tax relief to individuals and working families, and to be able to increase our share of educational costs throughout the communities in this state. It's a responsible, affordable plan that puts Maine's economy, and Maine's people first. I thank you for that.

I also want to thank you for the investments that you have made in Maine's infrastructure. There are many needs that are still going to need to be addressed in the future that were not addressed today. I do believe that we've made a step in the right direction by making sure our higher education, our community colleges, our airports and ports, our roads and bridges, and our sewer and water infrastructures are getting much needed attention. Again, I know it's been a difficult session, but I want you to know how much I appreciate all that you have done because you've put the citizens' interests first.

For that I say thank you on behalf of the State of Maine and congratulations to each and every one of you. Thank you very much.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

On motion by Senator **SAVAGE** of Knox, the Honorable **BEVERLY C. DAGGETT**, President of the Senate, declared the First Special Session of the 121st Legislature, **ADJOURNED SINE DIE**, at 12:17 in the morning, in memory of and lasting tribute to Mateusz Pawlaczyk of Portland.