

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

Volume III

Second Special Session (Continued)
March 22, 2004 to April 30, 2004

Second Confirmation Session
August 25, 2004

Interim Appendix

Senate Legislative Sentiments

Index

Pages 1416 - 1812

ENACTORS

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

Act

An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act

H.P. 1457 L.D. 1958
(S "A" S-498; S "B" S-499)

PASSED TO BE ENACTED and having been signed by the President Pro Tem 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 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)

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

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

ENACTORS

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

Act

An Act to Support Domestic Businesses in Publicly Funded Construction Projects

S.P. 217 L.D. 608
(C "A" S-386)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/5/04) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage Cost Savings by State Employees"

S.P. 618 L.D. 1686

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-409)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-410)** (5 members)

Tabled - April 5, 2004, by Senator **YOUNGBLOOD** of Penobscot

Pending - motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409)** Report

(In Senate, March 3, 2004, Reports **READ**.)

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT TO PASS BY COMMITTEE AMENDMENT "A" (S-409)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/8/04) Assigned matter:

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

S.P. 803

Tabled - April 8, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **PASS**

(In Senate, April 8, 2004, on motion by Senator **GAGNON** of Kennebec, **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator **NASS**.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. The bill, obviously an initiated bill, pertaining to tax reform came in front of the Taxation Committee. I just wanted to share with you what I heard during the hearing.

The issue of whether it should go in June or November, obviously, was on people's minds. I think the Chief Executive had expressed an opinion a short time before that to vote this in June. As I recall, there was some silence in the public sector. Nobody was expressing much of an opinion. At the public hearing shortly after that, because that was on people's minds, everybody spoke to it. No one indicated support for June as a preferable date to vote this. No one. I was surprised to see this request, this joint order, last week. I guess I'm reminded of a conversation that we often have in rural Maine relative to town meetings and dealing with referendums at a special meeting versus a regular town meeting. I think this is similar. We know there is likely to be less people in June. There are lots of things happening in November such as other referendums, the presidential election, and legislative elections. The turnout in November is going to be greater. Usually that is perceived to be a better way to conduct our business. More people turn out and more people are likely to turn out. That is the better time to vote controversial stuff. More people express their opinion, one way or the other, but for some reason we're going to do this in June. Madame President, I don't know why we're going to do it in June. I would love to hear somebody suggest why we're going to vote this in June. For myself, I would urge voting against this. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I put in this order. The issue about voting this issue in June is because, as we all know, there is going to be a tax reform package in June that was a left over from last November. There will be the 1A question in June. It was my thought, and the thought of many, that you have all of that stuff together. There would be a focus on tax reform at that time in June. November will be consumed with all kinds of elections. Certainly the presidential election will draw the focus away from the issues. That was the primary reason behind putting it in June. We don't have the option of moving the 1A question to November. We only have the option of moving this question to June to try to keep them together and to try to draw more attention to the whole issue.

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 PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Pass. 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 (#396)

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

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 **GAGNON** of Kennebec to **PASS, PREVAILED.**

Sent down for concurrence.

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

The Chair laid before the Senate the following matter Assigned for Second Reading (4/14/04):

Bill "An Act To Clarify Legislative Pay" (EMERGENCY)
S.P. 806 L.D. 1961

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed)

(In Senate, April 14, 2004, **READ ONCE** without reference to a Committee.)

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

On motion by Senator **BLAIS** of Kennebec, Senate Amendment "B" (S-541) **READ.**

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. I'd just like to explain a little bit about the amendment in as short a time as possible. It has no bearing on the merits of the bill. What it does is address a potential constitutional challenge to the bill by eliminating a retroactivity provision in Section 2. I would encourage your support. Thank you.

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-541).

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