

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

In Senate Chamber
Wednesday
March 29, 2006

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

Prayer by Reverend Virginia Rincon, Christ Episcopal Church of Biddeford.

REVEREND RINCON: Let us pray. May the spirit of new beginnings and renewed vision greet us today. As the sun rises in this beautiful day that greets us, may it also rise to new horizons and new possibilities. We ask for guidance in our deliberations, our challenges, and new awakenings. May our families, friends, and our communities find some hope in the work that we do today. May we always be reminded of the sanctity of life and may we continue to pray for peace, abundance, and blessings for all of humanity. Amen.

Doctor of the day, Thomas DeLuca, DO of Rumford.

Reading of the Journal of Tuesday, March 28, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option

S.P. 150 L.D. 463
(C "A" S-457)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-457)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In Senate, March 2, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.P. 833

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. John F. Piotti
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
122nd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:

Please be advised that Governor John E. Baldacci has nominated Thomas Qualey of Sherman for appointment to the Board of Pesticides Control.

Pursuant to Title 22 M.R.S.A. §1471-B, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

The Following Communication: S.P. 836

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. John F. Piotti
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
122nd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:

Please be advised that Governor John E. Baldacci has nominated Steve Schaefer of Grand Lake Stream for appointment to the Land Use Regulation Commission.

Pursuant to Title 12 M.R.S.A. §683, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

**READ and REFERRED to the Committee on AGRICULTURE,
CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 832

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated John Mooney of Harborside for appointment and Paul Rich of Edgecomb for reappointment to the Maine Maritime Academy Board of Trustees.

Pursuant to Public Law 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

**READ and REFERRED to the Committee on EDUCATION AND
CULTURAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 837

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Kris Chabre of Caribou for appointment and Robert Clark of Fort Fairfield for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A M.R.S.A. §12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

**READ and REFERRED to the Committee on EDUCATION AND
CULTURAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 834

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. Kenneth T. Gagnon
Senate Chair, Joint Standing Committee on Legal and Veterans
Affairs
Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans
Affairs
122nd Legislature
Augusta, ME 04333

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

**READ and REFERRED to the Committee on NATURAL
RESOURCES.**

Sent down for concurrence.

Dear Senator Gagnon and Representative Patrick:

Please be advised that Governor John E. Baldacci has nominated
Cushing Samp of Saco for appointment to the Gambling Control
Board.

The Following Communication: S.C. 565

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

Pursuant to Title 8 M.R.S.A. Chapter 31 §1002, this nomination
will require review by the Joint Standing Committee on Legal and
Veterans Affairs and confirmation by the Senate.

March 28, 2006

Sincerely,

S/Beth Edmonds
President of the Senate

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

S/John Richardson
Speaker of the House

Dear Madame President:

**READ and REFERRED to the Committee on LEGAL AND
VETERANS AFFAIRS.**

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the 122nd Maine Legislature, the Joint Standing
Committee on Education and Cultural Affairs has had under
consideration the nomination of Richard A. Oravetz of Holden, for
appointment to the Maine School of Science and Mathematics
Board of Trustees.

Sent down for concurrence.

After public hearing and discussion on this nomination, the
Committee proceeded to vote on the motion to recommend to the
Senate that this nomination be confirmed. The Committee Clerk
called the roll with the following result:

The Following Communication: S.P. 835

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 27, 2006

Sen. Scott W. Cowger
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
122nd Legislature
Augusta, ME 04333

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor

Dear Senator Cowger and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated
Edith Cronk of Wiscasset for appointment to the Maine Outdoor
Heritage Fund Board.

NAYS 0

Pursuant to Title 12 M.R.S.A. § 10308, this nomination will require
review by the Joint Standing Committee on Natural Resources
and confirmation by the Senate.

ABSENT 3 Rep. Cain of Orono, Rep.
Lansley of Sabattus, Rep.
Stedman of Hartland

Sincerely,

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard A. Oravetz of Holden, for appointment to the Maine School of Science and Mathematics Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 566

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jeremy M. Usher of Dresden, for appointment to the Maine School of Science and Mathematics Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor

NAYS 0

ABSENT	3	Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland
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Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jeremy M. Usher of Dresden, for appointment to the Maine School of Science and Mathematics Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 567

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 28, 2006

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of David C. Haines of Auburn, for appointment to the Maine School of Science and Mathematics Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
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Representatives 7 Davis of Falmouth,
Edgecomb of Caribou, Finch
of Fairfield, Goldman of Cape
Elizabeth, Makas of
Lewiston, Merrill of Appleton,
Norton of Bangor

NAYS 0

ABSENT 3 Rep. Cain of Orono, Rep.
Lansley of Sabattus, Rep.
Stedman of Hartland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David C. Haines of Auburn, for appointment to the Maine School of Science and Mathematics Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities (EMERGENCY)
S.P. 838 L.D. 2096

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative BLANCHARD of Old Town and Senators: PERRY of Penobscot, ROSEN of Hancock, Representatives: CAIN of Orono, DUCHESNE of Hudson, DUNN of Bangor, FAIRCLOTH of Bangor, KAELIN of Winterport, WOODBURY of Yarmouth.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The Chief of Police of the Bath Police Department, Peter P. Lizanecz, of Bath, on the occasion of his retirement from the Bath Police Department after 27 years of dedicated service. Chief Lizanecz joined the department in 1979 as a dispatcher and within a couple of months became a patrol officer. He was promoted to detective in 1987 and became Chief of Police in 1998. He has actively promoted community policing and has published works on this subject. He is a graduate of the University of Maine at Augusta, the Maine Criminal Justice Academy and the FBI National Academy. He is a member of numerous professional boards and the recipient of the 1999 Fellowship Award by the Maine Community Policing Institution. He received the 2001-2002 Humanitarian of the Year Award by the American Legion-Smith Tobey Post #21. We acknowledge his dedicated service to his community, and we send Chief Lizanecz our best wishes in his future endeavors;

SLS 1031

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representatives: GROSE of Woolwich,
WATSON of Bath.

READ.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise this morning to give very brief remarks about the retiring Chief of Police from the City of Bath. Pete Lizanecz is not here today. He was here earlier this week. This recognition was not ready at that time.

Pete worked for the City of Bath for 27 years in the Bath Police Department and is one of the people involved in insuring that the state of Maine has been moving to the forefront in the area of community policing. That was his pride and joy as a Police Chief in the City of Bath. We're sorry to lose Pete, but we will see a great deal more of him because he's going to work for the Attorney General as an investigator, which is his second love beyond community policing. I think, while the city is sorry, the state is very fortunate. Thank you, Madame President.

PASSED.

Sent down for concurrence.

Joint Resolution

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Peter J. Wiley, of Portland, the chief of staff for United States Representative Thomas Allen. Mr. Wiley was born in Norway and was a graduate of Georgetown University. He married Elizabeth "Betsy" Otterson and they are the parents of Martha and the grandparents of Grace. He served in the United States Navy and then returned to Maine to help run the family business, Wiley Pontiac, until the family sold it in 1993. Mr. Wiley was a member of the Maine Board of Environmental Protection and in 1986, he served as chair of the board. His tenure on the board kindled his interest in environmental law and he received a law degree from the University of Maine School of Law in 1989. He and his wife established a scholarship for single parents attending law school. Always passionate about politics, Mr. Wiley worked for Senator Edmund S. Muskie while a student at Georgetown University, from 1966 to 1969. He also volunteered on Attorney General James Tierney's campaign for governor in 1986. He was named Director of Special Projects in Governor Angus King's first administration and was known as "Mr. Fix-it." In 1999, Mr. Wiley was asked to be Chief Operating Officer for Governor King. Mr. Wiley was a partner in the prestigious law firm of Curtis, Thaxter, Stevens, Broder and Micoleau, LLC and was Director of the Office of Management and Consulting, in association with the National Governors Association. In the spring of 2005, he accepted the position of chief of staff for Representative Allen. We acknowledge his long history of dedicated public service and his commitment to the people of Maine. He will be greatly missed and fondly remembered by his loving wife Betsy, his family and his many friends;

SLS 1034

Sponsored by Senator BRENNAN of Cumberland.
 Cosponsored by Senator: STRIMLING of Cumberland,
 Representatives: BRAUTIGAM of Falmouth, MARLEY of
 Portland, CUMMINGS of Portland, HARLOW of Portland,
 BRANNIGAN of Portland, EDER of Portland, ADAMS of Portland,
 DUDLEY of Portland.

READ.

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 sure all of you will join me today in expressing our sympathy and condolences to Betsy Wiley; to her daughter, Martha; and to their granddaughter, Grace, who are here with us today. It is very rare that we have an opportunity to honor someone who has such a distinguished and long-standing public service record as Peter Wiley. I think there is nobody here that would not be impressed by the sentiment that was just read, listing the years of accomplishment and years of dedication that Peter Wiley gave to this state. Ironically, for me, I first met Peter when he worked for Wiley Pontiac, which was the family business when they sold cars. It was a very successful business. Shortly after that, as you see from the sentiment, Peter went into public service and I had an opportunity to work with Peter on a number of occasions when he was part of the King administration. Those of you who knew Peter knew him as somebody who's extraordinarily bright and extraordinarily energetic. He thrived on problem solving, taking on new challenges, and looking at ways that state government could serve the people of Maine better. There is nobody in this state who has been a more dedicated public servant than Peter Wiley. Most recently he had the

opportunity to serve as the Chief of Staff for Congressman Tom Allen. He brought all the skills that he had accumulated in his lifetime to that position, and again, worked on behalf of the State of Maine, not only here in the state but across the country. Again, it is with great sympathy that we reflect on his life and reflect on the contributions he made to the State of Maine and welcome the opportunity to express our sympathy to Betsy and to his family. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President. I, too, stand to honor Betsy, Martha, and Grace and Peter's Dad, Harold, and express our sympathies. I first met Peter in 1982 when I decided to run for the Senate in Falmouth and down in that area. I learned about Peter and his family and all the things that you've heard this morning and read are certainly all true. What I would simply say is that, as long as I've known him, his biggest pride has been his family. When I had the opportunity to be with Peter, whether it was on the golf course or elsewhere, his family was always what he talked about, especially when Grace came. I stand here and say that his premature passing is something we all feel very badly about, but we're glad that Grace, Martha, and Betsy can be with us today. We send our condolences to Harold. He was a wonderful family man and I just wanted to share that with everybody.

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

Senator **HOBBS:** Thank you, Madame President. I, too, would like to extend my condolences to Betsy, Martha, and Grace on the loss of a wonderful man. Peter Wiley was truly a Renaissance man. I also have a personal stake in his life. He had a great impact upon my life and my wife, Donna's, life. Back about 25 years ago, like many couples who have gone through the issue of having difficulty having biological children, Peter saw me the day after my wife had some surgery and he said, 'No problem, I'm going to give you the number of a person and I think you should consider adopting.' It was that conversation that led and the conversations with Betsy and Peter that led to the adoption of two of my children and to putting in my life a person who I will always remember as someone special. I really think it is a great loss for all of us.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Betsy Wiley; her daughter, Martha; and her granddaughter, Grace. Would they please rise and receive the greetings and sympathies of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Definition of 'Municipality' as It Relates to the Maine Municipal Bond Bank Act" (EMERGENCY)
H.P. 1466 L.D. 2072

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.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)
H.P. 1378 L.D. 1968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-878)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878) AS AMENDED BY HOUSE AMENDMENT "D" (H-901)** thereto.

Report **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)
H.P. 1389 L.D. 1982

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-881)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881)**.

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

READ ONCE.

Committee Amendment "A" (H-881) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Patient Records"
H.P. 1396 L.D. 1994

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)**.

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

READ ONCE.

Committee Amendment "A" (H-882) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Committee on **JUDICIARY** on Bill "An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders"
H.P. 1325 L.D. 1885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-876)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)**.

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

READ ONCE.

Committee Amendment "A" (H-876) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Laws Regarding Aquaculture Leases"
H.P. 1443 L.D. 2049

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-880)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-880)**.

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

READ ONCE.

Committee Amendment "A" (H-880) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding Storm Water Program Administration"
H.P. 1435 L.D. 2035

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-879)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**.

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

READ ONCE.

Committee Amendment "A" (H-879) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Eight members of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Uninsured Motorist Laws"

H.P. 1422 L.D. 2021

Reported in Report "A" that the same **Ought to Pass**.

Signed:

Senator:
SULLIVAN of York

Representatives:

McKANE of Newcastle
LINDELL of Frankfort
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-870)**.

Signed:

Senator:
MAYO of Sagadahoc

Representatives:

PERRY of Calais
BRAUTIGAM of Falmouth
HARLOW of Portland

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

Signed:

Senator:
MILLS of Somerset

Comes from the House with Report "A", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **SULLIVAN** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Victims of Domestic Violence"

S.P. 739 L.D. 1938

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-525)**.

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

READ ONCE.

Committee Amendment "A" (S-525) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access"

S.P. 780 L.D. 2029

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-526)**.

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

READ ONCE.

Committee Amendment "A" (S-526) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BARTLETT for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Encourage Energy Independence for Maine"

S.P. 731 L.D. 1931

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-523)**.

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

READ ONCE.

Committee Amendment "A" (S-523) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1384 L.D. 1976

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts"

H.P. 802 L.D. 1159
(C "A" H-873)

Bill "An Act To Allow Law Enforcement Agencies To Maintain Public Sex Offender Registry Websites"

H.P. 1271 L.D. 1831
(C "A" H-867)

Bill "An Act To Amend the Election Laws" (EMERGENCY)

H.P. 1329 L.D. 1889
(C "A" H-866; H "A" H-888)

Bill "An Act To Increase Wheelchair Van Services Reimbursement Rates"

H.P. 1355 L.D. 1914
(C "A" H-871)

Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta (EMERGENCY)

H.P. 1473 L.D. 2082
(H "A" H-886)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Allow Smelt Dipping in Long Lake in Aroostook County"

H.P. 1253 L.D. 1813
(S "A" S-524 to C "A" H-806)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit"

H.P. 1428 L.D. 2027
(C "A" H-865)

READ A SECOND TIME.

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

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands
S.P. 827 L.D. 2095

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act Limiting Clean Election Candidates' Campaign Soliciting"

S.P. 570 L.D. 1596
(C "A" S-521)

Bill "An Act To Provide State Funding for the Fingerprinting of School Personnel"

S.P. 662 L.D. 1745
(C "A" S-520)

Bill "An Act To Ensure the Authority of 'Do Not Resuscitate' Orders in Advance Health-care Directives" (EMERGENCY)

S.P. 680 L.D. 1763
(C "A" S-522)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives

H.P. 1353 L.D. 1912
(C "A" H-809)

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Emergency Measure

An Act To Prohibit Parking in Access Aisles
H.P. 1213 L.D. 1706
(C "B" H-765)

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.

Emergency Measure

An Act To Amend the Law Regarding Smoking in Private Clubs
H.P. 1342 L.D. 1901
(C "A" H-830)

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. This is the second of the bills dealing with smoking in private clubs. This is the bill that, if you enact it, would actually weaken the laws that deal with smoking in private clubs. I would urge that you not support this matter and that we vote against it.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. While the good Senator from Cumberland, Senator Turner, is correct and this is a change, I'm not sure that we could classify it as a weakening of the situation seeing that the current situation under which we operate, and was approved a year ago, is not currently being enforced by the Attorney General, as the sheet that was distributed by the good Senator from Cumberland, Senator Turner, indicates. It does indicate that there is a question with regard to the Constitutionality of this particular issue. It is coming before this Body as a unanimous report of the Health and Human Services Committee. I would urge that this Body support that committee and vote for this.

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

Senator **STRIMLING:** Thank you, Madame President. I would just reiterate that what we are doing today, if we support this, is rolling back. We are, I think, the only state to receive all A's in the work that we are doing in terms of health around smoking. If we vote for this we will be rolling back something that we have done

to protect the workers of the state of Maine. I also would like to make sure that you do recognize, because I think there was some misinformation that was going around in our last debate, that it was not ruled by the Attorney General that they couldn't implement the current law. They only said that they wanted to wait to see what the Legislature was going to do because they knew there was pending legislation after they had received questions. As soon as we are done, if this bill passes or doesn't pass, the Attorney General will then implement whatever the law is that we have put in place. The current law that is in place is the best law to protect the workers of the state of Maine from second-hand smoke. I would encourage you to defeat the pending motion.

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

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. Since reviewing this matter the other day, I think the situation has been clarified, in my own mind. It seems to me that the law that we passed, and I assume was written by the technical staff at OPLA, a year or so ago made it very clear that you had to have a majority vote of all of the dues paying members of the club in order to support smoking within the club. That is a legitimate policy. It seems to me appropriate, simple, and straightforward. I think some of the people that had to live under that rule were unhappy with it and they went to the Attorney General to ask if the law really meant what it plainly says. The Attorney General saw that there was further legislative activity, possibly new laws coming out of the committee, and said, 'Why don't we defer ruling on it until the committee has acted.' It seems to me that if we defeat this measure today we will very simply be reinforcing the policy that was established and the law that is currently on the books that says, 'Look, if you want to permit smoking in the club you can, but you need to get 51% of all of the dues paying members to agree to that proposition.' I don't see anything hard, difficult, problematic, or confusing and certainly not unconstitutional about that simple proposition. I would urge that we vote against the pending motion in this division.

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 believe the issue regarding the legality or constitutionality has been properly addressed by other members of the Body. I would simply reiterate a few things for you that were in the chamber when we first discussed L.D. 1926, the bill that would have provided an outright ban, which subsequently failed in this chamber. It is important to understand that, as a state, we have been an absolute leader in restricting smoking and the implications that this has on the health of workers. I would remind you that we are the only state to get an all A report card from the American Lung Association for the great work we've done over the years in restricting smoking and protecting employees. We are no longer at the vanguard of this effort. In our own New England, two states, Vermont and Rhode Island, have propositions that are now part of their law that are more restrictive than our existing law that this bill would change.

Six of the provinces in Canada are in the same steps and just recently that bastion of smoking in bars and other private and public places Great Britain, including Scotland, England, and Ireland, have banned smoking in all venues, private and public. I think it's time for us to stay the course and continue to work and improve the health of workers. Voting against this bill will do that. Thank you very much.

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 clarify for the good Senator from Franklin the issue with regard to the voting. That is that there were mailed ballots involved. That was the interpretation of the legislation that I and the good Senator from Penobscot were much involved with a year ago. However, those who did not return ballots, in all cases that have come before the committee, were counted as a no vote without having voted. That is the issue with what we did a year ago. That is the issue upon which the Attorney General has had problems and that is why he set aside the enforcement until this legislature decided what to do about the two bills that were before it; one by the good Senator from Cumberland and the other by a member of the other Body. I would urge, as I said a few minutes ago, that this Body repeat what it has done previously on this particular piece of legislation and approve it. Thank you.

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

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I'd like to concur with the good committee Chair from Sagadahoc. L.D. 1901 is about voting, not smoking. L.D. 1901 clarifies and improves a voting mechanism. The mechanism on the books, as you have heard, that currently exists requires a majority vote of all of the club members. All the club members as opposed to all of those who are notified and chose to vote. The effect would be as though we, in our election efforts, were instructed that we would have to receive a majority vote of all registered voters. All registered voters, not those who chose to come to the polls and vote. L.D. 1901 corrects that very difficult to implement piece of statute and makes some modifications. It requires that all of the club members receive written notification. It provides for an absentee voting mechanism. In the end, it allows the simple majority of those that have voted to make the decision. That's what many of the club members have asked for. That's what the veteran's membership asked for. A standard that is no different from the standard that we all deal when we run. I ask you to support the bill.

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I'm going to be voting against the pending motion and I just want to let people know that the Attorney General's Office was definitely enforcing the existing law prior to this bill coming forward. I know this because I had a club in my district that did voting. They voted by a majority of the members who showed up to vote. I had complaints from other constituents and the Attorney General's Office, indeed, took

action. I just want to clarify, for the record, that they were, in fact, enforcing the current law before this bill came forward and I'm sure, given what they said in the purple memo before us, will be able to go back to enforcing that law. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I just want to clarify a couple points. One, again from the Attorney General's Office, the Attorney General did not put this aside because they thought there was a problem with it. We have it in their own words that they put it aside because they wanted to see what we were going to do. That's all. Not because they saw that this was a problem. They got questions about it. They began to think about how to answer them. They then realized the legislature was about to, perhaps, take some new action. They said, 'Let's wait for the legislature to do what it's going to do.'

In terms of the issue about this threshold, the whole purpose of the threshold was to make it hard because we want to protect workers from second hand smoke. Just like it is my understanding, with most stockholders if you don't vote that is counted as a no. It's the same thing. We wanted to create a hard standard. We wanted to protect Maine workers and that's what we've done. That's why I would ask that you keep this law in place. Thank you, Madame President.

THE PRESIDENT: The Senator from Cumberland, Senator Turner, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. At the risk of being accused of repeating something that I said earlier, I would like to remind you that three of the Senators here serve on a committee called Health and Human Services. With respect to this bill, they parked health in the backyard and ignored it. This is not about electioneering and how to craft ballots. It's about health. That's what it is always about. Health. Always been about health and always should be about health. I think it's regrettable that this committee chose to think about something other than the health of Maine's citizens. Again, I urge you to not support this bill. Thank you.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **PERRY:** Thank you, Madame President. I'm torn on this. I've been listening as closely as I can. The one thing I haven't picked up yet is that a vote that is not returned is a no vote. Is that a no vote meaning no smoking? What does a no vote mean?

THE PRESIDENT: The Senator from Penobscot, Senator Perry 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. As a member of the committee, I was going to stay out of this debate but obviously the good Senator from Cumberland has decided to include me in the discussions. I will be more than happy to respond to his tirade to some degree.

Let me just say, first of all, that the no vote is the issue. A ballot that is sent out to someone who may live in California but a member of the Eagle Lake American Legion would be counted as a no vote. He may chose to be a member simply because he has a long-standing commitment to the organization and feels friendly to it. However, what interest does he have as to whether or not someone smokes or doesn't smoke? That was the issue that we ended up discussing. What this bill attempts to do is, basically, figure out if you are an active member. If you are paying your dues, you are active. What we are trying to do with this bill is try to figure out who is the voting population. I am still in favor of the triple A that we got. I'm not trying to roll back, contrary to what some people are saying. It is an attempt to provide a valid method of determining who is voting and what the results are. It's really that simple. Obviously it is a tremendous advantage if you have organizations that have 1,000 members paying dues simply because they want to belong, but yet 500 never show up and never return a ballot. For example, I'm a member of the Calumet Club in Augusta. I pay my dues. Actually I won't have to next year because I've reached the retirement age and it will be free. They send me stuff and I buy things and give donations through the mail. I must admit that I didn't return my ballot. Was that fair to either side? This is what we did so it's not a sell out as to what some people would have you admit.

On motion by Senator **MAYO** of Sagadahoc, supported by a Division of 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 **ENACTMENT**, in concurrence. (Roll Call Ordered)

Emergency Measure

An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes

H.P. 1404 L.D. 2002

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.

Emergency Measure

An Act Amending and Restating the Charter of The President and Trustees of Colby College

S.P. 774 L.D. 2012
(C "A" S-501)

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.

An Act To Require the Display of POW-MIA Flags at Courthouses
H.P. 1340 L.D. 1899
(C "A" H-827)

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

Acts

An Act To Support Sibling Rights in Child Welfare Custody Matters

S.P. 627 L.D. 1682
(C "A" S-500)

An Act To Continue the Tourism Cooperative Marketing Fund

S.P. 652 L.D. 1698
(C "A" S-502)

An Act To Expand the Alternative Aid Program

H.P. 1294 L.D. 1854
(C "A" H-820)

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

H.P. 1314 L.D. 1874
(C "A" H-831)

An Act To Maintain Standards for the Plumbing Profession

S.P. 723 L.D. 1923
(C "A" S-496)

An Act To Establish Harbor Master Training Requirements

H.P. 1448 L.D. 2054

An Act Regarding Energy Efficiency Standards for Residential Rental Properties

H.P. 1468 L.D. 2074

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

An Act To Promote Economic Development by Enhancing Educational Opportunities

S.P. 702 L.D. 1785
(C "A" S-497)

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

An Act To Improve the Oral Health of Maine's Children
S.P. 737 L.D. 1936
(C "A" S-498)

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

An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless
H.P. 1442 L.D. 2046

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

An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland

S.P. 675 L.D. 1758
(C "A" S-493)

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

Resolves

Resolve, To Direct the Department of Labor To Coordinate a Task Force To Examine and Study Issues Relating to Workplace Safety and Workplace Violence

H.P. 1206 L.D. 1699
(C "A" H-828)

Resolve, To Name the New Bridge over the Penobscot River
S.P. 766 L.D. 1986
(C "A" S-503)

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

Off Record Remarks

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:

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)

H.P. 1378 L.D. 1968

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-878)**

Tabled - March 29, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 28, 2006, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878) AS AMENDED BY HOUSE AMENDMENT "D" (H-901)** thereto.)

(In Senate, March 29, 2006, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-878) **READ**.

House Amendment "D" (H-901) to Committee Amendment "A" (H-878) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-878) As Amended by House Amendment "D" (H-901) thereto, **ADOPTED**, in concurrence. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

NOMINATION - of Jeremy M. Usher of Dresden, for appointment to the Maine School of Science and Mathematics Board of Trustees

Tabled - March 29, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2006, Communication (S.C. 566) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#345)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: ANDREWS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jeremy M. Usher** of Dresden, for appointment to the Maine School of Science and Mathematics Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of David C. Haines of Auburn, for appointment to the Maine School of Science and Mathematics Board of Trustees

Tabled - March 29, 2006, by Senator **BRENNAN** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 29, 2006, Communication (S.C. 567) from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#346)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: ANDREWS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David C. Haines** of Auburn, for appointment to the Maine School of Science and Mathematics Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

ORDERS

Joint Order

On motion by Senator **SCHNEIDER** of Penobscot, the following Joint Order:

S.P. 839

ORDERED, the House concurring, that the Joint Standing Committee on State and Local Government shall report out, to the Senate, a bill to change the date for agency submission of provisionally adopted major substantive rules.

READ and PASSED.

Sent down for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/07/06) Assigned matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on State Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; Hospital Street in Augusta; and the Presumpscot River in Falmouth

H.P. 1304 L.D. 1864

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-772)**

Tabled - March 7, 2006, by Senator **SCHNEIDER** of Penobscot

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 2, 2006, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**.)

(In Senate, March 7, 2006, Report **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

H.P. 1378 L.D. 1968
(H "D" H-901 to C "A" H-878)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I ask you to support the supplemental budget that is before you. This supplemental budget was unanimously voted out by the Appropriations Committee and is a fiscally responsible use of the surplus of \$150 million which the state projects. The budget adds \$29 million to the state's savings account, bringing the total amount in the Budget Stabilization Fund to over \$100 million. It keeps our promises to our local communities by finding an additional \$41.3 million for K-12 education, keeping us on track for 55% funding in just two more years. It provides another \$17 million for its settlement funds for our local hospitals, and with the federal match our hospitals will receive approximately \$45 million more. The budget also provides \$10.9 million for a Medicare Part D wrap, insuring that seniors who receive prescription drug benefits under the state's Drugs for the Elderly Program will not lose critical medications or have to pay more under their new Medicare Part D program. The budget provides continued healthcare coverage for adults living in

poverty. It also absorbs federal cuts to the Maine Emergency Management Agency and the Maine Drug Enforcement Agency.

There are things in this budget that some will like and some will dislike. There are many worthy things that some of us would like very much to see in this document that are not there. None of us got everything we would have liked, that is the nature of compromise. When all is said and done, however, this is a sound and responsible budget. I'm very proud of the Appropriations Committee for their courage and willingness to craft a unanimous budget and I want to publicly thank them for their hard work. I thank the good Senator from Aroostook, Senator Martin, who forcefully advocated for his beliefs until the very end of the process. I also want to thank the good Senator from York, Senator Nass, whose resolve to see this budget through made a unanimous report possible. There were several critical points in the committee's process when everyone could have walked away, but his willingness to stick with the process enabled us to succeed with crafting a budget that all could agree to.

I've been struck by comments that people outside the State House have made to me and other members of the Appropriations Committee since we closed this budget. People, upon numerous occasions, have expressed appreciation for a 2/3 budget. One woman said our work made her proud to live in the state of Maine. I happen to know that this woman didn't see everything she would have liked in the budget. The message that she and others were delivering, I believe, was an appreciation for seeing legislators work through their differences and work together to address issues that face the people of Maine. Their pride comes from knowing that we, in Maine, still have the capacity to work together on behalf of the people that we serve. I hope you will join us in supporting the motion on the floor. 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. My comments derive separately but are very similar. She stole my thunder, but it wasn't very thunderous anyways. To comment about this supplemental budget, the one thing that strikes me about this, now that we are, hopefully, coming to the end, is that it is small. It's what a supplemental budget should be if our prior work was almost right. I think it was. This is significant. The other thing is that we didn't have a lot of extra money to spend. There weren't a lot of adjustments to be made. I think this is reflective of what we're talking about today.

Second, I think, to me, the demonstration of the burden of leadership is with us today. The Senator from Androscoggin, Senator Rotundo, handled that in a magnificent fashion. She is just so patient. I've come to believe and understand why patience is often talked about and occasionally demonstrated. She certainly did that this time.

I also was surprised, and I won't talk about the specifics because our caucuses have dealt with the specifics in great detail I think at this point, about the number of people, some members of this Body and members of the other Body and the public, that came up to me and said that they were thankful. That is not an experience that I have had even when we had a 2/3 budget before. My sense is that there was a pent up demand for agreement. People were thankful about that. I haven't heard much of that from home because I haven't been home much, but it is about here and the people in Augusta who had a working

knowledge of what was going on. I'm not accustomed to pent up demands for agreement here. It's not something we brag about or mark down much because we don't have much of it. The sense is that we've done an important thing. The other sense is that normally compromise is a pretty messy affair. By the time we're done, collectively, all of us are slightly resentful, we're angry about something, and we're a little cranky about the results. Probably all of those things are still here, but I just want to note that there was a great deal of what I would characterize as pent up demand to agree on something. We've done that and we present that to you today. I urge that you support this and move on to other more difficult problems. Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President and colleagues in the Senate. I, too, want to congratulate the budget makers: the members of the Appropriations Committee; the good Senator from Androscoggin, Senator Rotundo; the Senator from York, Senator Nass; the good Senator from Aroostook, Senator Martin; also the leadership on both sides of the aisle; and the staff members who worked diligently into the night and beyond. I, too, am hearing positive remarks from people in my community about coming together to support a budget that 2/3 of us can support. What I am most interested and encouraged to think about is how we can carry this unity into the next session when many of us will be returning, because even though this is a budget that 2/3 of us can support, there are some really important things that we've left out. I think it's important for us to mark them and say them out loud because there are people out listening to this and watching us pass the budget. When they don't see themselves in it they are going to wonder if we noticed. I want them to know that we did.

Maine is now the oldest state demographically in the United States. The needs of our aging citizens are not going to diminish any time soon. There is incredible pressure, in terms of taxes and other burdens, on elders and others in our communities that aren't going to lessen dramatically any time soon. It's really important for us to ask the question, how are we going to grow our economy? How are going to keep paying for things that we need to, the services that we all need, as well as how are we going to invest in our future? There is a formula that many of us in the Business, Research, and Economic Development Committee have come to understand. We are sure that this is a formula for a robust economy. I want to share it with you here today, once again, and have us again hold this structure in our thoughts and minds for the next time we are together to build a budget. Often we are asked to think about running government like a business. What business doesn't invest in itself? What business that wants to grow doesn't invest? The things that we so need to be investing in are higher education, innovation, and a predictable and solid infrastructure to support our emerging businesses and the new economy. We need to support that. When we look closely at this budget, because we had to do what we had to do, some of those things are missing. I want to flag how important it's going to be for us to support higher education, how important it's going to be for us to support research and development and innovation because as we continue to lose some of the businesses of past we must replace them with the businesses of the future. To do that we have to invest in higher

education and we have to invest in innovation and research and development. There are certainly tax reform pieces that are critical to all of that as well.

I want to, again, applaud the work of the Appropriations Committee, our leadership on both sides of the aisle, and the staff members of the Executive and others that put this together. It was no small effort. I'd like to say this new, emerging partnership that we're forging here today by passing this budget, I assume, needs to be carried into the work ahead because we haven't even begun to do the really important work that we need to do to build the economy of Maine. I will be pleased and proud to have my colleagues on the other side of the aisle, as well as this side, join us in that work in the future. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise to voice my reluctant opposition to the supplemental budget. While I understand and greatly respect the work that went into it and the significance of reaching an agreement that produced a bi-partisan budget, I cannot vote for the package before us. Chief among the concerns that makes it impossible for me to vote for a package that is otherwise fiscally responsible and acceptable is the fact that it leaves out vital funding for the priorities established by the Governor's Washington County Economic Development Taskforce and it fails to adequately fund higher education.

I want to acknowledge my heartfelt gratitude to the members of this Body for their strong support last year for two bills that would have allowed Washington County to move ahead under our own steam, to develop our economy through the establishment of a racino. Sadly, the Chief Executive ended that endeavor with his two vetoes last year. I cannot begin to tell you what a bitter pill those two vetoes were for the people of Washington County. In response, the Governor, by Executive Order, created the Washington County Economic Development Taskforce, and he dispatched David Flanagan to Washington County as his personal representative. The suggestions of Mr. Flanagan and the efforts of the taskforce resulted in specific recommendations. Rather than ask for a plethora of funding for a wide array of programs, we chose to go the route of a honed down, targeted, and modest package. Regrettably, these priorities were not included in the budget proposal submitted by the Governor nor were they added by the Appropriations Committee. This omission, if not corrected in some fashion between now and the end of session, leaves the past seven months of good faith effort and hard work on that taskforce as nothing more than an empty exercise and the latest in a long line of disappointments for Washington County and essentially a message that our long-time status of bearing the state's highest rate of unemployment, lowest per capita income, and highest poverty rate is not a priority for the state. Even worse, not only is not a priority but it doesn't warrant a single penny of the \$1.3 million package to address the conditions I just noted. I can tell you that when the taskforce voted unanimously to support funding for the boat school at Eastport, the Downeast Heritage Center at Calais, the Downeast Institute for Applied Marine Research at Beals Island which has been funded every year since 1988 until now, the Sunrise County Economic Counsel, and the Incubator Without Walls Program, there was not one person at that table who would have predicted

that none of these priorities would be deemed worthy of funding in the end.

For those who opposed the racino effort, this unhappy history, repeated again here today, is precisely why you see efforts like the Washington County Racino arise. We receive a lot of sympathetic words about our chronic economic difficulties, and last year in this chamber some Senators rose to say we didn't need a racino and should pursue other means to improve our economy. Well, we did. Again, pardon the choice of words, no dice. Here again, as it has been year after year, we are not prioritized for the resources and commitment to overcome those challenges and lift our economy, so we are left to do what we can do for ourselves.

I had intended to submit an amendment to fund the taskforce's priorities, but in the last hours it became evident that the amendment had no chance of passage so it will not be. I'll continue to push for those priorities that the taskforce has established and that are so important to our economy. I recognize that it is an uphill struggle because there is precious little money left on the table. Likewise, we need support from the Governor and his leadership and using the power of his office to insure the efforts of his own taskforce are honored between now and the end of session, otherwise the taskforce will have been an empty gesture.

As for the \$29 million going into the State's Rainy Day Fund, I understand a key priority for the Governor; I do understand the value of being prepared for hard times that may lie ahead. As I said last week, we're talking about a Rainy Day Fund and it is already raining cats and dogs in Washington County. Make no mistake about it, as the result of a lot of hard work, there are some good things in this package. I applaud the committee and the leadership for working hard to reach agreement on a host of crucial issues. I'm pleased with what it does for roads and hospitals, evaluation related inequities in the EPS school funding formula, and in improving the State's response to red tide among other issues. I'm sorely disappointed in the omission of those key priorities for Washington County, but my concerns go beyond the impact in my district.

As I mentioned a few moments ago, another flaw that makes it impossible for me to support this budget is one that just referenced by the good Senator from Cumberland, Senator Bromley. That is its impact on higher education in Maine. I know that the Senator from Aroostook, Senator Martin, proposed an amendment for additional funding during the committee's consideration of the supplemental budget and I applaud him for that. As with the Washington County Taskforce recommendations, I had filed amendments to add \$2 million to address the shortfall in the Maine Community College System and \$2.5 million to address the unmet need in the University of Maine System because I believe we are doing a disservice to higher education in this state. However, again it is clear that there was no chance of their passage, so I will not engage in yet another empty exercise and I regret that it would have been an empty exercise. For the first time in the history of our state the University of Maine System will derive more income from tuition than from State appropriations in the coming year because we have diminished higher education as a priority here in Maine. I believe that is a serious error and we all rue the day when we went down this road, especially with all the talk about the brain drain and how vital education is to our long term economic health, competitiveness, and the like. Likewise, we should afford greater emphasis to the Community College System and life changing

promise that an education in the trades means for so many of our citizens. I believe they deserve better. While I applaud all the good work that went into this budget and all the good things that are in it, I wish I was able to join arms with my other colleagues, but I cannot and I will cast my vote against the budget for the reasons I've outlined. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President and colleagues in the Senate. First, I want to thank everybody who worked day and night on the supplemental budget. I think the people of Maine would be proud of everybody for their efforts if they knew how hard, in a bi-partisan, people worked to reach a compromise. In the spirit of collaboration, I will be supporting the budget because I believe it is what the people of Maine would wish me to do. Yes, I am very grateful for the compromise, yet I share the same concerns, in many respects, of my colleague from Washington County; concerns about the minimal amount of funds applied to higher education and specifically to the University of Maine System. The request was roughly \$15 million of which \$2.2 million was appropriated. That said, I have high hopes that this Body, in the future, will make the commitment to higher education. It is, indeed, the key to raising prosperity in this state. I believe we have seen a failure at the federal level to address this very paramount concern and I hope that in the future we here, in the state, will do everything we can to support higher education so we may prosper as a state. Thank you very much, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me begin by congratulating my colleagues who stood through some of my comments during the discussion on the budget. I am a firm believer that if you believe in a 2/3 process it's never going to be all one sided and it never really going to happen that way. There are some things that are there that, frankly, some of you know that I believe shouldn't be in there. I firmly believe that money for transportation doesn't belong in the General Fund portion of the budget. That's why I offered the amendment to deal with education as I did. That having failed, however, does not mean that we simply don't vote for a 2/3 budget because I think that the people of Maine, over the years that I've been involved, have always been in the premise that the 2/3 budget is where we ought to go and what we ought to have. I do think, however, that there are some things that were left undone. I'm also a firm believer that until the legislature adjourns there is always hope because, you see, money can always be found if people have the will to find that money. I'm not abandoning hope today for the university or community colleges or for Washington County or for other projects that would benefit the state. I think that the 35 of us in the room have a responsibility to do what we can to achieve the things that we believe should be in a final budget before we adjourn. If there is anyone in this room who has been here any more than one term who doesn't know the words supplemental budget then they have missed the process and I'll teach the course. I am pleased to vote for this budget, but not as a final end in itself. It is but a beginning, from my point of view. For those of you who feel the

way that I do, you have to have faith and we are all brought up by hope with a little bit of teaching about the faith we ought to have about the future. That's why I will be voting in favor of this budget today and I'd ask the Senator from Washington, Senator Raye, to join us.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. Practically all that should be said has been said in regard to the process and the budget. I will thank publicly all of those who spent the tremendous time that they did to arrive at the compromise that we are faced with today, that being the 2/3 budget. It's a difficult process, but I think as you think as well, that it is a necessary process. The people of the state of Maine look at us as the State Senate. They look at us as the State House. They look at us as the State Legislature. They don't look at us as the Democrats, the Republicans, the Greens, or the Independents. We are here representing them. That's what we've done with this budget.

I couldn't let the moment pass without echoing my concern for a particular area that I think has been omitted. Notwithstanding my good colleague from Aroostook, Senator Martin's, remarks that some money from the General Fund shouldn't be in the Transportation Budget. I understand where he is coming from and I also know why it should be there. That money, in of itself, is not enough and it's not substantial to fix out immediate crisis when it comes to our roads and bridges. I underline immediate because I can't tell you how much a problem we have facing us with our transportation infrastructure in the state of Maine. To try to put that on a par with healthcare issues, with education issues, with technology issues, research and development and our future economy, is very difficult. They are important but I can't raise one above the other. The solution, which was crafted by a group that was convened by the Governor; a bi-partisan group of legislators and stakeholders within our transportation needs, included, among other things, the money that we see presently before us today in the General Fund budget, \$15 million. It also included a like portion from the Transportation Budget of \$15.8 million and it included a borrowing component of roughly \$60 million. Our agreements and our work towards getting us to a 2/3 budget precluded that borrowing. I understand it, I appreciate it, I respect it, but I don't agree with it. Having said that and having the opportunity, perhaps, to see that the current crisis gets addressed before the long-term crisis gets solved, I rise in support of the work that we've done and the support of this budget.

Of the comments that have come before us today on this discussion, I really think none ring deeper in my heart than those of my colleague, the good Senator from Washington, Senator Raye, in talking about the needs of that particular area. As my sister county, a little bit to the east of me, I see that with a vision that perhaps is only surpassed by him. Though we are not able to approach that in this budget, I hold hope still that this issue, and the other issues that we have addressed today for the people of the state of Maine, will continue to have our scrutiny, will continue to have our determination, and will continue to be solved by this Body and our sister down the hall. Thank you, Madame President.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I definitely would like to thank the Senators from Androscoggin, Senator Rotundo; Aroostook, Senator Martin; York, Senator Nass; Waldo, Senator Weston; Piscataquis, Senator Davis; Kennebec, Senator Gagnon; and the good Senate President for all the work that they did on this budget. Going through this process, one of the most difficult parts was seeing the Senator from Piscataquis, Senator Davis, at 3:00 in the morning. He definitely presents better at 10:00 in the morning than he does at 3:00 in the morning. If anything represented this 2/3 budget it was our ability to work together at 1:00, 2:00, and 3:00 in the morning. For that, I really want to say that I am very grateful and I think it is very important for the people of Maine.

By the very nature of the way the legislature is established and the way that we do things here, we tend to have green lights and red lights that say you win and you lose. In this budget, and this budget process when getting to a 2/3, there are not winners or losers. In fact, the people of the State of Maine are the ones that win in this process. A number of people have talked about the some of the things that have been left out, but there are also a number of things that are in this budget. Fiscal year 1991, 15 years ago, was the last time the state was 50% funding for K-12 education. With this budget, in 2006 we will be back to 50% funding for General Purpose Aide to Education for the first time since the early 1990's. We have been, for the last 15 years, at 43%, 44%, and sometimes even at 45%. In one biennium we have gone from the low to mid 40's up to 50% and have now paved the way in the next biennium to get to 55%. That is good news for all the communities in the state of Maine, not only because we have the opportunity to do more with property tax relief, but it also meets our obligation to continue to fund K-12 and have a quality education system in the state of Maine. There is another part of the budget that is a little bit more hidden because it didn't require big numbers, but I think it's an important part of the budget because it will really provide educational opportunities for our young people in Maine in all the ways people have talked about up to this point. There is almost \$1 million in the budget for early college initiatives that will allow students who are in high school to take advantage of taking courses at the university and at the community college as well as continuing a program with the community college system that is identifying students who may not be likely to go on to college but will have the opportunity to do that. There is also a small amount of money, do to an initiative that the Senator from Kennebec, Senator Mitchell, put forward, that will allow for people to get the remedial help that they need in order to attend the community college. Small amounts of money, but they are going to make a big difference in people's lives and a big difference for this state.

On healthcare, there has been a lot of confusion about Medicare Part D. A lot of confusion mixed with a lot of people being very worried that they may not have the medications to address the health problems that they might have. We can all go home now and be able to reassure our most vulnerable citizens that the prescription drugs that they need will be available to them because of this budget. That is a huge step forward and that is a positive step forward. It's a little bit jargony that we talk about people and it's unfortunate that we talk about people this way, as non-categoricals. In the Mainecare System we have a category

called non-categoricals. There are roughly 1,200 people in this state that receive health insurance through that category. These are the poorest people in the state of Maine. These are the people that are most vulnerable in the state of Maine. These are the people that traditionally and typically in the last 50 years have had the least access to healthcare in the state of Maine. Those 1,200 people have been protected in this budget. The most vulnerable and the people that have had the least access to healthcare are still taken care of in this budget. We simultaneously were able to assist senior citizens through prescription drugs and at the same time protect thousands of people that traditionally did not have access to healthcare.

Lastly, we made savings in this budget. The Rainy Day Fund has been increased to \$100 million. That is significant because only three years ago, or two years ago, it was at zero. To go from zero to \$100 million in our Rainy Day Fund or Budget Stabilization Fund in order to protect us against future economic disruptions and also allow us to make some decisions about how we move forward in the future to address bonding and address some of our indebtedness is a very positive direction for us to move in.

This budget, and several people have already said this, is not an end point. It is, in fact, a starting point. It's a starting point because we have 2/3, because we've worked together, and it's a starting point for us to be able to move forward, addressing the needs of Maine's people, looking at higher education, looking at research and development, and looking at healthcare. I want to commend again all the people that were involved in this process, and again, I know that some people might look at this as winners and losers, but it's not. The people of Maine have won and this is an excellent starting point for us to be able to move forward. Thank you.

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

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

Senator **DAVIS:** Thank you, Madame President. A few moments ago I called my good friend from Cumberland, Senator Brennan. Although we're four feet apart, we occasionally call each other on the telephone. I told him that I didn't think there was any need for either of us to get up, that we had said enough and perhaps what wasn't said didn't need to be said anyways. However, my good friend chose to ignore me, which isn't an uncommon occurrence. He rose, so I feel I must too.

I, too, would like to congratulate everyone that was involved in this. To say the very least, it was a long weekend. If my good friend from Cumberland thought I looked bad at 3:00 in the morning in the year 2006 perhaps the year 1986 at 3:00 in the morning, when I had a nightstick and handcuffs in my hand, perhaps I would have looked a bit worse to him. Maybe he wouldn't stand up afterwards.

I have listened carefully over the years to the good Senator from Aroostook, Senator Martin, on different things and you learn from those who have been there before. He's been there before us all numerous times. I've heard him talk about 2/3 budgets. I think that he's right about 2/3 budgets because 2/3 budgets means, hopefully, most of Maine is involved and most of the concerns of Maine are involved in the formulating of the budget. He told me one day that if you don't have a 2/3 budget then you

empower the fringe, so to speak. Those that never get enough money, should one group be in control, or those that it's always too much are the ones that carry the day. I think that the Senator from Aroostook, Senator Martin, is certainly correct about a 2/3 budget.

I've heard a number of people stand today and say that it doesn't have this or it doesn't have that. It certainly doesn't have this and that. While I certainly don't downplay my friend from Washington, Senator Raye's concerns about his county, I represent a very poor county. Piscataquis County is vastly rural. I have one town that has a dirt road going through it. Both parties have had control in the 60 years that the road has been there. I got half a mile of the road paved three or four years ago, but only then to hold the shoulders on the curve so they wouldn't have to come back every spring. It's our own fault. We have made priorities of a lot of things.

If a few weeks ago someone had told me that we're going to have a 2/3 budget, given that this is an election year and given that we have 20 or 30 people running for Governor and given that every seat in the legislature has been covered by somebody on both sides and the third side too, I would have said, 'No, I don't think so, I doubt it very much.' I was wrong and I'm glad I am. As I said earlier, the weekend was long. There were numerous times when I thought everything was going to fall all apart. I remember going to your office, Madame President, and telling you where I felt we should meet the next time and you agreed. Things kind of came back together after that and here we are. We have a 2/3 budget. I think it's good. I think it shows that we can work together and put Maine first. I think we did. There is disappointment and there is joy in this budget, but that is compromise. That's democracy and that's our government working. I would urge all of my colleagues, each and every one, to vote for this and move on. Thank you very much, Madame President.

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 (#347)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senator: RAYE

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator 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.

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

COMMUNICATIONS

The Following Communication: S.C. 573

**122ND LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

March 29, 2006

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333
Dear Secretary O'Brien,

Please be advised that I have appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances" (H.P. 1080) (L.D. 1535) the following conferees on the part of the Senate:

Senator Cowger of Kennebec County
Senator Martin of Aroostook County
Senator Snowe-Mello of Androscoggin County

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, until Thursday, March 30, 2006, at 10:00 in the morning, in memory of and lasting tribute to Peter J. Wiley of Portland.