

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

In Senate Chamber  
Tuesday  
April 27, 2004

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

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Prayer by Senator Betheda G. Edmonds of Cumberland County.

**SENATOR EDMONDS:** I don't know about you but before the rains came I was looking up every night at beautiful stars and this is where it took me. If we could gather in the spirit of prayer.

As we gaze out into the depth of infinity, as we look beyond the planet Venus as it hangs beneath the moon, let us look deeply in our hearts and minds to find the best solutions possible for the problems facing our state, our nation, and our world and let us be guided by compassion, justice, and the deep caring we feel for our world. Amen.

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Pledge of Allegiance led by Senator Richard A. Nass of York County.

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Reading of the Journal of Friday, April 16, 2004.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Encourage Cost Savings by State Employees"

S.P. 618 L.D. 1686  
(C "A" S-409)

In Senate, April 16, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409) AND HOUSE AMENDMENT "A" (H-765), in NON-CONCURRENCE.**

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

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**COMMUNICATIONS**

The Following Communication:

S.C. 605

**COMMITTEE TO STUDY THE IMPLEMENTATION  
OF PRIVATIZATION OF THE STATE'S  
WHOLESALE LIQUOR BUSINESS**

April 14, 2004

The Honorable Beverly C. Daggett, President  
Maine State Senate

The Honorable Patrick Colwell, Speaker  
Maine House of Representatives

State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Committee to Study the Implementation of Privatization of the State's Wholesale Liquor Business has completed its work and submitted its report, pursuant to Joint Order, Senate Paper 552, S "A" S-264.

Sincerely,

S/Senator Kenneth T. Gagnon, Chair

S/Representative Joseph E. Clark, Chair

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1418 L.D. 1916

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-907)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923); "B" (H-946); "C" (H-947); "D" (H-950); "E" (H-952) AND "F" (H-953)** thereto.

Report **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

H.P. 472 L.D. 642

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

Signed:

Senators:

GAGNON of Kennebec  
LEMONT of York

Representatives:

CLARK of Millinocket  
GLYNN of South Portland  
BROWN of South Berwick  
MOORE of Standish  
BLANCHETTE of Bangor  
CANAVAN of Waterville  
LANDRY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-906)**.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

HOTHAM of Dixfield  
PATRICK of Rumford  
JENNINGS of Leeds

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

**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 urge your defeat of the motion in front of us so that we might go on to have a good discussion and vote on the Ought to Pass as Amended by Committee Amendment "A" (H-906) report. This bill has been before the Legal and Veterans Affairs Committee for a considerable period of time. It is a contentious issue, however the minority group feels that it is worthy of a good debate and I would urge defeat of the motion so that we may have that debate.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Senator **GAGNON** of Kennebec to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#404)**

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, MARTIN, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BRYANT, CARPENTER, DAVIS, MAYO, NASS, YOUNGBLOOD

ABSENT: Senators: LAFOUNTAIN, LEMONT, MITCHELL, SAWYER, SHOREY

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILS**.

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**Divided Report**

The Majority of the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** on Bill "An Act To Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings"

H.P. 1422 L.D. 1921

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-888)**.

Signed:

Senators:

DAMON of Hancock  
ROTUNDO of Androscoggin  
WOODCOCK of Franklin

Representatives:

McLAUGHLIN of Cape Elizabeth  
SUSLOVIC of Portland  
TARDY of Newport  
MILLS of Farmington  
BARSTOW of Gorham  
BOWEN of Rockport  
O'BRIEN of Lewiston  
KOFFMAN of Bar Harbor  
BENNETT of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

PEAVEY-HASKELL of Greenbush  
MURPHY of Kennebunk

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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**Senate**

**Pursuant to Joint Rule 309**

From the Committee on **LEGAL AND VETERANS AFFAIRS**, Bill "An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State"

S.P. 449 L.D. 1361

Received by the Secretary of the Senate on April 26, 2004, pursuant to Joint Rule 309.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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**Pursuant to Joint Rule 309**

From the Committee on **TAXATION**, Bill "An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending"

S.P. 759 L.D. 1923

Received by the Secretary of the Senate on April 26, 2004, pursuant to Joint Rule 309.

Report **READ**.

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

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**Ought to Pass As Amended**

Senator **CATHCART** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine" (EMERGENCY)

S.P. 204 L.D. 595

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-549)**.

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

**READ ONCE**.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator **STANLEY** for the Committee on **TAXATION** and the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief"

S.P. 761 L.D. 1924

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-545)**.

Report **READ**.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Appropriate Funds to the Maine Potato Board for the Purchase of Potatoes in Need of Disposal Due to Weather Conditions during the Harvest in 2003

S.P. 771 L.D. 1937

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

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**Acts**

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

S.P. 286 L.D. 891  
(H "A" H-880 to C "A" S-405)

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

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An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

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

Senator **DAVIS** of Piscataquis requested a Roll Call.

Senator **GAGNON** of Kennebec moved to place on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#405)**

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

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, NASS, SAVAGE, TURNER, WESTON, WOODCOCK

ABSENT: Senators: LAFOUNTAIN, LEMONT, MITCHELL, SAWYER, SHOREY

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **GAGNON** of Kennebec to place on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence, **PREVAILED**.

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**Resolve**



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

ABSENT: Senators: LAFOUNTAIN, LEMONT, MITCHELL, SAWYER, SHOREY

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **GAGNON** of Kennebec to **ADOPT** Senate Amendment "D" (S-544), **PREVAILED**.

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

**THE PRESIDENT:** The pending question before the Senate is the motion Passage to be Engross as Amended by Senate Amendment "D" (S-544). 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 (#407)**

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

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

ABSENT: Senators: LAFOUNTAIN, LEMONT, MITCHELL, SAWYER, SHOREY

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 5 Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "D" (S-544)**.

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Joint Order - Authorizing the Joint Standing Committee on Education and Cultural Affairs To Report Out a Bill Regarding the Maine Learning Technology Plan

S.P. 797

In Senate, April 1, 2004, on motion by Senator **DOUGLASS** of Androscoggin, **READ** and **PASSED**.



Comes from the House, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

**ENACTORS**

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

**Pursuant to Constitution  
Public Land**

Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement  
H.P. 1447 L.D. 1947

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#408)**

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

NAYS:            Senators: None

ABSENT:         Senators: LEMONT, MITCHELL, SAWYER, SHOREY

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 31 Senators having voted in the affirmative and no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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 Conform the Maine Tax Laws for 2003 to the United States Internal Revenue Code  
H.P. 1229 L.D. 1651  
(C "B" H-757)

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

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

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

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**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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Off Record Remarks

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### **ORDERS OF THE DAY**

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

#### **Resolve**

Resolve, to Fund Scholarships to the Seeds of Peace Camp

H.P. 55 L.D. 47  
(C "A" H-704)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 26, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**, in concurrence.)

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

Senator **TURNER** of Cumberland requested a Division.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I would strongly urge you to oppose the pending motion to indefinitely postpone this bill. The state has, for a number of years, participated in the Seeds of Peace Camp in Otisfield, Maine, which has had a tremendous positive impact not only in promoting the cause of peace around the world to the students from war-torn and ravaged countries that come there, but more importantly for our purposes, it has historically, since the state originated our participation a few years ago, allowed the opportunity for kids from all corners of Maine to go to the Seeds of Peace Camp and participate and learn about the world around them. It also helps spread peace in our own communities, whether that is allowing people in Lewiston-Auburn to recognize the diversity that has recently been expanded in those communities through the addition of Somali population or in inner city Portland and also in small towns all across Maine. While the funding is about \$25,000 in the bill and is a significant piece of money when we're counting every penny for budgetary purposes, it strikes me that this funding is not something that we should just shunt aside because of the difficulties of the time and it would be much more preferable to give Maine's kids the opportunity to continue. I would strongly urge you to oppose the pending motion.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart to Indefinitely Postpone the Bill and accompanying papers. 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 (#409)**

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

NAYS: Senators: BENNETT, CARPENTER, DAVIS, KNEELAND, MAYO, NASS, SAVAGE, SHOREY, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: LEMONT, MITCHELL, SAWYER

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

An Act to Expand Funding and Services to Students of Limited Proficiency in English  
H.P. 149 L.D. 190  
(C "A" H-701)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 3, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701)**, in concurrence.)

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#410)**

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND,

LAFOUNTAIN, MARTIN, MAYO, NASS, PENDLETON,  
ROTUNDO, SAVAGE, SHOREY, STANLEY, STRIMLING,  
TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD,  
THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: None

ABSENT: Senators: LEMONT, MITCHELL, SAWYER

32 Senators having voted in the affirmative and no Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

An Act to Increase the Adult Education State Subsidy

H.P. 153 L.D. 194  
(C "A" H-702)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, February 26, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**, in concurrence.)

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

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

Sent down for concurrence.

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

An Act to Include Disability Retirement Income in Retirement Income Eligible for Tax Exemption

H.P. 1246 L.D. 1670  
(C "A" H-787)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**, in concurrence.)

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

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

Sent down for concurrence.



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

Sent down for concurrence.

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

An Act To Provide for Fair Treatment of Taxpayers

H.P. 1291 L.D. 1769  
(C "A" H-699)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 2, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**, in concurrence.)

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#412)**

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

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

ABSENT: Senators: LEMONT, MITCHELL, SAWYER

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

**Resolve**

Resolve, To Create an Associate Degree Program in Radiology Technology

S.P. 708 L.D. 1862  
(C "A" S-445)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445.)**)

(In House, April 2, 2004, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

An Act To Improve the Viability of Railroads Operating in Maine

S.P. 757 L.D. 1918  
(H "A" H-779)

Tabled - March 29, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

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

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

An Act To Modify Taxation of Benefits under Employee Retirement Plans, Including Retirement Plans for Teachers

S.P. 764 L.D. 1927  
(C "A" S-481)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-481.)**)

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#413)**

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

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

ABSENT: Senators: LEMONT, MITCHELL, SAWYER

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

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

**Emergency**

An Act to Implement Certain Recommendations of the Governor's Task Force on ATV Issues  
H.P. 1413 L.D. 1912  
(S "A" S-509 to C "A" H-881)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881) AS AMENDED BY SENATE AMENDMENT "A" (S-509)** thereto.)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Emergency**

An Act to Establish the Department of Health & Human Services  
H.P. 1414 L.D. 1913  
(C "A" H-890)

Tabled - April 15, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE**



**AMENDMENT "A" (H-890)**, in concurrence.)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act to Promote the Financial Security of Maine's Families and Children

H.P. 1152 L.D. 1579

(H "B" H-871 to C "A" H-774)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774) AS AMENDED BY HOUSE AMENDMENT "B" (H-871)** thereto, in concurrence.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#414)**

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

**NAYS:** Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, NASS, ROTUNDO, SAVAGE, SHOREY, STANLEY, WESTON, WOODCOCK

**ABSENT:** Senators: LEMONT, MITCHELL, SAWYER

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules

S.P. 613 L.D. 1681

(H "A" H-811 to C "A" S-434)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-434) AS AMENDED BY HOUSE AMENDMENT "A" (H-811)** thereto, in concurrence.)

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

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

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

An Act Relating to the Establishment of a Central Maine Regional Public Safety Communication Center

S.P. 615 L.D. 1683  
(C "A" S-454)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454).**)

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

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

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

An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing

S.P. 620 L.D. 1688  
(C "A" S-430)

Tabled - March 29, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 18, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430).**)

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

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

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

An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

H.P. 1336 L.D. 1814  
(C "A" H-710)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 2, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710)**, in concurrence.)

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

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

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

An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System

H.P. 1360 L.D. 1836  
(C "A" H-839)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**, in concurrence.)

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

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

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

An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

S.P. 801 L.D. 1960

Tabled - April 14, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2004, **PASSED TO BE ENGROSSED.**)

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

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

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

An Act to Establish the Gambling Control Board to License and Regulate Slot Machines at Commercial Harness Racing Tracks

H.P. 1342 L.D. 1820  
(S "C" S-515 to C "A" H-868;  
S "A" S-519)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868) AS AMENDED BY SENATE AMENDMENT "C" (S-515)** thereto, **AND SENATE AMENDMENT "A" (S-519).**)

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

Senator **GAGNON** of Kennebec moved to **SUSPEND THE RULES**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#415)**

YEAS: Senators: **GAGNON, HATCH, MARTIN, THE PRESIDENT - BEVERLY C. DAGGETT**

NAYS: Senators: **BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GILMAN, HALL, KNEELAND, LAFOUNTAIN, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD**

ABSENT: Senators: **LEMONT, MITCHELL, SAWYER**

4 Senators having voted in the affirmative and 28 Senators having voted in the negative, with 3 Senators being absent, and 4 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **GAGNON** of Kennebec to **SUSPEND THE RULES, FAILED.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#416)**

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

NAYS: Senators: **BENNETT, BLAIS, NASS**

ABSENT: Senators: **LEMONT, MITCHELL, SAWYER**

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property

H.P. 167 L.D. 208

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

Signed:

Senators:

STANLEY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

LEMOINE of Old Orchard Beach  
LERMAN of Augusta  
PERRY of Bangor  
SIMPSON of Auburn  
McCORMICK of West Gardiner  
TARDY of Newport  
SUSLOVIC of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "C" (H-809)**.

Signed:

Representatives:

COURTNEY of Sanford  
CLOUGH of Scarborough  
McGOWAN of Pittsfield

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **STANLEY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Returnable Beverage Container Redemption Rates"

H.P. 931 L.D. 1257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-855)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto.

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

**READ ONCE.**

Committee Amendment "A" (H-855) **READ.**

House Amendment "A" (H-956) to Committee Amendment "A" (H-855) **READ.**

On motion by Senator **BROMLEY** of Cumberland, House Amendment "A" (H-956) to Committee Amendment "A" (H-855) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-855) **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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#### ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **TAXATION**, Bill "An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending"

S.P. 759 L.D. 1923

Report - Received by the Secretary of the Senate on April 26, 2004, pursuant to Joint Rule 309

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

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 10, 2004, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

(In House, March 10, 2004, **REFERRED** to the Committee on **TAXATION**, in concurrence.)

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

Sent down for concurrence.

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

SENATE REPORT - from the Committee on **TAXATION** and the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief"

S.P. 761 L.D. 1924

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-545)**

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

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 27, 2004, Report **READ**.)

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

Senator **DOUGLASS:** Madame President, although I realize there will be no debate on this bill because it is the unanimous bill through two committees, I rise because I think it is important to note that this is a bill that will provide for great property tax relief for the people of Maine. I think it is important to remember that our local tax payers have said that they want to see the state share more in the cost of education and this bill does that.

Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-545) **READ**.

On motion by Senator **BRENNAN** of Cumberland, Senate Amendment "A" (S-550) to Committee Amendment "A" (S-545) **READ**.

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

Senator **BENNETT:** Thank you, Madame President. I request permission to pose a question through the Chair.

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

Senator **BENNETT:** Thank you, Madame President. Perhaps the sponsor or some other informed party could inform this Senator as to the intentions of this amendment.

**THE PRESIDENT:** The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS:** Madame President, this bill provides what we called in our two committees a 'ramp up' of the percentage share that the state provides to local education. The amendment speaks to another part of the bill in which a so-called 'ramp down' was established which was not actually a ramp but a municipal budget analysis committee that is established to ascertain whether, in deed, local property taxes are going down. The amendment simply changes the amount by which those revenues must shrink from what was a unreasonably ambitious goal of 3.5% to, as the language states, less than last year. It gives us a more realistic goal that localities would, as a result of having the increased state money for local education, be able to keep their property taxes for education at the same level, or below, as last year. The original bill called for a 3.5% decrease each year, which might be a bit unrealistic to achieve.

On motion by Senator **BRENNAN** of Cumberland, Senate Amendment "A" (S-550) to Committee Amendment "A" (S-545) **ADOPTED**.

Committee Amendment "A" (S-545) as Amended by Senate Amendment "A" (S-550) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545) AS AMENDED BY SENATE AMENDMENT "A" (S-550)** thereto.

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Thursday, April 29, 2004, at 10:00 in the morning.