

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

PAPERS FROM THE HOUSE

Joint Resolution

In Senate Chamber
Thursday
April 5, 2001

The following Joint Resolution: H.P. 1297

**JOINT RESOLUTION COMMEMORATING THE TENURE
OF JAY P. MCCLOSKEY AS UNITED STATES ATTORNEY
FOR THE DISTRICT OF MAINE**

Senate called to order by President Michael H. Michaud of Penobscot County.

WHEREAS, Jay P. McCloskey has served as the United States Attorney for the District of Maine since 1993 and as an Assistant United States Attorney from 1980 to 1993; and

Prayer by Senator Richard Kneeland of Aroostook County.

WHEREAS, Jay P. McCloskey has served the Nation and the State with extraordinary dedication, skill and integrity; and

SENATOR KNEELAND: Shall we pray. Oh Lord, our God, we remember Thy promise that where so ever two or three are gathered together in Thy name, where Thy art in the midst of them. We cling to that promise this morning and pray that each one of us may be aware of Thy presence. Thy knowest our needs and how inadequate we feel ourselves to be in the presence of our state problems and in the challenges of this hour. If Thy would help us, Oh Lord, then shall we be better than we are, wiser than we know, and stronger than we dream. In this prayer we bring unto thee the members of this body, its officers, and its servants, for Thy blessing. Men and women who feel the weight of the responsibility and the need of divine guidance. Men and women who often are sorely tempted and who need the support of Thy grace. Bestow upon us the courage to do the right as Thy has given us to see the right and make it clear unto us all. In Jesus' name we pray. Amen.

WHEREAS, with extraordinary leadership and strong management, Jay P. McCloskey has directed and overseen all aspects of litigation conducted by 16 criminal, 4 civil and 2 appellate Assistant United States Attorneys for the District of Maine; and

WHEREAS, Jay P. McCloskey has managed 22 attorneys and 35 support staff located in offices in Portland and Bangor; and

WHEREAS, in addition to his administrative duties, Jay P. McCloskey has personally litigated select criminal cases, including U.S. v. Brown and Teeter, an interstate domestic violence and kidnapping case that resulted in 2 homicides; U.S. v. Platt, et al., the first Hobbs Act case in Maine; U.S. v. Boots, et al., an 8-defendant, public corruption, RICO, wire fraud and money laundering case; and U.S. v. Barnes, et al., a 10-defendant, million dollar interstate transportation of stolen computer chips, money laundering and financial structuring case; and

Doctor of the day, Behzad Fakhery, M.D., from Auburn.

WHEREAS, Jay P. McCloskey has earned national recognition as evidenced by his selection as one of 15 United States Attorneys to serve in an advisory capacity to Attorney General Reno and as the recipient of numerous awards including the United States Drug Enforcement Agency Education Award in 1988, the Office of the Inspector General's Integrity Award in 1991 and the United States Customs Service Commendation for Outstanding Support to Enforcement Efforts in 1995; and

Reading of the Journal of Wednesday, April 4, 2001.

Off Record Remarks

WHEREAS, Jay P. McCloskey has participated in legal issues forums and served on advisory committees and scholarship committees and is a leading authority on federal sentencing guidelines; now, therefore, be it

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order: S.P. 593

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this opportunity to honor Jay P. McCloskey and to extend our heartfelt congratulations in recognizing his distinguished career as the United States Attorney for the District of Maine; and be it further

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, April 10, 2001, at 9:00 in the morning and the Senate Adjourns until Tuesday, April 10, 2001, at 10:00 in the morning.

READ and PASSED.

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Honorable Jay P. McCloskey on behalf of the People of the State of Maine.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

SENATE PAPERS

Bill "An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report"
S.P. 592 L.D. 1768

Sponsored by President Pro Tem BENNETT of Oxford.
Cosponsored by President MICHAUD of Penobscot, Senator TURNER of Cumberland, Representatives: DUDLEY of Portland, DUGAY of Cherryfield, FULLER of Manchester, NUTTING of Oakland, SCHNEIDER of Durham.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act to Enhance Tourism Promotion and Increase State Revenues"
H.P. 1230 L.D. 1677

Reported that the same be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Report **READ**.

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

The Committee on **TAXATION** on Bill "An Act to Eliminate the Tax on Mahogany Quahogs"
H.P. 838 L.D. 1110

Reported that the same be **REFERRED** to the Committee on **MARINE RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

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

REFERRED to the Committee on **MARINE RESOURCES**, in concurrence.

Ought to Pass Pursuant to Joint Order

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

H.P. 1295 L.D. 1765

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1143.

Comes from the House with the Report **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

H.P. 93 L.D. 97

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.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools"

H.P. 174 L.D. 185

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 **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Consumer Credit Code"

H.P. 322 L.D. 412

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-80)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80)**.

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

READ ONCE.

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Definition of 'Health Insurance'"

H.P. 323 L.D. 413

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-81)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81)**.

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

READ ONCE.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles"

H.P. 654 L.D. 854

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-79)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**.

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

READ ONCE.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend Disclosure Reporting Requirements"

H.P. 310 L.D. 388

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-90)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90)**.

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

READ ONCE.

Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Promote Affordable Housing for the Elderly"

H.P. 397 L.D. 518

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-89)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

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

READ ONCE.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge"

H.P. 300 L.D. 378

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

READ ONCE.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Governing Placards for Handicapped Motor Vehicle Operators"

H.P. 353 L.D. 443

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-84)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

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

READ ONCE.

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification"

H.P. 396 L.D. 517

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-85)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Gray Water District"

H.P. 480 L.D. 620

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-86)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

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

READ ONCE.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants"

H.P. 372 L.D. 474

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin

ABROMSON of Cumberland

Representatives:

CRESSEY of Baldwin
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-49)**.

Signed:

Representatives:

DUDLEY of Portland
SMITH of Van Buren
CANAVAN of Waterville

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

Reports **READ**.

On motion by Senator **DAGGETT** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage Maine's Best and Brightest Students to Continue their Education in the State of Maine"

H.P. 577 L.D. 732

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

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin

Representatives:

STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden
WATSON of Farmingdale

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
ESTES of Kittery
CUMMINGS of Portland

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

Reports **READ**.

Senator **MITCHELL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

H.P. 180 L.D. 191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82)**.

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

FULLER of Manchester
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco
LOVETT of Scarborough
SHIELDS of Auburn

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

Signed:

Representatives:

BROOKS of Winterport
DUGAY of Cherryfield
O'BRIEN of Augusta
NUTTING of Oakland

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

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Place a Time Limit on the Award of Spousal Support"
H.P. 184 L.D. 195

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

Signed:

Senator:

RAND of Cumberland

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Signed:

Senators:

McALEVEY of York
FERGUSON of Oxford

Representatives:

JACOBS of Turner
WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in 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 NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System"

H.P. 185 L.D. 196

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

Signed:

Senators:

- EDMONDS of Cumberland
- TURNER of Cumberland
- SAWYER of Penobscot

Representatives:

- MATTHEWS of Winslow
- CRESSEY of Baldwin
- MacDOUGALL of North Berwick
- TREADWELL of Carmel
- BUNKER of Kossuth Township
- HUTTON of Bowdoinham
- NORTON of Bangor
- SMITH of Van Buren
- TARAZEWICH of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

- DAVIS of Falmouth

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Modify the Maine Student Incentive Scholarship Program"

S.P. 300 L.D. 1011

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-39)**.

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

READ ONCE.

Committee Amendment "A" (S-39) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits"

S.P. 81 L.D. 301

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-40)**.

Signed:

Senators:

- RAND of Cumberland
- McALEVEY of York
- FERGUSON of Oxford

Representatives:

- LaVERDIERE of Wilton
- BULL of Freeport
- MITCHELL of Vassalboro
- JACOBS of Turner
- MUSE of South Portland
- SIMPSON of Auburn
- MADORE of Augusta
- SHERMAN of Hodgdon
- MENDROS of Lewiston

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

Signed:

Representative:

- WATERHOUSE of Bridgton

Reports **READ**.

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-40) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

(C "A" H-48)

SECOND READERS

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

House As Amended

Bill "An Act to Provide the Right to a Jury Trial in Civil Actions for Civil Rights Violations"

H.P. 47 L.D. 56
(C "A" H-73)

Bill "An Act to Change the Criteria for Intervenor Status"

H.P. 151 L.D. 162
(C "A" H-74)

Bill "An Act to Ensure the Continuing Beauty and Accessibility of Capitol Park"

H.P. 158 L.D. 169
(C "A" H-76)

Bill "An Act to Require Telephone Utility Participation in Enhanced 9-1-1"

H.P. 312 L.D. 390
(C "A" H-78)

Bill "An Act to Clarify the Laws Relating to Corporate and Other Entities"

H.P. 813 L.D. 1068
(C "A" H-75)

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

Senate

Bill "An Act to Discourage Frivolous Appeals"

S.P. 224 L.D. 789

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

H.P. 29 L.D. 29

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

Emergency Measure

An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling

S.P. 196 L.D. 668

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 to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers

H.P. 522 L.D. 677
(C "A" H-53)

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 Regarding Variances to the Implementation Dates of the Nutrient Management Law

S.P. 266 L.D. 913
(C "A" S-20)

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.

Acts

An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects

H.P. 152 L.D. 163
(C "A" H-41)

An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care
H.P. 228 L.D. 265
(C "A" H-46)

An Act to Encourage Smoke-free Hospitals in Maine
H.P. 293 L.D. 371

An Act to Change the Name of the Bureau of Banking in Order to Accurately Reflect the Scope and Variety of Entities Regulated by the Bureau
H.P. 339 L.D. 429
(C "A" H-50)

An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies
H.P. 632 L.D. 832

An Act Concerning Workers' Compensation Health Care Providers
H.P. 757 L.D. 976
(C "A" H-51)

An Act to Require Background Checks for Adoptions
H.P. 815 L.D. 1070
(C "A" H-54)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/4/01) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)
H.P. 305 L.D. 383

Majority - **Ought to Pass as Amended** (7 members)

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

Tabled - April 4, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, April 3, 2001, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, April 4, 2001, Reports **READ**.)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Off Record Remarks

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

On motion by President Pro Tem **BENNETT** of Oxford, **RECESSED** until 4:30 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:

PAPERS FROM THE HOUSE

House Paper

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities

H.P. 1298 L.D. 1767

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Joint Order

The following Joint Order: H.P. 1299

ORDERED, the Senate concurring, that the Committee to Examine the Availability of Textbooks in Primary and Secondary Schools is established as follows.

1. Committee established. The Committee to Examine the Availability of Textbooks in Primary and Secondary Schools, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon their making their appointments. When appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than July 30, 2001.

5. Duties. The committee shall:

A. Examine the availability of textbooks in primary and secondary schools;

B. Determine in which grade levels in which school administrative units, as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 26, textbooks are used and the age and condition of these textbooks; and

C. Determine the level of unmet need for textbooks in terms of the number of textbooks needed and the cost for these textbooks.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the committee.

8. Report. The committee shall submit a report along with any recommended legislation to the Second Regular Session of the 120th Legislature by January 15, 2002. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the

committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center" H.P. 371 L.D. 473

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/31/01) Assigned matter:

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY) H.P. 256 L.D. 300 (C "A" H-55; S "K" S-36)

Tabled - March 31, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **FURTHER CONSIDERATION**

(In House, March 28, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55).**)

(In Senate, March 29, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto, in **NON-CONCURRENCE.**)

(In House, March 30, 2001, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**)

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (H-55) As Amended By Senate Amendment "K" (S-36) thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55).

On further motion by same Senator, Senate Amendment "K" (S-36) to Committee Amendment "A" (H-55) **INDEFINITELY POSTPONED.**

On motion by Senator **LEMONT** of York, Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55) **READ.**

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

Senator **LEMONT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I am honored this evening to present Senate Amendment "M" to Committee Amendment "A" and further hope this amendment won't live in infamy. Just one week ago this body passed, near unanimously, an amendment to the State's bi-annual budget. This amendment, while overwhelmingly applauded in this chamber, drew some criticism from the Executive branch and members of leaders in the other body. In some cases, the criticism was less with the substance of our proposal and more with the process by which we reached an agreement. Certainly the process was not without its flaws. Never-the-less, the final product, a no tax increase budget, had rank and file members buzzing throughout the halls of this building. In the end, the process arguments became too much to overcome. The leaders of the other body successfully defeated our amendment. In the days following, the leaders of both chambers got together to air their concerns in an attempt to find some common ground. In addition to the process questions, we heard that our amendment took too much money from the Rainy Day Fund, created too large a structural gap, and did not leave enough money for Part II spending requests. The amendment that I present to you this evening is an earnest attempt to address these concerns. Senate Amendment "M" continues to meet most of the bi-partisan priorities presented last week. It avoids raising taxes. In fact, it actually cuts taxes by providing a \$6,000 tax income exemption on military pensions starting in this calendar year. It provides an extra million dollars to GPA to help those

school districts hardest hit under the funding formula. It does not draw down additional funds from the Rainy Day Fund. It takes \$35.5 million, just as the Appropriations Committee recommended. It provides a 3% cost of living increase to address the needs of the nursing homes and the low paid workers who care for our elderly. It increases revenue sharing to alleviate the need for an increase in local property taxes. It provides an allocation for the Governor's laptop program and retains the endowment language so the Governor can begin raising private contributions. It dedicates money for tourist funding. It provides a transition period for the state to move away from state run liquor stores to agency run stores. It has a smaller structural gap than the budget the Governor signed just last year, a \$200 million cap that was within the comfort level last year. Senate Amendment "M" has an estimated \$140 to \$170 million gap. It leaves almost \$18 million on the table for Part II requests. The Appropriations Committee recommendations left only \$7 million for Part II. Senate Amendment "M" provides us with the money necessary to fund the salary plan in Part II. This is a new and improved version of last week's budget amendment. It reduces our reliance on the Rainy Day Fund to the level adopted by the committee. It provides a well deserved tax break to our veterans and continues our commitment to families and our elderly. It is a responsible plan that puts aside egos and politics and focuses on the men, women and children of the State of Maine. I ask you please join in support of this amendment.

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

Senator **GOLDTHWAIT:** Thank you very much, Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT:** Thank you, Mr. President. Just when I thought I had this figured out. You were kind enough to call me upstairs about an hour ago and explain to me that there was an amendment forthcoming and roughly what was in that. I appreciate that very much. However, that was amendment "L". So now I'm looking at an amendment "M" that I've never seen before. I'm certainly not clear on what amendment "M" is, how it differs from "L", why we have two amendments that appear rather similar. If anyone could answer that I'd appreciate it.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who may wish to answer. The Chair recognizes President Pro Tem **BENNETT** of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President. Fellow members of the Senate. I'm pleased to attempt to answer the question. There was an error, a small typographical error, on Senate Amendment "L" as it came out of the Revisors Office. As a consequence, Senate Amendment "L" was removed and replaced with Senate Amendment "M". The contents of Senate Amendment "M" are the same as described to the Senator earlier this evening from the contents of Senate Amendment "L". Thank you.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President. I'll be speaking to what I thought was the amendment we were considering and taking the word of the good Senator from Oxford, President Pro Tem Bennett, that it's essentially the same and hoping that my remarks will be relevant. Having had only an hour to look at this, I thought the easiest way to try to do this was to work from the summary. So if the summary is an accurate reflection of either amendment "L" or "M", whichever, I will be speaking to items in that summary. The first has to do with closing of the liquor stores. I would just like to raise a point that hasn't been part of the discussion in our concern for liquor store employees and so on. There is clearly a cost to the taxpayers in the proposal to not close the liquor stores. I just wanted to point out that, although we may think we're looking at a budget that doesn't have taxes in it, I don't think that that is the case. Moving to the second item, which has to do with providing that military retirements are not subject to the offset. I'm sure that's a good thing for people with military retirement benefits. It certainly doesn't address any of our other employees, particularly the retired teachers who have been making their case for a number of years about the inequities and are now about to have another inequity built into state law that clearly does not benefit them. I'd like to read a piece of the language of that part of the summary because it kind of represents for me why I worry about voting on something as significant as the budget without an opportunity to really look it over. That part says, "This amendment also corrects a conflict created by public law 1999, chapter 701 and 731, each of which enacted a new Maine Revised Statute title 36, section 5122, subsection 2, paragraph "M". This amendment resolves the conflict by reallocating one of the new paragraphs to be the Maine Revised Statute title 36, section 5122, subsection 2, paragraph "N"." I'm sure that all the rest of you know what exactly what that means, but I don't. And the third one is the BETR proposal. It mirrors, as I understand, a piece that was formerly in a previous proposal. It would exclude some businesses from the BETR program. I guess I kind of consider that a tax increase. Maybe you don't. The next portion is the revenue sharing. It increases revenue sharing as of the 03 year. It's an ongoing cost for which we have no ongoing revenue. The next piece is the Maine Learning Technology Endowment, which I gather still exists as an endowment, but certainly not as an effective one at such a small amount. It appropriates \$2.3 million, but it also requires Verizon to transfer \$2 million from the school and library network project. This is a particularly troubling piece to me because clearly members of the public have not had an opportunity to voice their opinion on making this change. But I have received quite a few e-mails and phone calls, and because there has been no other forum for members of the public to express how they feel about this, I feel compelled to read you at least one e-mail that I received on this subject. "Dear Senator Goldthwait." This, by the way, not that it matters, is a person who is not from my district. She's from Old Town. She says, "I understand the plans are to move "only" \$2 million from MSLN. Please let me take the time to tell you why this issue is important to me and the people that I serve." Then she goes through some description about what the program is meant to cover. She says, "I know many in Augusta think this won't hurt the Maine School Library Network, and perhaps technically speaking, that is true. No public school or public library will lose its current MSLN connection. But as I said in the paragraph above, we won't be able to upgrade, keep all libraries in the state on-line, provide \$12 telephone lines, which

was how MSLN started, because many small libraries across the state could not afford to pay the \$40 per months business rate for a phone, and leave a contingency of Federal e-rates that are not approved. Old Town receives two \$12 a month lines. I don't know how we would be able to handle all the traffic without those two lines. If this is taken away, I'm sure we would be forced to give up one line. Our town has a population of 8,317, yet we have the 8th highest circulation of materials in the state. Can't afford to lose any ground that we have gained. Please do not take any money away from the Maine School Library Network fund." The next item is the hardship cushion. I want to address another subject that has not come up in the budget debate. That is the whole Education Committee proposal which the Appropriations Committee accepted. I was quite intrigued by the work they had done, because they had taken the step of addressing this whole issue of a hardship cushion. The cushion provides money for all school, no matter how many pupils they lose or no matter what else happens, you still get the same amount of money. So theoretically, if you ended up with no students at all, you'd still be getting a subsidy from the State of Maine based on a hardship cushion. Then the next proposal, in addition to not a hold-harmless, the Education Committee proposed a plan which over 5 years built us out of a cushion. If you believe in the School Funding Formula, and I guess that's debatable, the cushion doesn't make any sense because it says here's the money you'll get through a formula, but we're going to make this cushion so that you really get some different amount of money than what you should have gotten from the formula. So the Education Committee, I thought with great good sense, made a proposal that, over the course of 5 years, would get rid of the cushion. I thought that was the right direction to be going. We accepted their report unanimously. This proposal now builds more money in on top of the cushion that was already provided, and I believe, takes us into the wrong direction. I certainly would be as happy to have more money available for school funding as probably any of the rest of you, but I'm not willing to do it at any cost. The proposal would take about \$24 million from the Fund for a Healthy Maine biennial reserve fund. That is a fund that was carefully designed in to be a cash flow fund because in the 04 year we don't get a January payment. So there will be a fall-off of revenue for the fund and we will not be able to pay out programs for that period of time. This proposal would move that \$24 million into the General Fund and it creates or describes a working capital advance from the General Fund. The problem is that right now, today, we have a negative cash balance in the State of Maine. We don't have any knowledge of when we get to that first part of that fiscal year whether we will have adequate money in the General Fund to be a working capital advance fund to keep the Fund for a Health Maine programs going. You can argue that we might, we you can argue that you might not. There is certainly food for thought there. The COLA for the nursing facilities has the improvement of making sure that that goes to direct care givers, but it does select out one group of direct care givers in one industry to receive this COLA and absolutely ignores the requests of other industries that have made a very similar case for not being able to maintain their front line, direct care, hands on patient care workers. So I'd like to share with you two e-mails that I've gotten on that subject. One is from a person who doesn't give the town that she lives in, but she says, "I work for a company that provides direct support services to people with mental retardation. I'm a residential counselor here. I devote a large part of my life to these people and it tends to be pretty thankless. A lot of my off

time is also devoted to these people and I'm constantly trying to think of ways to improve their quality of life, as are a lot of other people here and elsewhere. Myself and other employees here love our jobs, but the fact is that we don't make enough to support ourselves and our families. We can't get raises because there is no money available. I've seen a lot of wonderful people leave this field for the very same reason and I've often thought of what these people's quality of care would be like if all of the caring, qualified people left. Hopefully, we'll never find out. Please stand behind us." The other one says, "I was employed as Director of Finance for Downeast Horizons for 6 years. I took a cut in pay to do that, but because of the reputation, the community, and the knowledge of the good work that they do for people with disabilities, I made the decision to work for them. It was a decision that I've never regretted, however after 6 years of struggling to get budgets to balance, which they only did occasionally; fundraising to cover the cost of under-funding without the luxury of development personal; and personally never reaching the salary I had before I worked there, I made the difficult decision to change jobs. It is a decision I regret personally but not professionally to this day. Let me add that financial people can be replaced but a person who is able to effectively work with people with disabilities is rare. Good people leave these good jobs every day and I would bet that most of them leave because they can make more money elsewhere. When this happens, the people who get hurt are the people who need the services." So those are just two examples of people who we are ignoring in the current proposal in selecting out one industry group for this benefit. The good news is summary item number 10. I agree. I am fine with funding Thomaston the way it is described in this proposal. Number 11, the tourism marketing promotion fund. I understand that we have restored the funding for tourism as it was described in several earlier proposals and we are now going to dedicate that funding to tourism but without the meals tax. In my mind the only justification for the dedication, which eliminates flexibility in a budget, was the fact that we were taxing the industry to do it. So if we're not taxing the industry to do it, it is beyond me why we are dedicating money for that particular piece of our budget and no other. We spoke the other night to the childcare issues. The Appropriations Committee believes that item is fully funded and this additional money is not necessary. It includes the Franco Phone, which not only did two committees vote to take out, but also members of the very community whom it benefits, who were participants in that effort, described it as useless. This proposal is funded by two major sources; the Maine Learning Technology fund, which has received strong support, certainly in my district, and judging by my e-mails, from other areas in the state; and from that Fund for a Healthy Maine's working capital advance. I think they're both bad ideas. There are minor sources of funding in here. There's the Maine School Library Network money. There is the taxpayer's pocket, which we are using money from to keep the liquor stores open. There are the exclusions in the BETR program. I would like to relate to you the comments, for what it's worth, of two of the rating agencies who reviewed Maine's bond rating. I spoke to two of them today; one on a phone call early this morning, Fitch's, who said, in reference to talking about one-time money and so on, that 'anyone who says we don't look at those things is way off base.' So you may be hearing that argument around here, but the rating agencies themselves are telling me that is the very kind of thing that they do evaluate. They said the big revenue days are over. Who knows where the economy's going. This would not be a good time to be depleting any cash reserves. Secondly, this

afternoon the Appropriations Committee had a conference call with Moody's. Here's what we learned from Moody's. They stated that the highly rated states, as far as bond ratings, do the following: they are very cautious about revenue forecasts. We were pretty cautious, I don't know if I'd say very cautious, but I think that we did a good job with the revenue forecasting. They are extremely conservative with spending commitments. Again, these are the states that are highly rated by the bond rating agencies. They are cautious in their spending commitments. They preserve enough flexibility so that they can adapt to declining conditions. These are pretty close to quotes. I was trying to write down what this woman was telling us as she went. With a few minor exceptions, I think they're pretty close to quotes from Moody's. They said the highly rated states avoid new, reoccurring obligations in the time of an economic downturn. This proposal is full of them. They said that, in particular, one of the things that highly rated states do is take a time-out with regard to educational spending. That in every state educational spending represents a significant portion of the budget and when revenues are decreasing, it is not a good time to be adding extra money in to educational spending. She said that most states have tried to avoid absolute cuts in educational spending, but to be adding money now is not advisable from the point of view of the rating agencies. She suggested that the more prudent course would be slower implementation of any program changes in education, and I think I'm quoting now, "to bring the spending growth line down. If you've got growth in educational spending and you've got declining revenues, you should be looking very carefully at lowering that growth line." In general, she stated that steps should be taken to position the state in event of a worsening economy. She talked about what she called "one shots," which we call one time, revenues and said that the context in which the rating agency would look at those would be whether we were using them as a transition to a time of less revenue, which they would find acceptable, versus buying time and proceeding with business as usual, which they would not find acceptable. She said that poor states, and unfortunately I think we fall in that category, with high ratings are those states that are extremely conservative about their fiscal practices. We asked what other state's responses to the declining economy had been? She said they have lowered their plans, they have lowered their expectations and they have lowered their legislative programs in terms of having amended statutes to be less ambitious regarding program growth. Finally, it concerns me very much that we are offering yet another amendment without any significant level of public input. The budget is no small matter and I really don't think that it is too much to ask to be able to review a document of this magnitude in some depth. The other evening the Appropriations Committee spent about 3 hours doing a walk-through of amendment "K". It took us all of that 3 hours to really understand what the parts were in there, what they cost, how they interacted with other pieces, what that amendment really meant, and what the cost would be. To suggest that we can have an amendment brought out to the floor with very little advance warning and expect people to really know what is in there is ludicrous to me. It is beyond my opinion, at this point, the fact is that amendment "K" was created and was so flawed that it's now dead. Amendment "L" was created and apparently had an error and it's now gone. What are we going to find in amendment "M" when the sun comes up tomorrow morning? I have no greater level of confidence that we won't be looking at a situation where we're discovering oops, that's not what we meant or oops, that's not how we should have

said it and we're going to have to be up to amendment "N" next to try to deal with whatever might be in this document that we haven't had a chance to really look at. If you really believe that this is a good proposal, what in the world is the harm of letting people have a chance to read it and think about it? If you are so convinced that this is the magic bullet, that we're all going to love this amendment, what is the problem with giving us a chance to vet it? Thank you very much.

THE PRESIDENT: The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President. Fellow members of the Senate. Where do I begin? The good Senator from Hancock, Senator Goldthwait, raises a litany of issues with respect to the Senate Amendment before us. I think it's proper in the initial part of my response today to talk about where we are legislatively with this document. This document is before us today, the motion is under the concern of non-concurrence between the bodies. We have been negotiating with leaders of the other body. We have heard concerns over the last week about Senate Amendment "K". I am one who thinks that Senate Amendment "K" was not flawed. Surely no more flawed than the Appropriations Committee amendment itself. In fact, I believe that it's regrettable that we are not, tonight, enacting the budget as amended by Senate Amendment "K". But "K" is indefinitely postponed. We're now with Senate Amendment "M". The good Senator talks about the needs of those who are not addressed. Specifically she looks at the amendment and sees a new tax cut for retired veterans. She sees that as being inequitable to others who are not getting a tax cut. But I have to say that nobody was getting a tax cut under the Committee Amendment. This is certainly an improvement because not only does it give a tax cut to our retired veterans, but it also paves the way for the building of equity for the other groups that are not getting a tax cut this year. Even better, it gives the tax cut not as something two or three years down the road, which may be repealed in the Part II or in the next legislative session before it takes effect, but this tax cut takes effect on January 1, 2001. If this budget is enacted with this tax cut in it, it's going to take heaven and earth to remove it from our statutes. That, in my view, is a good thing, not a bad thing. I have to say along the same vein, the good Senator from Hancock talks about nursing facilities and how front line workers in nursing facilities may be benefiting from a COLA while front line workers in others are not. Again I ask, where was the Committee Amendment on this point? At least we're providing front line workers in nursing facilities some assistance. Who was getting help with the Committee Amendment? Direct government workers were. They're going to be taken care of. They're going to be taken care of in the Part II and indeed this budget, unlike the Committee Amendment, leaves \$15 million on the table in excess of that in order to fund the salary plan for our state workers that's currently being negotiated. The Committee Amendment didn't leave the \$7 million and likewise a 3% increase in pay or benefits for nursing facility workers is better than nothing at all, which was what the offer was from the Appropriations Committee. The cushion was raised as an issue. It was suggested that there was a plan to get out of the cushions in 5 years. There has been no understanding on the cushion. There was no understanding that there would be a cushion this year. Yet there is and there's a cushion that benefits one particular section of the state in the Appropriations Committee budget and particularly one town in the

state in the Appropriations Committee budget. Perhaps it would be better if we could create perfection here, which I think is unattainable. I hope it's unattainable because I certainly can't live up to that standard. If we are to make constant improvements, perhaps we'd be better to just use the funding formula that we have and put all of this cushion money directly through the funding formula and see who is helped and who is not. Again, we're dealing with the reality of having to deal with something that can pass. This Amendment, I think, can pass and it can pass the scrutiny, not only here but of the other authorities of state government that constitutionally have to review it. I think it's only sensible, on another point, to take the \$24 million from the Fund for a Healthy Maine working capital and stick it into the General Fund because it, in fact, strengthens the Fund for a Healthy Maine and the ability of those programs to be served by not worrying about working capital. If we're going to have a working capital presence in the state budget, we ought to have only one. Otherwise it's somewhat self-defeating. If you have every program with its own working capital pot of money, you're not dealing with working capital anymore. You're not able to meet the cash needs of your various programs. So, of course, it strengthens not only the Fund for a Healthy Maine, but the entire state budget to make that move. It's a sensible one. Again, it is a feature of the proposals from others that have come to us and I think it's one that we ought to embrace. You know, the issue of the bonding agencies. It's interesting. I guess the bonding agencies have been busy talking to people up in Maine today because the President of the Senate and I had the pleasure of talking with, I think, probably the same individual who spoke with the Appropriations Committee today. I heard similar comments from the people at Moody's. They said that, as we all know, this is not the most robust state. But we've done a good job. We have done a good job on our trend lines, on the structural gap. They've come down continually. We're showing a good commitment there. Last year, a year ago, the Governor said that the \$250 million structural gap was well within his comfort zone. Here it is a year later, we've made adjustments based on our concerns about the economy in our forecast, so that is accommodated in our forecast. Both the economic forecasting commission and the revenue forecasting commission have made those accommodations. Yet, notwithstanding those accommodations, this amendment before you would have a structural gap well below the Governor's comfort zone level of last year and again we would have 2, 3, or 4 years in order to deal with that issue. So I think we should be proud of that. I also heard concerns from the rating agencies about one shots; about the idea of grabbing money on a one time basis. But this budget before us today takes \$35 million from the Rainy Day Fund, which is the same amount as the Appropriations Committee. Indeed the alternative, since we do live in a world of alternatives and not perfection, that has been presented to us would take \$70 million in one shots. Not \$35 million but \$70 million. They take the money from the Rainy Day Fund and they also take \$35 million by restructuring the amortization schedule of the unfunded liability. Now if you recall, during the Appropriations Committee debate, there was concern about the plan by the Chief Executive to restructure those plans, artificially bring down the payments this year and balloon them out in the future, costing future tax payers a lot of money. So the Appropriations Committee, in their wisdom, decided to replace that plan with \$35 million from the Rainy Day Fund. Well guess what? The alternative to this amendment today would have us take that \$35 million from the

Rainy Day Fund but also put in the \$35 million from the restructuring of the amortization payments. Why? There's another \$35 million figure floating around. That is in what the alternative does for the technology endowment for laptops. It's a very coincidental figure, that the other proposal that's been floating around the State House today would preserve \$35 million for laptops. Where does it get the money? From restructuring the amortization schedule of the unfunded liability. Is that sensible? Now there's been a lot of talk about errors and time and I have to just say that I think it's healthy to slow down our debate just a tad on the budget. In fact, the first two or three pages of Senate Amendment "K" corrects errors itself. But they weren't errors in Senate Amendment "K" that Senate Amendment "M" corrects. Not errors in Senate Amendment "K" or Senate Amendment "L", the first two or three pages of Senate Amendment "M" presented by the good Senator from York corrects errors in the Appropriations Committee budget. They're small errors but they are there. These things occur all the time. The Office of Fiscal and Program Review suggested that they had to be fixed sometime, so why not now? These things happen. I have to just say that I believe that it would be healthy to give everybody a chance to review the merits of Senate Amendment "M", particularly to compare them against all the other alternatives that are being presented because Senate Amendment "M" stacks up very well against those alternatives. So when we vote on this tonight, and I hope we adopt it, we put it on this budget. Then we can let things cool down for a bit and we can leave this in a posture so that people can take the weekend and look at it. Perhaps take more days to think about it and weigh the relative merits and disadvantages. Not with misinformation and hyperbole and outrageous rhetoric, which followed the hapless Senate Amendment "K", but with real facts and people restoring the working conditions of the Senate and the State House by having conversations, person-to-person, about priorities, which is what a budget is all about. So I'm looking forward to adopting the good Senator from York, Senator Lemont's amendment, Senate Amendment "M" and giving all of us a chance to take a deep breath and consider the alternatives. I believe that when we do so, we're going to realize that Senate Amendment "M" is a darn good budget. It's worthy of the support of the people of Maine, the people of this Senate, and other authorities under our constitution. I encourage the adoption of Senate Amendment "M". Thank you, Mr. President.

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

Senator **MILLS:** Mr. President, men and women of the Senate. I think it is refreshing to be discussing a two-thirds budget this early in the session. It's a rarity. Generally speaking, budgets come out in May or June and have been adopted under pressure. Because of the work of the Appropriations Committee and the leadership of the good Senator from Hancock, we've managed to produce at least a working document for you in March, something that was previously possible only in unusual times. I won't go into describing them. What I took from today's discussions with the bonding agencies was insight that I hadn't had the benefit of having before. The lady that we talked to from Moody's said that most of the states that rely, as we do, on personal income taxes and corporate income taxes, have found that their revenues, for the time being, are holding up rather well in spite of the plummeting Nasdaq and the drops in the Dow. The reason, she

says, is that tax payers, even now, are just paying the taxes on the income that they earned during the preceding calendar year. So when the stock market plummets, there's a great lag in the impact on state income tax and federal income tax revenues. Her estimate is that that lag is anywhere from 6 to 18 months. She said that now is the time of very deep uncertainty in projecting future revenue because we know that the stock market and Nasdaq is plummeting severely and we are just on the verge of predicting what that impact may be in future corporate and personal income tax revenue lines. She said the careful states, the states that continue to maintain high ratings, are doing two things. They are cutting spending. They are cutting back on their programs for increasing spending. That is if a state had some program for reducing class sizes in K-12 or some program to expand Medicaid eligibility, they are contracting those programs, holding to the current bottom line, not initiating new programs, not initiating new spending of the sort that we see in Amendment "M", and they are being very careful about not depleting their reserves. My criticism of Amendment "M" broadly speaking is that it depletes our reserves. I wasn't particularly in favor of depleting reserves to the extent that we did in the Appropriations Committee. I wasn't particularly happy with that document for that reason. But it developed a unanimous report and I went along with it and it came up here. My concern is that Amendment "M" makes our work worse. The things I didn't like about my own committee's work I see made worse by this document. The trends are going the wrong way in my own perspective. I have the same feeling about the little battle that's going on over educational funding. I was deeply distressed to see that the Governor's rather generous 5% increase was increased by \$3 million more by my committee. I was one of the most reluctant yeasayers to that proposition. I reluctantly agreed that money could go down to the Education Committee and be worked on. I was shocked, frankly, when the Education Committee came back in turn with a unanimous report recommending the disposition of that money in a way that I thought was contrary to basic equity. It wasn't until I had verification from people that I trust on that committee that I went ahead and agreed to vote out that recommendation, among others, on the Committee Amendment that came up before you. I am a little disappointed, I must say, as I sit here tonight and see that the three members of that committee, in whom I have great confidence and whose judgment I trust, have abandoned the work of their own committee to make a still further adjustment in the wrong direction on the school funding formula, adding another million dollars, which this state, in its current posture, can ill afford. As worthy as K-12 education is, as deserving as these towns and school districts are, we're not in a position, as a state, to go beyond what the Governor so generously recommended a couple of months ago. I think that what's happening here this past week or so is a sad commentary on the committee process and the lack of respect for committee processes, not just for the Appropriations Committee but in the Education Committee and other committees who made investments in this document, and frankly for other caucuses who've made investments in this document as well. I don't think that this is the way that business was done in this institution 40 years ago, at a time when I first developed memories of people functioning in this institution and began seeking election to public office. Some of the people that I knew and respected in the 50's and 60's I don't think would have done business this way. I think that we are tonight, and I think that we will continue for the next couple of weeks, continuing to exemplify the folly, the serious

folly, of disrupting careful committee work and letting chaos reign. Thank you.

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

Senator **TREAT:** Thank you, Mr. President. Men and women of the Senate. I wanted to put a few words on the record about this budget, more in the way of explaining it, to make sure that it's very clear to all, both in this body and outside of it, some of the specifics which I don't think have been adequately explained. To begin with, I would like to mention that, like the Committee Amendment, this budget cuts quite a bit. I believe that is why the conversations with Moody's that went on about this budget concluded that it was a fiscally responsible budget. Let's remember that it cuts Medicaid by \$45 million. It cuts the Fund for a Healthy Maine by the \$24 million reserve as well as by \$16.6 million a year. It cuts the laptop fund, and more about that later. That is a cut. It is a decision to cut that and not to cut some other things like the nursing home COLA, which is not a new program, it is something that was paid for in the last budget and taken away in the Committee Amendment. So this is a budget that is not, as some have said, a Christmas tree. But it's a responsible budget that does make, what I believe, what will be somewhat painful cuts. It attempts to do that in a way that causes as little pain as possible and that is why I'd like to speak a little bit about the laptops. There has been a lot of talk about this. Many claim that our constituents are very much in support of this. Some polls have been done. I thought that one poll that we got was quite interesting. A huge headline "Poll, Majority Favors Laptops for Schools". Indeed, in this poll, they found that a majority favored the program. However, a different poll that specifically asked the following question came up with a different result. The question was: "given the projected budget deficit, do you favor or oppose spending \$50 million for computers for middle school students?" Results showed 59.2% opposed, 32.3% in favor, and 8.5% did not know. That's consistent, certainly, with what I've been hearing. Now I think it's important to know, and to take note of the fact, that despite the somewhat lukewarm support for this proposal, both the hapless Committee Amendment "K", which I actually liked very much at the time but this is improved, and Senate Amendment "M" do fund this program. They make sure this program will happen. So is it a question about whether the program happens or whether the program happens with \$50 million that has been set aside and is off the table in terms of a pot of money that this legislature can look to for solving the shortfalls in revenues that we face? It seems to me that the bottom line is that this amendment makes a commitment to fund this program. I do want to say a little bit about how it does that because I had the opportunity to serve on the taskforce that came up with the plan about how we might do the technology initiative. You may recall that when it was proposed, there were very few details. Many of those details were things that the public really did not like such as giving away laptops to every single 7th grader. This, indeed, is not that same proposal. It gives the laptops to the schools. There is a whole content component. There's all kinds of things in there that make it a much better program. The study that went into this determined that this program could be done based on only the amount of money that was interest off that endowment, which is, according to our own report, \$3 million to \$4 million. You'll see that this amendment provides \$4.3 million in one year to provide these laptops as the proposal will come to us

from the Education Committee. That is certainly actually a little bit more money than was anticipated to be generated by the endowment per year. It gets it off to a good start. If it's a good program, I am sure that we will continue that program. I think it would actually be quite difficult to then go in and say that in future years we would no longer be providing computers to the younger brothers and sisters of the children who have them in the next year or two. I think that if it is a good program, there will indeed be matching money, money that we've heard so much about but seen so little of. So I think that this is a very responsible approach. I also want to mention that there has been a lot of, I think, understandable concern from the library community about the \$2 million that is being taken from the PUC escrow account. I just want to be clear on what is available in that fund, which is \$8 million. It is a fund that has been accruing funds for several years. In addition to that money, there is an annual amount of money of about \$3 million or more that comes in every single year based on an assessment on telecommunications companies that will continue to fund the Maine School and Library Network well into the future. Even if there are problems with the federal e-rate, which is the basis of many of the concerns of the librarians, even if it goes completely down the tubes, there's \$4 million in that escrow account, even with this \$2 million payment taken out, that will completely cover that. There's an additional \$2 million that could be used to upgrade the lines and address some of the other concerns. So it is a cut to that, as I stated earlier. This budget has cuts. If we're going to do a budget that is fiscally responsible, it must have some cuts in order to balance the books and I think we're willing to do that, but to do it in a way that continues to provide the Maine School and Library Network and also provides a new program that is very important to others and to some of us, which is the laptop program. So I think it is a very good budget and I do encourage everyone here to support it.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I will be brief tonight. I don't want to apologize for this Senate Amendment because I think it dramatically improves a major flaw in the original Committee Amendment. We have to remember that not only are we looking at taxes for the State of Maine but we also must be concerned about taxes at the local level, property taxes. The Committee Amendment that came out of the Appropriations Committee disregarded a key element from the Taxation Committee who unanimously recommended, can you imagine it, a unanimous recommendation from the Taxation Committee who is another fiscal committee of this legislature, that would have provided additional property tax relief. They took the recommendation, cherry picked what they wanted out of it, and then left the municipalities high and dry in terms of additional property tax relief. We have to remember that this is a partnership. This isn't just a state government trying to plug some holes. This is a partnership with the local municipalities and they are suffering. Some are suffering much more than others. If you could see some of the maps around our service area territories and realize that if you could travel, if you're willing to travel, and commute to work for about 15 minutes, you could cut your property taxes in half. In half. If you live in Levant instead of Bangor, it's just about in half. If it's Vassalboro instead of Waterville, it's almost in half. We're facing a mill rate in Waterville of 25 mills. The proposal from the Appropriations Committee was

to raise taxes and not provide any additional property tax relief. That meant that property tax is going up in my city. Without additional GPA cushion, that meant property taxes were going up in my city and in most of the service center areas in this county. So what do we have? An increase in taxes at the state level and an increase in taxes at the local level. It was flawed. I'm hearing about a lot of regrets. I would have no regrets having voted against that amendment. As I expressed my opinions at our caucus, I found that others had similar regrets. We were told that if we didn't like this budget that it must be a good budget. Bull. It was our duty to improve this product and we did. We dramatically improved this product. With the help of my colleagues from the Taxation Committee, we can provide some reasonable assurance that at the first sign of trouble in this state, we're not going to run out and raise taxes. The Chief Executive said it himself, that it might be cloudy but it's not raining. So let's raise taxes. What the heck are we going to do when it's raining? Blow the doors off the tax payers of this state? The good Senator mentioned that she had talked to bonding agencies and they said who knows where the economy is going? That's right. Who knows. So let's raise taxes because we don't know. Not only will we raise taxes at the state level, but we will force municipalities to raise taxes at their level. It was a budget that was flawed and it was our duty to correct it. We have done that. I've heard a lot about bonding agencies. My city, because of drops in evaluations and because people are fleeing the city to do their 15 minute commute to drop their property taxes in half, saw a drop in our bonding rate. Should you be concerned about it at the state level? You're darned right. It's going to cost us more in property taxes in our city because our bonding level went down. I've been in this legislature now for almost 5 years. I came here with one specific mission. We've got to do something about the property tax. This building cannot keep turning it's back and saying that's a local problem. If we don't have enough money to fund things here, we'll just shove it off to the municipalities. I get exemption bills after exemption bills from a lot of people in this building for more property tax exemptions. We can't even clean up the ones we have. Revenue sharing comes from gross receipts. If you lower the sales tax, we get rid of the snack tax, and you know that little thing in the fiscal note that says local fund, you might as well look at it as property tax increases when you see those fiscal notes. How many people look at the local fund expense? Everybody looks at the general fund expense because that's a problem for us. Well the local fund is a problem for someone else. It's a problem for property tax payers to the point where, in my city, elderly people must sell their houses because they can't afford their property taxes and then go into subsidized housing. Now there's logic for you. I'm very proud of this body for taking this product and finally doing something about the property tax. It's not much. Did you see the totals on the sheet I gave you all? \$2.5 million. We're not going to save the world on this. There is still going to be some property tax increases, but at least we'll head in the right direction. At least we're doing it with our partners. We're making cuts at the state level and their probably going to have to make cuts at the local level. Believe me, they're doing it. So I encourage you to vote for this amendment. I have no apologies on this product. I have apologized to the people who are most important to me on the process, but I have no apologies on this product. Thank you.

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

Senator MARTIN: Thank you very much, Mr. President and members of the Senate. I have a number of questions I'd pose to the Senate Chair of the Appropriations Committee. Before I do, I do have a couple of comments. As the debate started, talking about Moody's, I couldn't help remembering, and some of you in this body may remember, a particular plane ride of Governor McKernan, myself, Charlie Pray and the State Treasurer, Sam Shapiro. There was almost a mid-air collision over New York City. We were going to visit the bonding agents. I've probably had more experience with bonding agencies than most people that have served in the legislature. We went, they came, we went, they came. But the one thing they always said was we're not going to give you any concept or idea of what's going to happen until you have a budget. Until you have something that you provided us. We're not going to tell you what's going to happen or could happen. So they gave us the time in between and they gave the kind of lecture that they gave to the Appropriations Committee and members of leadership today. But until they had it, they never would make any comments about what the potential outcome was going to be. So as they were talking and I was listening to the discussion today about the stock market, the one thing that is different now than then is that so much of the stocks are held by investment firms and by banks as opposed to what it was in those days. The percentages are so different now. They are controlled by other people rather than individual investors. The percentages have completely changed around. It has a tremendous impact. I just want to put that in perspective and I think you ought to just understand where that's all coming from. Second, I do want to make comments on something we discussed the other night. That is the Rainy Day Fund. I'm pleased that this amendment contains, now, the beginning of a cash flow account. I'm pleased because I want to tell the Senator from Hancock, Senator Goldthwait, that the law has never been changed since it was put in place in 1985. The Rainy Day Fund was never created under the law for cash flow accounts. In fact, the only way you can take money from the account is for two expressed purposes unless you chose to put into the law, when you do take it, notwithstanding language. I've seen no notwithstanding language when interest, for example, is right now not accruing to the Rainy Day Fund. It's now being taken by the General Fund and not being placed in that trust account at all. I think that there are some real misunderstandings on the part of the administration. I told this to the Commissioner about three weeks ago, that I thought that the intent of the fund was being violated. I stand before you tonight to tell you that it is being violated. That was never the intent of the Rainy Day Fund. I would ask now my questions if I might, Mr. President and members of the Senate.

THE PRESIDENT: The Senator may pose his question.

Senator MARTIN: Thank you. I pose my question to the Senator from Hancock, Senator Goldthwait, as the Chair of the Appropriations Committee from this body. Question number one. I'd like to know how much money was included in the Senate Amendment that was the Committee Amendment for mentally retarded facilities and staff members? Question number two. Whether or not there's any change in the amendment that came from the committee and this one in terms of the money being taken from the Rainy Day Fund? Question number three. I would like to also know whether or not the budget, as it was being

negotiated between the principals and the leads, that all of the discussion took place in public or whether or not any took place in the office in which she is an owner or present occupant?

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. I wasn't sure I recognized myself by the title of Chairman of the Appropriations Committee. Sorry. I'll try to respond to the questions as specifically as I can. They all seemed like questions to me, so let's give it a shot here. As far as the rating agencies that won't comment without a budget. I guess that negates any other comments that were made on the floor tonight regarding the comments of those rating agencies. They made it quite clear and we did as well to them that we were talking in generic terms in terms of some of the processes and the factors they consider. I certainly don't mean to indicate that they gave us any specific information that suggested that they would lower Maine's ratings depending on the kinds of mechanisms that we used in our budget. But they certainly did give us a very clear and really quite a fascinating overview of the kinds of considerations they have which, for me, certainly raised questions about these proposals, and in fact, about all of the proposals starting with "A" through "K" through "L" through "M". The question about the Rainy Day Fund is particularly ironic in that the only reason that the committee decided to make take that money from the Rainy Day Fund in the first place was because a prominent member of this body, whom I respect certainly for the work he did, which I had a chance to observe closely in the last session, said that that was the only way that he and his entire caucus would support the budget. So we were rather restricted in our creativity at dealing in other ways with that problem when that had been sort of the line in the sand, if you will, on that particular piece. As far as COLA, I think I understood the question correctly, for money for retardation COLA in the budget. No, it was not in the Part I budget. We didn't intend it to be but we did intend for it to be in the Part II budget. If you had gone through the budget process, which is new to me in this level of detail, but for those of you who have had broader exposure to that, those kinds of considerations happen all the time. In fact, one of the issues that my committee would hope to have the time to consider is exactly why we break this budget into those pieces because there are plenty of Part II pieces that could be called Part I and plenty of Part I pieces that could be called Part II. So what is it about this distinction and how do we stay on one side of that line or the other? But at any rate, it was the clearly expressed intent of the committee to consider in the Part II budget, for our terms, direct caregiver COLA that would provide an opportunity to raise money across the board for a number of different categories of caregiver. So that fact that it did not appear in the Part I budget is no indication that it was not an item that many members of my committee, if not all, supported and which we intended to address quite seriously in the Part II. There is a question that I'm not sure I understood about the differences between Rainy Day money. I think I've already spoken as to why we, as a committee, felt that we needed to accept the fact that that was a statement that had been put out there, that there wouldn't be the votes unless we did it. So we did it. Then there was the question about, I'm not sure what the term principles and leads means. Certainly in the course of negotiating

almost any bill in the legislature, as we consider pieces of legislation, particularly the larger ones, there is a tremendous amount of discussion that goes on in this building all over the place. That happens in very informal settings, like the cafeteria, and it happens in more formalized settings, like meetings between leadership. My objection to the process in this case, and I'm sorry that we have to go back there but since I was asked the question I'll respond, was that normally when there are negotiations between people in leadership on issues that are happening up here, that means leadership. That means people from both parties. That means people from both houses. Frankly, I do not necessarily expect to be included in those because I am not in leadership and I am not in a caucus. So when those negotiations happen, I certainly don't object to them. It's part of the standard process around here. The difference between the negotiations that happened amongst the leads on my committee is that it included everybody. It included each party. It included each caucus. It included the independent and it was done at the behest of other committee members who said this is the point where you need to work some stuff out. That's what we did. However, none of the results of any of those actions were things that we acted upon as we walked out of that room. We had some discussions. We tried to come to an agreement on some of the points and then we went back out into the committee room with our microphones on and discussed at length where we thought the status of the budget was with ample opportunity for anyone else on the committee to comment on it in any way that they chose. So I am certainly prepared to defend the process from my committee, which I think in no way is allegorist to the process that happened last Friday up here. I hope I've covered all of the good Senator's questions. Thank you.

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

Senator **DOUGLASS:** Thank you, Mr. President. Women and men of the Senate. I must correct the record. The taxpayers of this state who will pay to keep the liquor stores open are only those who pay for liquor and who thereby pay for excise taxes, both state and federal. Currently, the Governor's proposal saves money because it sells off the stock of the current 27 stores. Those stores actually make the State of Maine \$26 million, or they did last year, and for the last several years they have made more than \$20 million which goes into the General Fund. That's profit, that's money that those stores bring to the state after payment of the rent, the lights, the cost of goods sold. So the statement that was made in this chamber that taxpayers will pay to keep liquor stores open is not accurate so far as property tax payers go. It's not accurate so far as income tax payers go. It is only accurate with respect to those who purchase liquor in liquor stores. Now the interesting aspect of this issue that is now before us is that the Republicans generally have favored closing those stores for philosophical reasons. The Democrats have generally favored continuing to maintain those stores because of personnel. But the fact is these stores bring in money. They are a source of revenue. The differences between us have been addressed in a common spirit of doing what's best for this state because the Governor had no business plan on the closing of those stores. In fact, we would have lost that \$26 million or at least put it at great risk. I think it's also important to recognize the process here tonight. The more important the issue, the more people are going to pick it apart, the more likely there will be an amendment.

That's exactly what's happening here tonight. That is what happened one week ago. A statement was made that this amendment was created without public input. I must say I find that statement untrue because I have received e-mail as well. I have received e-mail from nursing home workers who said I am depending on the cost of living increase that we thought was given to us in the last legislature. I won't go on about all the points that I think are good in this budget because it is our priorities and most members of this body have agreed that those are the items we want to see in a budget and we say so because we've heard from our constituents. So I think this process has been one of inclusion, one of listening. I also think it's important to say, since we have discussed flaws in the budget, that our non-partisan staff at the Office of Finance and Fiscal Review has done an outstanding job, as they do every year, under difficult circumstances. It's important that we put this on the record sometimes from time-to-time, especially with regard to this issue, because they have helped us where we have identified areas that are potential savings. They have helped us. They have told us what they believe to be the true consequences of the items that we include in the budget, that is all done in accordance with often conservative accounting principles that I am sure will be well regarded by the Moody's ratings people as well as any others. Tonight I think we need to say a thank you to those who helped us get to having this budget. I want to also thank the leaders of each party in the Senate who helped us come together to find priorities that may be very different because we have different party philosophies but that will allow us to say to our constituents that it was an open process, we weighed the merits, we decided on the priorities and we have done the very very best that we could. Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President. A goal of what I am here to say is about the fact we can work together. I don't know what happened in the news today. I know in the last few days we're hearing about China versus the U.S. One country making a demand that the other can't meet. I don't know what happened in the Dow today. I don't know how many hundred more points we might have lost or not. But I do know one constant is around the state and around the nation, people want their leaders to get along and to invest wisely. I think we are working that out and we will work it out. Rather than seeing the glass half empty, I'm seeing the glass half full. This is the process. This is a wonderful discourse going on in the Senate. From the Health and Human Services Committee, where we made a near unanimous recommendation that was completely changed in the Appropriations Committee and then from there to the changes made here, we're having the public discourse. We're going to reconcile our differences and we're going to invest properly. We've made \$180 plus million in cuts. That's great in terms of kids, elderly, veterans and taxpayers we've helped. So what have we done for the kids? Well, since we asked a lot of those single moms and parents to get back to work with the responsibility act know as Welfare Reform, guess what? A lot more are gladly getting back to work. The word from my district is they are happy to have the jobs. They are not well paying jobs and they have problems with childcare. But guess what. Over the last 4 or 5 years we have, despite increased investments in children's issues, maintained the status quo in terms of

percentages and 18% of Maine families who qualify for help with their childcare are still getting the help. We haven't changed that percentage at all. That means that 82% qualify for help and aren't getting help. We'd love to give them help but we've made responsible decisions. The decisions in Senate Amendment "M" help over 1,000 of them. You can do the math, you know how many are not helped. We'd love to help them, but we're not. But we're getting some help in. In terms of elderly, we're getting help in. On the Health and Human Services Committee we heard from the MR workers and we had a hard time listening to those MR workers, but at least we're helping the direct service workers in the nursing homes who are dealing with our elderly. In terms of veterans, yes, as the Senator from Oxford said, "We'd love to help more, but we're making conscientious investments, limited investments, responsible investments. We're not opening up the pocketbooks of all the taxpayers." On taxpayers, we aren't raising their taxes. In fact, we're helping with property tax relief. Not enough, but as much as we can do. So the glass is half full and we're having this public discourse right here after my committee got beat up in the Appropriations Committee. But that's the process. As the Senator from Oxford said last week, "the process is to serve the substance of discussion in these chambers." Last week I was saying that I come from a multi-partisan family. I must say part of the give and take today sounds like a Longley family Thanksgiving. But that's healthy. We're discussing it and rather than faulting the process, let's get onto the substance. I will come back to my point. The American people, Maine people, what they want of us, is public discourse. They want harmony, discourse, reconciliation, and quality investments. There is something in this that we all hate. There is something in this that many of us can like. Draft one got hit and we're doing the best we can to come up with a draft two. This is the process. This is healthy. I think we're doing what Maine people sent us here to do. I think we're all doing it very honorably. I know at times I've had to refer to this, on how to treat other members, because I've gotten so angry, but the fact of the matter is this is the process, this is healthy, we're doing it openly and we're making responsible investments. Thank you.

On motion by Senator **GOLDTHWAIT** of Hancock, 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 (#21)

YEAS: Senators: BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, LEMONT, LONGLEY, MARTIN, MCALEVEY, MITCHELL, NUTTING, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: GOLDTHWAIT, MILLS

ABSENT: Senators: ABROMSON, CATHCART,
LAFOUNTAIN, PENDLETON

29 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **LEMONT** of York to **ADOPT** Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55), **PREVAILED**.

COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "M" (S-44) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "M" (S-44)** thereto, in **NON-CONCURRENCE**.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, April 10, 2001, at 10:00 in the morning.