

MAINE STATE LEGISLATURE

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

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Pages 1 - 714

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Transportation More Affordable for Low-income Families"

H.P. 357 L.D. 465

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-22).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22).**

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

READ ONCE.

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Requiring that the Waldo-Hancock Bridge be Replaced (EMERGENCY)

H.P. 58 L.D. 50

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-23).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23).**

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

READ ONCE.

Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Protect the Privacy of Maine Nurses"

S.P. 22 L.D. 36

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-9).**

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

READ ONCE.

Committee Amendment "A" (S-9) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act Regarding Case Management Officers"

H.P. 537 L.D. 731

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

House As Amended

Bill "An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans"

H.P. 143 L.D. 184
(C "A" H-20)

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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, 2004 and June 30, 2005" (EMERGENCY)

H.P. 973 L.D. 1319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-27).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-27) AS AMENDED BY HOUSE AMENDMENT "K" (H-46)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-27) **READ.**

House Amendment "K" (H-46) to Committee Amendment "A" (H-27) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "H" (S-14) to Committee Amendment "A" (H-27) **READ.**

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. I find myself in an awkward position today because most of you who have been around these legislative halls, and have known me for years, know my position on amending the Appropriations budget. It is one of those things that is *sain et sauf* and one of those things, frankly, that I would hope that people would never do. I find myself in a position today of having to offer an amendment. Not because, in my opinion, the Appropriations Committee did not do their job, because they did. Not because the Appropriations Committee and members on the committee felt very strongly that what was being done was not appropriate. But I find myself in the position of having to offer the amendment to make a point, and frankly, hope that we can adopt it, because I think, and I'm firmly convinced, that certain members of the administration made a decision that was incorrect and inappropriate.

Clearly, as I watched the Appropriations process develop on Friday of last week, it became clear to me that the members were not in a position to make changes to that section of the budget. Quite frankly, members of the committee were in a position that the administration wanted to make no changes to that section, and what was there, had to be left there. It was at that point that I made the decision that something had to be done to make the point. Some of you might find it ironic, but I find the industries, the tourist industry, the liquor industry, and law enforcement, all supporting my amendment. They are all together, on the same side. I guess we've come a long way, at least I have, in having everyone come on the same side that I'm on. But I find the municipal police and municipal officers, have been told that they now are going to have to take over the job of enforcement. They are saying they can't, that they don't have the personnel or the time to do it.

I basically approached it by what happens in Aroostook County when, on a given night, we have two State Police Officers on duty and one Deputy Sheriff. That is what we have for law enforcement. We have municipal police, one or two, depending on where you live in the county. When you have a problem, and we will have those problems again, because we have them every spring, with high school parties and other parties that occur during the summer months; the people who have been there to do the enforcement have been the individuals that we are talking about here.

On top of that, you may have read in the newspaper that we are going to have the Phish concert one more time in Aroostook County where 60,000 to 70,000 people, roughly the population of Aroostook, will be there. I am one of those who does not support their coming to Aroostook because of drugs and alcohol problems that have occurred the two times they have been there. Now you're going to make it worse by having no liquor enforcement officials there at all, except maybe one that might be able to come up.

Then, we need to look at the tourist industry and ask the people in your legislative districts, who run a business, what they think. They will tell you the same thing. They support the liquor enforcement officers. They believe that without them there will be a problem.

So I am offering for your consideration, whether or not we ought to be doing what is now in the budget, or whether or not we ought to put them in and give us 6 months or a year to see what the alternatives ought to be. Because I am firmly convinced that we did not do the right thing thus far in the budget as far as law enforcement and liquor enforcement personnel are concerned. I do not do this because I want to get even with anyone, or because I'm unhappy with the Appropriations Committee process. That is not where I am coming from. I am coming from the direction that we did not adequately review it, we are making a mistake, and I would hope that the members of this body would put that into consideration as they vote. Madame President, when the vote is taken, I would ask that it be taken by the yeas and nays.

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

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-14) to Committee Amendment "A" (H-27).

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I urge you to support my motion to Indefinitely Postpone this amendment. The amendment has a worthy purpose. It is true that the Appropriations Committee struggled valiantly, I would say, with trying to do something about the cuts to liquor enforcement and we had a proposal from the Legal and Veterans Affairs Committee that, in the end, was rejected. I think that if we are going to consider this again, it could be done in the next budget. I would suggest that we look again at the proposal from the Legal and Veterans Affairs Committee on that. To do this now would require that we change the budget in the amount that is the required bid for the sale of Maine's wholesale liquor business. This amendment would add \$2 million plus to that and fund liquor enforcement through that amount. It seems to leave a hole in that budget. I urge you to reject it by voting for the Indefinite Postponement.

On the comment from the good Senator from Aroostook, Senator Martin, about the Phish concert, I would think that with the revenues that will come into that community from the Phish concert, they could afford to hire some more local law enforcement people to deal with that problem. Thank you, Madame President.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I would encourage Senators to follow the suggestion of the good Senator from Penobscot, Senator Cathcart, and vote in favor of her motion to Indefinitely Postpone. We did have a very thorough review, or as thorough as we could, of the proposal to eliminate liquor enforcement. The good Senator from Aroostook, Senator Martin, is exactly correct that the details are not finalized. We're not quite sure how it is all going to shake out, what is going to the State Police, and what, ultimately, will be left to local law enforcement. What many of us on the committee talked about was some type of unfounded mandate. We need to have more details about that.

But in that vein, the Executive was committed to this portion of the budget. He does not want to change this piece of the budget. In fact, the newly appointed Commissioner of Public Safety, who had been appointed after the budget had been presented, I believe, visited our committee and had to be brought up to speed very quickly. He is left now with the task of implementing this. I spoke with him just this morning, and spoke with my co-chair, the good Representative from Millinocket, Representative Clark. To his credit, upon agreement between the three of us, he has agreed that, in all of these discussions about how we are going to implement this change and how these responsibilities and duties are going to be shifted, he will accept the recommendation of the committee and to involve our committee with those decisions.

With the agreement of my co-chair, the good Senator from Sagadahoc, Senator Mayo, has been asked to serve as our liaison with the Department so we would be kept up to speed as to how this program is going to occur. If there was anyone on the committee that was more critical and thorough in trying to get information, sometimes to his frustration, it was the good Senator from Sagadahoc, Senator Mayo. So I think he will do an excellent job for the Senate and for our committee in making sure that what needs to be done, is done properly. If not, he will report back to our committee and make sure that we can make adjustments in the next budget to ensure that liquor enforcement is continued.

This gives everyone the opportunity, including the Executive, through his Commissioner, to make the case on how this is going to occur. We will be learning more about the sale or the leasing of the business and what kind of monies will be available then. We will be learning, also, quite a bit more from the union that represents the workers and will be learning more from the establishments that this will affect most. So I would encourage you to vote for the motion to Indefinitely Postpone at this time with the assurance that our committee will be intimately involved with the end results. Thank you, Madame President.

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

Senator **MARTIN:** Thank you, Madame President. First of all, when the vote is taken, I request it be taken by the yeas and nays. Also, I would simply add to my comments, in reference to those that have been made by the two previous speakers, obviously the question of priorities will be established in the next round, but I know full well the direction of the administration is not going to change. That is why I am making my proposal now.

This is your one shot, in my opinion. This is a little different than others because, in my opinion, the administration's feet are in cement and that is not going to change. If, in fact, you believe that there will be something at the end of the tunnel, than I would suggest that you think again in the final analysis.

In reference to the good Senator from Penobscot, Senator Cathcart, about hiring people to come up and work the Phish concert, I would feel sorry for anyone who came off the street, and had absolutely no law enforcement background, to work that. You would be shocked to see what happened in the last two. Quite frankly, it will be another problem for us again. I will simply make the comment that I've made to you some time before, there will be more illegal liquor and drugs in three days in Aroostook County than there is in the entire state for a year.

With that in mind, keep in mind just what it is we are doing.

Same Senator requested a Roll Call.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I just want to rise in support of Senate Amendment "H" (S-14). As a member of a group of folks working to try to address Maine's underage drinking problem, I am quite concerned about the eventuality that we are going to get rid of liquor enforcement. I think this is not the right message to send in our state. I have lots of parents and folks in my community who have grave concerns about underage drinking and I, myself, am quite concerned. I think we do our state a disservice if we get rid of liquor enforcement. I understand the idea that this will be picked up by other agencies. I'm just not sure that this is possible in this economic climate. I appreciate your consideration. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, share the concerns of the good Senator from Aroostook, Senator Martin, with respect to liquor enforcement. However, I am going to urge that you vote in favor of Indefinite Postponement. Just very briefly, let me tell you why I think that is appropriate.

The Appropriations Committee was equally concerned with this matter. We had the new Commissioner before us four times, once sitting in the audience waiting for his certification or approval from us as the new Commissioner. He then came back multiple times, talking about this specific issue around liquor enforcement. There were very pointed and direct questions posed to him by several members of Appropriations. We had the strongest of assurances that education and licensing around liquor enforcement would continue; that revenues would flow unabated as a result of the proposition put forward to us by the Administration. We saw evidence with respect to the enforcement of our existing laws around liquor, that better than 80% of them, on a year-to-year basis, are already being handled by other than liquor enforcement people. I believe that the Administration has a duty to deliver on their promises to us. If, after we implement, we find that they are indeed incorrect or they, of their own volition, conclude that they are incorrect, we can revisit this matter. But I believe the proposition should be

supported. Liquor enforcement should be diminished and I would, again, encourage you to support the good Senator from Penobscot, Senator Cathcart's motion to Indefinitely Postpone. Thank you very much.

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

Senator **MAYO:** Thank you, Madame President, and members of this body. This amendment, of all of the amendments that I have seen, both in this body and the other body, has troubled me. I've had more contact on this particular issue, e-mail, letters, phone calls, people stopping me in the halls, than on any other issue pertaining to the budget. I think there are other more important issues in the budget, possibly, but that is how this issue has broken down.

The amendment by the good Senator from Aroostook, Senator Martin, does mirror the majority report of the Legal and Veterans Affairs Committee. That committee spent hours and hours on this particular issue. I am concerned that, again today, we are spending time when there is a great deal more that could be done. After thinking about it, weighing it, not receiving a great deal of sleep last night, because of this particular issue, I will go along with the motion that has been made by the Senator from Penobscot, Senator Cathcart. But, I would mirror and echo what was said by the good Senator from Kennebec, Senator Gagnon. There is a committee that is going to look at this issue and follow along with it. You have my word, today, that if we find in the next two months that the group that is coming together, to look at this and to plan for the future, is being looked upon as a rubber stamp and one that is really not having its voice listened to, this issue will return to this body before we adjourn. Thank you ladies and gentlemen.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#27)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, CARPENTER, CATHCART, DAVIS, DOUGLASS, GAGNON, GILMAN, HALL, MAYO, MITCHELL, ROTUNDO, SAVAGE, SAWYER, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BROMLEY, BRYANT, DAMON, EDMONDS, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, NASS, SHOREY, STANLEY, STRIMLING, WESTON

ABSENT: Senator: PENDLETON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-14) to Committee Amendment "A" (H-27), **PREVAILED**.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. First, I want to thank the Senator from Penobscot, Senator Cathcart, for the work that she's done on this budget. I also want to thank the Senator from Androscoggin, Senator Rotundo, and the Senator from Cumberland, Senator Turner. I also want to thank you, Madame President, and leadership on both sides of the aisle for all the work that was done on this budget. It truly is a remarkable accomplishment, within the time frame, that we are here today considering this budget. I plan to vote for this budget.

There are several things in this budget that are actually very groundbreaking and landmark items, including the creation of a community college and mental health parity. Those issues will provide health care for people who currently don't have health care and access to higher education in a way that we've never seen it in this state before.

However, there are also parts of this budget that are very troubling. It is estimated that a third of the \$1 billion shortfall was made up in the Department of Human Services and in the Department of Behavioral and Developmental Services. One third of the budget. Two years ago, at the Federal level, we passed a piece of legislation that was called 'No Child Left Behind.' I don't know who came up with that phrase or the title of that bill, but it is brilliant. In four words, they capture what I think we all believe, both in this chamber and in this state, that no child should ever be left behind. That every child should have an opportunity to fully participate in their community. I stand here today and say that this budget leaves children behind. Not only children, but elderly persons and families, are left behind in this budget.

We've talked about fiscal responsibilities. When I was out campaigning, I said we should have fiscal responsibility. However, in this budget, fiscal responsibility is not going to mean a lot to the 10 year old who is experiencing autism that won't receive services now. Limited resources are going to be small comfort to the parents to a 13 year old who is depressed and suicidal, who then goes to their community mental health agency and they say, 'we don't have money for you right now.' No taxes, no tax increases, will be of small comfort to the teachers who will be laid off as a result of this budget, to the nursing home workers that will continue to have to work for \$7 and \$8 an hour, and for the homeless person or the homeless youth that thought that there might be a better tomorrow for them, but not in this budget.

So where does that leave us? I know where it leaves me. Truly, in this budget, what we see is that tax reform is imperative, health care reform is essential, restructuring state government has to occur, and finally, we need to reform our school financing and school funding formula. In fact, this budget has the smallest commitment on a biennium to K-12 education of any state budget in the last decade. So I stand here today willing to vote for this budget only because I'm committed to working with you to ensuring that we have tax reform, ensuring that we have health care reform, ensuring that we restructure our government, and

ensuring that we finally have a fair and equitable school funding formula. Like you, I never want to be in a situation again of voting for a budget where I leave children behind and families behind. Thank you.

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I just want to say a few words about the budget process and urge you to support this budget today. First, let me thank the Senator from Androscoggin, Senator Rotundo, and the Senator from Cumberland, Senator Turner, who have been great people to work with. We are all proud today that we, in the Appropriations Committee, were able to work together in good faith and to build trust in our committee so that we could do this together. That is something that all of us here, in this Senate, can feel very good about. I thank our legislative leaders also, for being here for us and supporting us through this, answering questions, helping us get information, helping to negotiate matters with the Executive Branch. That's been a great help. The policy committees did such an outstanding job, all of you, taking our directive from Appropriations to go and work on new policy areas in this budget. You had to do it in a very, very short time. We are sorry for that, but we all felt determined that this biennial budget should be dealt with and dealt with quickly and in the most responsible manner. So the policy committees have made great improvements in the budget. There were other improvements suggested that we were not able to get agreement on, but we will continue to work on those throughout the session. I would thank all of you for the work on the policy areas.

This budget is a painful one. There is not much joy for me in cutting employees and cutting services that are needed by so many of our citizens. I think that the people in our state are going to feel pain and loss from this budget. One area that has not gotten much attention in the press, that I feel compelled to mention because everyone knows I have a passion for it, is higher education. Our higher education institutions are being flat funded, which amounts to a significant cut over the next two years. The only option they will have is either to lay off employees or to raise tuition steeply. I do thank the Education Committee for their hard work to get some money spread around, which Appropriations agreed to, to help to offset tuition increases and provide more scholarship assistance for Maine's students to go to our institutions. But that is a cut that I am not going to be happy with and want to continue to work on, because it is really significantly hurting a state that now has the lowest percentage of baccalaureate degrees in all of New England. I believe we are 34th in the nation in the percentage of our citizens who have a college degree and we also are 35th in per capita income. Those two figures are tied together. I think we all have to recognize that.

But Maine people know that this is a time when we all have to sacrifice. The economy is still stagnant, not just in Maine but also nationally. Our nation is engaged in war. Maine people, for as long as I've been here, which is 29 years, are known for their ability to make do. In Maine we make do with less. I learned that when I first came here. We don't throw things away because they are a little bit worn or they break down. We try to fix them. In Bangor, there is still a wonderful shoe repair shop that I take my shoes to and have new little taps put on the heels, and even had a new pair of soles put on one pair of shoes that I love. So we do make do, and I think we can take this budget out to our people

and say that this is a budget where we are going to have to make do with less because we have less money coming in and we have too much spending. So we have to cut back. I think people will accept this and make do with what we are able to give them because we've made our best effort.

The important statement, I believe, this budget is making to the people of Maine, is that the legislature and the Governor are able to work together to try to craft a budget that is responsible and will help us to live within our means. That does mean that we are going to have to make sacrifices and set spending priorities. We can all be glad that we have not raised taxes for the people of Maine. I think they will appreciate that also.

The bipartisan spirit that has been shown here is a reason to celebrate, even if there are parts of this budget that each one of us here hate or is unhappy with. So I hope we will recognize that this is an accomplishment for us and support this budget. Thank you very much, Madame President.

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

Senator **TURNER:** Thank you again, Madame President, ladies and gentlemen of the Senate. This was an interesting process for me to go through as an individual. One of the very nice pieces of it, for me, was that I saw everybody parking their partisan hats outside the room. People worked collaboratively together, whether they were members of the committees of oversight, or individual members of Appropriations, or the Governor and his team. I can't be as eloquent as the good Senator from Cumberland, Senator Brennan, but I would pose four rhetorical questions and I will answer them, at least from my perspective.

First, are there things in this budget that I like? Frankly, yes there are.

Are there things in this budget I find distasteful? Absolutely.

Do I think this budget provides an appropriate balance of pain, and equally important, keeps the weather eye out to the fragile economy that is out in front of us? Yes, I do.

Lastly, do I think this is the final word on the 2004-2005 budget process? I think all of you understand the answer to that. This is the first word but not the last word. I have enough digits on one hand to approximate the number of times I believe we will revisit the subject in total, or individually, as we go forward. But I think this is a very good start. I would urge your support of the motion put forward by the Senator from Penobscot, Senator Cathcart. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise today to ask for your support of this budget. When crafting this budget, the Appropriations Committee worked hard to make the best of the serious economic situation we find ourselves in as a state. As a committee, we were grateful for the hard work of all of the policy committees, and we worked to incorporate into the budget the suggestions that they brought to us. The committee also worked long hours to clarify pieces of the budget that were initially vague. Our work was open, inclusive, and bipartisan in nature. The budget reflects the good faith negotiations among the Governor, the Democratic caucuses, and the Republican caucuses, which put the interests of the people of Maine first.

This budget is not perfect. We had to make hard choices and there is hardship in the budget in spite of our efforts to minimize the pain of the cuts. I do believe, however, that this budget reflects the best we can hope for, given the economic reality we face as a state. For that reason, I ask you to support it. Thank you.

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

Senator **YOUNGBLOOD:** Thank you, Madame President, ladies and gentlemen of the Senate. It is a wonderful day to be passing a budget here in the State of Maine. As has been said by so many people, there are things in this budget to love and there are things in this budget to hate. One does not have to look very far to find either one of those two activities. I've not voted for very many budgets in the 2 1/2 years I've been here. But after a long night and a lot of agonizing, I'm going to vote for this budget today.

I'd like to congratulate our representatives to the Appropriations Committee and the leadership of the good Senator from Penobscot, Senator Cathcart. I think you've done a wonderful job under very, very difficult conditions.

I had an amendment, as most of you know, that I was going to submit. In fact, I had four amendments. I'm not going to submit them. One of the most disappointing things to me, as an individual, in this budget, is that an effort that was worked on very hard in the 120th Legislature, the creation of the Office of Program Evaluation and Government Accountability. The people that we represent are demanding accountability. How can we give them accountability if we have no access to the data that allows us to make intelligent decisions? We're cutting places in this budget 100% on the recommendation of individuals, department people, from the other side of government.

One of the great things that we all suffer from here is lack of institutional memory. Term limits, obviously, have contributed to that. We are not, in my opinion, because we don't have access to date, a co-equal branch with the Executive side of this operation. The Office of Program Evaluation was created, and has been created in 44 other states in this country, to provide that balance. They would provide independent, professional, non-partisan evaluation that you can rely on.

That bill was put in place by a vote, from this body, of 31-4. The vote in the other body was unanimous that the legislative body said that we need this ability. Earlier in this session we had long debates in creating the Joint Rules and an Oversight Committee that would oversee this office. I'm not absolutely sure, but I believe that maybe for the first time in the history of the Maine Legislature, an Oversight Committee was created that was absolutely non-partisan. Evenly split, with representatives from the two majority parties. We made wonderful progress. Where are we now? We have no money, obviously, to fund it. That needs to come. I'm very uncomfortable saying that I ought to vote for a \$5 plus billion budget in which the data that we have available to us did not come from our own makings. I sat in the 2 by 2 sessions on 4 different committees. Multiple times during those have we said, 'if only we could find out about this program.' That legislation, headed by the good Senator from Cumberland, Senator Pendleton, put together legislation that gave the ability, with subpoena power, to get whatever data for us that we needed or wanted. Today, 2 years later, we still do not have that ability.

So, even though this is not in this piece of legislation today, I'm going to vote for the budget. We have had multiple discussions. Nothing is a sure thing, whether we are even going to be here tomorrow or not. But I have been assured that we will seriously look at the effort to create this office in the part two budget. I'm willing to accept that at face value and fight for it the next time we have a budget, which I expect will not be a very long ways down the road. Thank you very much, Madame President.

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

Senator **HALL:** Thank you, Madame President. I too rise to support this budget and to thank our colleagues who served on the Appropriations Committee at great personal cost, in terms of long hours and weekends spent away from their families. I support this budget for all its compromises and the context, in which I see this budget, is of a very frugal \$5 billion over two years. I say frugal because I contrast it with, for example, the President's supplemental budget request for a down payment on our war of \$75 billion, which would fully fund the State of Maine for 30 years, or the tax cuts recently passed by the Senate of \$350 billion, which would fully fund the State of Maine for 150 years, or President Bush's original proposal for tax cuts of some \$742 million, enough to fully fund the State of Maine for 290 years.

Madame President, I am rising principally today to put on record the same concern that was earlier expressed by the good Senator from Penobscot, Senator Youngblood. It's my belief that we would be in error if, in the course of this session, we do not fund the start up of the Office of Program Evaluation and Governmental Audit or OPEGA. In the 44 states in which such an office is functioning, the savings that were generated by those offices' reviews average \$8 for every \$1 of expenditure. I believe that this is a bi-partisan approach to improving the efficiency and the delivery of services of state government that all of us, on both sides, should get behind. Surely this is a program that should be and could be supported by those of us who, in Churchill's words, 'long for the firm smack of good government' and by those of us who lie awake at night in holy fear that somebody, somewhere, is a wicked bureaucrat wasting a dollar of my tax money. I honestly believe that this program, this new program, is something that should appeal strongly to those of us on both sides of the divide in this chamber. I very much hope, Madame President, that at a later time, within this session, we will be able to fund it fully. Having said that, again, I fully support the budget that is before us. Thank you.

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

Senator **BENNETT:** Thank you, Madame President, and fellow members of the Senate. I heard a reference to institutional memory, a little earlier in the debate, and I think by virtue of 11 years of service in the legislature, in both bodies; service on the Appropriations Committee and 6 policy committees; and service in leadership, including as presiding officer, I will ask your permission to give you a little bit of institutional memory. I will preface my comments by saying that institutional memory, in my belief, is often selective memory. But nonetheless, it seems to be much valued by the legislature. So permit me to take the long view on this budget, for a moment.

I would like to offer two observations with the long view. The first is that budgets often done right reflect priorities and choices. The difficult choices in this budget, in my view, were exacerbated by too many years of excess and too many years of spending beyond our means. It has created the problem of a \$1.2 billion shortfall and the need to deal with it in the first place. I won't belabor the dimensions of those years of excess. I was here during them. I voted for some of the budgets during that period. I voted against some. But I think it's readily acknowledged and has been acknowledged throughout this budget process, not only by the proposer of the budget, the Chief Executive, but also by the Appropriations Committee and the whole tenor of the way the legislature has dealt with this. It is time to tighten our belts and set priorities.

The second observation I will make is that it's coincidental, perhaps, that the dimension of this budget problem identified this year is essentially the same in absolute dollar terms as the budget hole that was dealt with during my first term in the other body, over 10 years ago. There was a \$1.2 billion deficit. At that time, it was a much larger portion of our budget; it was about 1/3rd of our general fund budget. This is only 1/5th. But nonetheless, it is a significant chunk of money. We can talk also about what drives the \$1.2 billion deficit and the extent that it is driven by expectations of spending, which is unrealistic, and how some may decide that this isn't a real number. But nonetheless, it's a significant hole for this legislature to deal with.

I have been extraordinarily pleased, and maybe a little surprised, by the unbelievable collaboration and cooperation that has shown itself throughout this process. It's not something that may surprise some, in fact, I think it is reflective of the last 2 years that we had in the State Senate. But given the history that I've lived through, here in the State House, I think it is something to ponder about for a moment. The fact that people with very different views and different priorities can work together, I am very proud to be part of a legislature that has shown that.

I have to congratulate, and compliment, the Chief Executive. I do so tentatively, knowing that I may be treading on the rules of debate a little. The leadership shown by the Chief Executive, from the first day of service, in presenting this budget in his budget message to the Joint Convention, in setting limits, and understandable and clear limits, for our range of action as policy makers, has been truly remarkable and it's been very much appreciated, I think, by all of us trying to deal with the problem in good faith.

The Appropriations Committee has done a fantastic job, as has the policy committees, in living within the limits that have been set. That process is an astonishing achievement and I offer it back to you with my compliments. So my conclusion, in looking at this budget, is that it is a budget that is reflective of the needs of the time and I also believe it is a budget that is reflective of the good spirit of the times. I congratulate those architects who drew it, leadership, the Appropriations Committee, and the Chief Executive who set the limits upon it and made the original proposal. It will have my vote of approval and I ask for the yeas and nays.

Same Senator requested a Roll Call.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I will be supporting this budget and I find that my comments, in many respects, that I had already written out a little bit, reflected much of what the Senator from Oxford, Senator Bennett, said because he and I were both here at the same time, the last time we had to deal with a large budget shortfall. Indeed, it was my first term in the other body as well. I would say to you that it is just about as difficult a budget that we ever could have put together, that we have here today. I say 'we' meaning primarily the Appropriations Committee and the members and leadership of that committee who worked very hard in a very bi-partisan way. But also, it's a reflection of the hard work of the committees.

Ten years ago, when I was in the other body, I was perhaps a little bit of a rabble-rouser and was putting forward amendments left and right. At that time we did not have very strong involvement of the committees in the budget process. That was not something that the committees had a big role in. It wasn't part of the Joint Rules. They did not come in and have joint hearings on the budget. We have changed the budget process, in fact, partly as a result of what happened 10 years ago when there was a great deal of rancor in putting together that budget. A lot of divisions, they were partisan, but they were often not partisan. They were divisions about how to make extremely difficult decisions.

The first thing I would like to say, is to compliment all involved, not only for working closely together, but I think for having fairly realistic expectations of what can be done. I am not going to sugarcoat this budget; this is a very painful budget. I think we've heard from both sides of the aisles that this budget makes choices that are extremely difficult. They are choices that are driven by lack of money coming into state revenues and by decisions made to live within those means and not to seek additional revenues through taxes. That is a decision that has set the parameters for this budget, and we are living by those decisions. The outcome of that is that we have a budget that does cut services, that limits money going to education, and that lays off valuable and important state workers.

In my view, and this is where I differ from my colleague, I don't think that we're in the situation we are in because of years of excess. I think that the budgets we have had in the past have reflected the values of Maine people. They have expanded access to health care. They have improved our educational system so that it is the best in the country. These are things that the people of Maine asked us to do. But we are at a point where we have to come up with a budget and we have done it in a way that is pretty remarkable. To come up with this budget in the timeframe that we have set for ourselves, so that we can get the word out to local school systems and so that we can move on to work on the other issues that face this legislature, is quite amazing. I am here to say that I am supporting this budget. I know that we still have our work cut out for ourselves.

There are, potentially, at least two more budgets that we need to be dealing with in the next weeks and months. I think that we have other serious issues in front of us. I see this as a short-term solution to our budgetary and revenue woes, but we need to focus on the long term. That is, as the Senator from Cumberland, Senator Brennan, said very eloquently, to focus on tax reform and health care reform. These are two things that the people of this state have asked us to work on. I think by coming together on this budget today, we are allowing ourselves and

giving ourselves the time and the energy and the focus to address the long-term issues that are facing this state.

So again, thank you to everyone who worked so hard on this budget. It is a difficult budget, but I will be supporting it because I believe it is the best that we can do under the circumstances. That is faint phrase, I realize, but I do think that is where we are at today. It is a realistic approach to where we are. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#28)

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

NAYS: Senators: BLAIS, LEMONT, NASS, SHOREY, WESTON

ABSENT: Senator: PENDLETON

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (H-27) as Amended by House Amendment "K" (H-46) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-27) AS AMENDED BY HOUSE AMENDMENT "K" (H-46)** thereto, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning Boards of Assessment Review"

S.P. 103 L.D. 267

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth
PEAVEY-HASKELL of Greenbush
STONE of Berwick
KETTERER of Madison
CROSTHWAITE of Ellsworth
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-12)**.

Signed:

Representatives:

BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKEFORTH of Union

Reports **READ**.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Bring the State into Conformity with the National Organic Program"

S.P. 487 L.D. 1459

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative McKEE of Wayne and Senator: KNEELAND of Aroostook, Representatives: CARR of Lincoln, PINEAU of Jay, PIOTTI of Unity.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.