

MAINE STATE LEGISLATURE

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

Volume III

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

Second Confirmation Session
August 25, 2004

Interim Appendix

Senate Legislative Sentiments

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Pages 1416 - 1812

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Indefinitely Postpone Senate Amendment "C" (S-542). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#399)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-542), **PREVAILED**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

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

COMMUNICATIONS

The Following Communication: S.C. 604

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

April 16, 2004

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1893 An Act To Impose Limits on Real and Personal Property Taxes

We have also notified the sponsors and cosponsors of the Committee's action.

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

ORDERS OF THE DAY

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

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1420 L.D. 1919

Tabled - April 16, 2004, by Senator **GAGNON** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENT "A" (S-518)** thereto, in **NON-CONCURRENCE**

(In House, April 15, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935) AND "V" (H-937)** thereto.)

(In Senate, April 16, 2004, Reports **READ**. On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-904) **READ**. House Amendments "Q" (H-932); "T" (H-935) and "V" (H-937) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**, in concurrence. On motion by Senator **TURNER** of Cumberland, Senate Amendment "E" (S-524) to Committee Amendment "A" (H-904) **READ**. On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED**. On motion by Senator **WESTON** of Waldo, Senate Amendment "N" (S-536) to Committee Amendment "A" (H-904) **READ**. On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED**. On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "C" (S-521) to Committee Amendment "A" (H-904) **READ**. On motion by Senator **ROTUNDO** of Androscoggin, **INDEFINITELY**

POSTPONED. On motion by Senator **HALL** of Lincoln, Senate Amendment "M" (S-532) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.** On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "A" (S-518) to Committee Amendment "A" (H-904) **READ and ADOPTED.** On motion by Senator **GAGNON** of Kennebec, **RECONSIDERED.** On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "A" (S-518) to Committee Amendment "A" (H-904) **ADOPTED.** On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "I" (S-528) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.** On motion by Senator **TURNER** of Cumberland, Senate Amendment "F" (S-525) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.** On motion by Senator **MARTIN** of Aroostook, Senate Amendment "H" (S-527) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.** On motion by Senator **MARTIN** of Aroostook, Senate Amendment "O" (S-538) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.** On motion by Senator **NASS** of York, Senate Amendment "J" (S-529) to Committee Amendment "A" (H-904) **READ.** On motion by Senator **CATHCART** of Penobscot, **INDEFINITELY POSTPONED.**

Off Record Remarks

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "P" (S-543) to Committee Amendment "A" (H-904) **READ.**

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I think this is a very good amendment. I hope you will support its adoption. It's another way to fund the full amount requested on the bill for the compensation to former students who were victims of physical and sexual abuse at the Governor Baxter School for the Deaf. What it does is fund the Baxter Compensation Authority at \$6 million and it repeals the \$3 million that Committee Amendment "A" (H-904) had in the unappropriated surplus for fiscal year '05. Baxter Compensation victims would receive a total of \$6 million. I must give credit to a member of the other Body, Representative Millett, who had the idea of the mechanism to fund it. This amendment requires the Treasurer of the State to structure the June 2004 bond issues into semi-annual payments for a period of not more than nine years rather than the recent practice of annual installments over ten years. That will provide the necessary amount of funding to give \$6 million to the Baxter victims. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart to Adopt Senate Amendment "P" (S-543) to Committee Amendment "A" (H-904). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#400)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **ADOPT** Senate Amendment "P" (S-543) to Committee Amendment "A" (H-904), **PREVAILED.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "D" (S-523) to Committee Amendment "A" (H-904) **READ.**

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. You may notice that I had, in fact, two amendments printed that dealt with the issue of the present study that the University of Maine Board of Trustees is conducting. I pretty much decided to offer neither of them. However, yesterday, after these were printed, the Board of Trustees decided to move the period for public comment backwards so that initially the board was going to be handling this issue in November, but it has now been moved back to September. Basically, it shortens the period that the public will have to receive comments. Needless to say, there are some people that are somewhat concerned about some of the things that are going on. Needless to say, the University of Maine at Fort Kent is one of them, along with the University of Maine at Presque Isle, the University of Maine at Machias, and of course, last but not least, the University of Maine at Farmington that now is acquiring an interesting new name. This includes the northern campuses as well. It is the first time in my life, to be honest with you, that I've ever seen Machias classified as being part of northern Maine. I'm not really sure that they want that, even though we wouldn't mind having them. This basically provides an opportunity for the issue to come back to us. I would urge that this amendment be adopted.

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-523) to Committee Amendment "A" (H-904).

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I certainly share concerns with the Senator from Aroostook, Senator Martin, and think that the strategic plan should have plenty of time for discussion by the public and by the people affected. As chair of Appropriations, I feel I have to stick with my committee on this and so I'm going to vote to indefinitely postpone. Thank you.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I cannot help but be a little concerned about the amendment and so I rise to urge and encourage its indefinite postponement. This amendment, in my view, may be more than meets the eye. I've seen the Senator from Aroostook, Senator Martin, quoted as saying that the plan that the University of Maine Trustees has tentatively put forward is not only dead on arrival but buried on arrival when it comes to the legislature. I worry about the message that we may be sending in the context of such concerns to the University Trustees and to the many constituencies of the University who have done well managing their own affairs with the assistance and support of this legislature. This is an important issue and it is one that is going to come to the legislature. We are obviously going to be part of it. I know that we've all been contacted about the plan and we have been very much kept apprised of its various considerations and we have the capacity, more so than most citizens, to comment on it by virtue of our ultimate budgetary authority and appointment authorities over University Trustees. I see this as a very strong and unnecessary slap at the university system. I encourage that this amendment be indefinitely postponed.

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

Senator **MARTIN:** Thank you, Madame President. I just want to point out to members of the Senate that it is not a slap, it's basically saying that some of this ought to be done in the light of day. I would also point out and remind you, as I'm sure the good Senator remembers, that he was a sponsor and a co-sponsor of a bill to close the University of Maine at Fort Kent when he was a member of the other Body.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart to Indefinitely Postpone Senate Amendment "D" (S-523) to Committee Amendment "A" (H-904). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#401)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, GILMAN, HATCH, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, ROTUNDO, SAVAGE, SAWYER, TURNER, WESTON, YOUNGBLOOD

NAYS: Senators: BRYANT, DAGGETT, DAMON, EDMONDS, GAGNON, HALL, KNEELAND, MARTIN, PENDLETON, SHOREY, STANLEY, STRIMLING, WOODCOCK, THE PRESIDENT PRO TEM - SHARON A. TREAT

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-523) to Committee Amendment "A" (H-904), **PREVAILED**.

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 PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-904) as Amended by House Amendments "Q" (H-932); "T" (H-935); "V" (H-937) AND Senate Amendments "A" (S-518); "P" (S-543) thereto. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#402)

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

NAYS: Senators: BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MARTIN, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, Committee Amendment "A" (H-904) as Amended by House Amendments "Q" (H-932); "T" (H-935); "V" (H-937) AND Senate Amendments "A" (S-518); "P" (S-543) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE.

Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE.**

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

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#403)

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

NAYS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MARTIN, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD**

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE.**

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tem **SHARON A. TREAT** of Kennebec County.

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

ORDERS

Joint Order

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:

S.P. 810

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 27, 2004, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, April 27, 2004, at 10:00 in the morning.