

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Eighteenth Legislature  
State of Maine

Volume 3

Second Regular Session (Continued)  
March 25, 1998 to March 31, 1998

Second Special Session  
April 1, 1998 to April 8, 1998

Second Confirmation Session  
August 18, 1998

Senate Legislative Sentiments

Index

Pages 1978 - 2482

**ROLL CALL**

**YEAS:** Senators: BENNETT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LAWRENCE, LIBBY, LONGLEY, MACKINNON, MICHAUD, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY

**NAYS:** Senators: ABROMSON, AMERO, BENOIT, BUTLAND, FERGUSON, HALL, HARRIMAN, KIEFFER, MILLS, MITCHELL, SMALL

**ABSENT:** Senator: JENKINS

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, House Amendment "G" (H-1111) to Committee Amendment "A" (H-1098) **ADOPTED**, in concurrence.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1098) AS AMENDED BY HOUSE AMENDMENTS "E" (H-1109) AND "G" (H-1111)** thereto, in concurrence.

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Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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Off Record Remarks

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Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and Changes to Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999 (EMERGENCY) H.P. 1397 L.D. 1950

Tabled - March 31, 1998, by Senator **PINGREE** of Knox.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1098) AS AMENDED BY HOUSE AMENDMENTS "E" (H-1109) AND "G" (H-1111)** thereto, in concurrence

(In House, March 30, 1998, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1098)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1098) AS AMENDED BY HOUSE AMENDMENTS "E" (H-1109) AND "G" (H-1111)** thereto.)

(In Senate, March 31, 1998, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1098)** Report **ACCEPTED**, in concurrence. **COMMITTEE AMENDMENT "A" (H-1098) READ. HOUSE AMENDMENTS "E" (H-1109) AND "G" (H-1111) to COMMITTEE AMENDMENT "A" (H-1098) READ** and **ADOPTED**, in concurrence.)

On motion by Senator **MILLS** of Somerset, Senate Amendment "U" (S-671) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **MILLS:** Thank you Mr. President and men and women of the Senate. The substance of Senate Amendment "U" has to do with certain specifics under the Business and Equipment Tax Rebate Program. You may recall that, I believe it was last year, that a policy decision was made not to include within the BETR Program our public utilities. And indeed we passed an Amendment to the BETR Program that retroactively excluded utility property and infrastructure from treatment under the BETR Program. And it was an important articulation of State policy that utilities should not be within the program. However, with the arrival of utility deregulation in the electrical industry and the arrival of natural gas coming in at us from both the east and west, the proposed laying of pipelines across our State, the proposal to build gas fired power generated systems in various locations, it raised a technical issue but a very important issue as to whether all of this infrastructure would have to be treated as BETR property requiring the State of Maine to reimburse the municipalities where these properties are located for 100% of the

property investment. The owners of the proposed pipeline were very candid with us. They came to us and said, to be honest about it we never expected to be included within the BETR Program. We thought you would probably treat us like a utility but because of the way in which our earlier law was drafted, we had left them within the BETR Program. The whole point of Senate Amendment "U", which has been drafted and redrafted and redrafted over the past six or seven days involving some very hard work on the part of people representing different interest groups but also very hard work on the part of the Taxation Committee and staff. This is a very difficult area, a very technical area and we believe that the Amendment that you have before you accurately reflects the thinking of the Committee and it will succeed, we hope, in further implementing the policy decision that we made, I think it was last year, in excluding utilities from the BETR Program. One of the reasons that this became particularly difficult was that with the advent of natural gas as an energy source, it becomes very tempting for people, businesses to build electrical generation facilities either adjacent to, or on the property of paper companies and there is a good reason for that. Because when you are generating electricity, the exhaust fumes from the natural gas go out of the furnace and they impinge on the turban and when they are exhausted from one turban they may go to another low-pressure turban, but when you are done exhausting these gases there is an enormous quantity of reserve heat in those exhaust gases and the question is how would you make use of the very valuable BTU's that are tied up in those exhaust gases without exhausting them to the atmosphere? At that point they are too low in pressure to be used to drive turbans any further. Well, if you have one of these facilities adjacent to a paper mill you can exhaust that heat through a steam recovery boiler and provide heat and steam with which to make paper. So it's an ideal symbiotic relationship between power generation and generating heat necessary to operate a paper machine. We had great concern because presently if you build a boiler on the premises of a paper company it is entitled to be included within the BETR Program. But we've made a policy decision that if you build a power generation plant for putting electric power out onto the grid then you ought not to be in the BETR Program. How to resolve this conundrum when you have a blended system that is being built, one that will be good for the environment and may reinforce the jobs that are at stake in the paper mills. We developed a proportional formula so that if you have one of these co-generation plants that produces heat and electrical energy, we will ask that that energy be metered, as it is anyway for engineering purposes, and at the end of the tax year the proportion of the useful energy that you generate that is thrown onto the grid will be the fraction that withdraws you in that proportion from treatment under the BETR Program. It took a little doing to draft this but I think that the words that are now on paper do the job, do it accurately and I would hope that this would have the unanimous consent of this Chamber.

We have, as many of you are aware, the BETR Program is outstripping its earlier Budgetary projections. Some of us view that situation with alarm. Others say that it is a measure of success of the program. Regardless of your perspective on this issue, everyone, I think, on the Taxation Committee and the Administration and most of us who have looked at this issue closely will agree that excluding utilities from the BETR Program is an appropriate policy move and this Bill will help to implement that policy beyond where we were a year ago when we first voted on it. I urge your unanimous Adoption of Senate Amendment "U". Thank you.

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

Senator **RUHLIN:** Thank you Mr. President and ladies and gentlemen of the Senate. First of all, I want to thank the good Senator from Somerset, a fellow Member of the Taxation Committee, for his hard effort and honest efforts for putting together some of this information. Do to the time constraints and so forth, we have made other arrangements. This is no longer necessary. This is no longer satisfactory. Therefore, Mr. President, I move Indefinite Postponement of Senate Amendment "U" and ask for a Roll Call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "U" (S-671) to Committee Amendment "A" (H-1098).

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 Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Just very briefly men and women of the Senate. The Amendment that has been put before us has great merit. Serving both on the Utilities Committee and the Appropriations Committee, I recognize its merit. The place however to deal with that is not today with this particular Bill. It's an issue that we can deal with and we have been asked to do so in the Appropriations Committee, and we will be able to address that issue as a free standing separate issue to deal with and that is the appropriate way to do it. I would ask you to support the Senator from Penobscot, Senator Ruhlin's motion of Indefinite Postponement.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Ruhlin to Indefinitely Postpone Senate Amendment "U" (S-671) to Committee Amendment "A" (H-1098).

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "U" (S-671) to Committee Amendment "A" (H-1098), **PREVAILED**.

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

Senator **SMALL:** Thank you Mr. President. I present Senate Amendment "R" under the filing number of S-668 to Committee Amendment "A" (H-1098), move its Adoption and request to speak to my motion..

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small, offers Senate Amendment "R" with a filing number of S-668 to Committee Amendment "A" (H-1098) and moves its Adoption.

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "R" (S-668) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **SMALL:** Thank you Mr. President. Men and women of the Senate. This is a very simple Amendment that appropriates \$1.5 million for Out-of-District Placements in the Budget. It would bring the State's share of support for this program from 25% to just under 50% for communities that experience the hardship of an Out-of-District Placement. This is an existing program that has been on the books for a number of years. I can remember when we first passed it. It was set up to help particularly small communities, but all school districts that experience the extraordinary cost of having to send a student either out of their district, often times out of State and some of those costs vary from \$30,000 to actual incidents of \$200,000. What this program does is say that the school districts must pay three times the average cost of educating a student and that was to prevent school districts from just sending any special education child out of district because they didn't want to assume additional cost. So they pay three times the average cost on their own and then this State program was set up to assist them in paying for these extraordinary costs. Unfortunately, we have not always funded it as well as we should and I thought that for the first time in memory where we have surplus that this existing program would be a good place to place some of our resources. I took the money from money that would have gone into the Rainy Day Fund because, frankly, in many small towns it's raining very hard when these children come up. Not only is it a hardship for the towns but these Out-of-District Placement situations are also a hardship for the families. Imagine being at a town meeting and this cost comes up and for some school districts this could be a substantial portion of their Budget. A \$200,000 placement, or a \$100,000 placement in a very small town can be a quarter of the Budget, 15% of the Budget. And naturally people will say, why are we spending so much? Why are we having to appropriate this money? I think that the last thing that we want is for them to be discussing this child's educational condition, whatever their disability is or whatever the reason for this placement is, in Town Meeting. I think by helping to take some of

that cost burden off the local municipalities and off the local school districts and placing it, where I believe it belongs, at the State level, we will perhaps allay some of this discussion that goes on when these extraordinary costs happen. Even with the 6% increase that we have in the Budget that is proposed, imagine some of your Districts, looking down the list we saw some districts would get an additional \$100,000, \$300,000, \$30,000. Most of the districts did better with the 6% and that was a much needed increase. One child moving into your District, or one child who has a disability that's discovered and needs an Out-of-District Placement can wipe out that increase that you saw with that 6% increase and can actually put you in the red. I just don't think that it's fair that we ask municipalities and school districts to shoulder this burden alone. This is an insurance policy. You may not have a student in your District right now that requires this kind of placement but you will know when you do because your phone will start ringing and you'll hear about it from people after the Town Meeting or the Budget Meeting. And you will hear about it from your Superintendent that says I just don't know how we are going to pay for this. So, I hope that you will support this Amendment so that we can take at least some of the burden off our local school systems when they have this extraordinary situation happen and unfortunately, it's all too common. If it's not happening in your District now, there's a very good chance it could happen within the next few years. Thank you Mr. President.

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

Senator **FERGUSON:** Thank you Mr. President. I can attest to what the good Senator from Sagadahoc just said. I live in a very small community, Hanover which has 275 population, and we did have three children that had special needs and I will tell you that it impacted our local property taxes severely. We had an increase of about 40% just in one year. So this is something that at least I can relate to. And a lot of us in this Body do represent small communities and this could happen to any one of us. I would hope that you would give this due consideration and the good Senator has made provisions to pay for this so we tap the Rainy Day Fund and I can assure you that it is raining in many small communities. Thank you very much.

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

Senator **SMALL:** Thank you Mr. President. I just want to clarify that my original Amendment which was in error was worded so that it would come out of the Rainy Day Fund. This one actually takes the money before it goes into the Rainy Day Fund. I purposely did not try to take money from other programs although personally I feel that we should be funding this one before do new programs. I did not want it to become a political issue that you are taking money away from this program in order to put it in another one. I felt that this was so important that it should stand alone. And Mr. President, I do request the Yeas and Nays.

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 Sagadahoc, Senator Small, to Adopt Senate Amendment "R" (S-668) to Committee Amendment "A" (H-1098).

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**NAYS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **ADOPT** Senate Amendment "R" (S-668) to Committee Amendment "A" (H-1098), **FAILED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "B" (S-647) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **BENNETT:** Thank you Mr. President and fellow Members of the Senate. Senate Amendment "B" does a simple thing. It funds \$5.5 million to the Maine Economic Improvement Fund which is the fund to which research and development money will flow to the University of Maine System, and it takes it out of the savings account that we have, the Rainy Day Fund in order to do that. You know this Legislature has talked a lot about research and development and the importance of the initiative to the future of the economy of Maine and to the future of providing quality jobs for Maine people particularly our young people who often question whether or not they should even stay in Maine to seek opportunities.

I was truly privileged and honored to be appointed by the presiding officer to the Joint Select Committee on Research and Development and I was doubly honored to be elected co-Chair of that Committee. I served in that capacity under the Chairmanship of the Senator from Penobscot, Senator Cathcart, and we really did an immense amount of work, a lot of very good work. Work which resulted in a unanimous Committee Report. Work that didn't deal with this issue in any respect from partisan perspective. Republicans and Democrats worked together. Members of the House and the Senate worked together. Private and public sectors worked together. Campuses in the university system worked together. It was really a rare undertaking, but I have to tell you, it's the way that policy ought to be made in the State of Maine and I was honored to be a part of it.

There is Legislation that came out of the Joint Select Committee's work, essentially four pieces. One was a Joint

Order which we Adopted to continue the work of the Joint Select Committee. Another was a tax piece to expand the Seed Capital Tax Credit which is looking very good for final Enactment. And then there were two issues that landed on my Table in the Appropriations Committee.

The first was a Bond Issue in the amount of \$20 million which would go to fund capital improvements to bring investments to bear on promoting research and development in the State of Maine. That Bill came out of the Appropriations Committee on a 10 to 3 Report, 10 Members in favor of bonding \$20 million in this Legislative initiative. Three Members in favor of bonding \$15 million in this Legislative initiative. Certainly the concept and much of the specifics behind this initiative have what amounts to, the closest thing that you can get in my experience in the Legislature, unanimous support. And I've got to say that another piece of pride is that too often we turn to the Administration as the fount of all good ideas. This good idea bubbled up from professors in the University of Maine System and others who went to the President of the Senate, who proposed an initiative and that coupled with other initiatives working through the Legislative process is why that proposal has encountered such support and the process worked, friends of the Senate. The process worked very well. Now we are confronted with passing a Budget and frankly, there's been a lot of editorial comment on research and development, the need for it. There's been so much work by so many people in support of this initiative. And the \$10 million piece which was the fourth component of our Research and Development Committee's proposal, a \$10 million appropriation to the Maine Economic Improvement Fund which was created last year to fund the so-called soft cost of research and development within the University of Maine, that is the equipment, the bacterial cultures, the computer programs, the technicians and the faculty to provide this kind of work so vital to the success of this initiative. The \$10 million is now sitting on the Appropriations Table.

The problem is that this Majority Report, as it's stated, has no money left to fund, in any meaningful way, the Appropriations Table including the Research and Development initiative. What this Majority Report does include is \$4 million possibly, if it's available from lapsed balances. That means that when the fiscal year closes, if there is money left unspent and unencumbered from the General Fund, it will flow into a bucket if you will. The first bucket that it flows into under the Majority Report is the State Contingency Account and once that fills up the over flow then fills up the second bucket, if you will, and that bucket is the Maine Economic Improvement Fund and that bucket could be filled with as much as \$4 million. That kind of anemic, half-hearted, weak approach for funding this initiative sends a very bad message. It sends a bad message not only in terms of the research and development initiative and the people that want it and are eager to get involved with it and work with it but it sends a very bad message as to what this process should and should not be. In my view, a Legislative initiative that works it's way through the process in this fashion gaining support as it goes, gaining unanimity, should be cherished because it happens so rarely. We should uphold that and we should fund the Maine Economic Improvement Fund for the maximum extent possible. This Amendment proposes a very strong message to the State of Maine that we are committed, committed to the work, to the ideas that many people have propounded into the work of the Research and Development Committee of this Legislature and committed to funding this. With this money, this \$5.5 million, it is possible to achieve the \$10 million of full funding that was promised by the

L.D. that is going through the Legislature. But let's deal with it here in this Budget document.

Now I'll be candid with you. I think probably all of us know the reason that this is not probably going to pass today. The reason is that this has gotten caught up in an unfortunate series of events and political tugs of war over issues that should not be involved with it. That's a sad Statement to the way the Legislative process works. I believe that we should say no to that sort of thing. We should vote for this Amendment because this is the way that the Legislative process should work and we should clearly State out priorities in this Budget, as a Senate, and clearly tell the people of Maine what our priorities are. This Budget, the way that things are going, is likely to be amended only by the other Body. The ideas of the Senators both Republicans and Democrats and Independents in this Chamber are unfortunately not going to be heard and I think that's unfortunate. I encourage you to please think about this Amendment in all the proper context and please vote to send this strong message in support of research and development and this powerful initiative to create jobs for Maine people, hope for school kids now that are trying to chose careers in exciting, new, innovative fields. Vote to support expanding and strengthening our traditional industries of farming, fishing and forestry that have made this State great, that this initiative would help make greater through the use of applied innovation and technology. Please vote for this Amendment so that we can do what's right for the people of Maine and support this initiative which, I believe, we all do support strongly. I ask for the Yeas and Nays.

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 Chair will remind Members of referring to action by the other Body, or supposed action, or presumed action by the other Body, that is not allowed in debate in the Senate. The Chair recognizes the Senator from York, Senator MacKinnon.

Senator **MACKINNON:** Thank you Mr. President. Colleagues in the Senate. I use that term because I think this Amendment gives us a chance to reflect on what we need as a State and together we can move forward. As a Member of the Business and Economic Development Committee, I think that it's very important that we look at our future. This Bill on R&D allows us to be pro-active instead of reactive. It gives us the chance to send our State forward not only for our youth but for our industries, our economy, the jobs that we are talking about bring into the State, the high quality jobs with benefits. If we can support this measure, if we can go forward, I think that we are setting the future of our State on a good course. If we don't, we're just going to sit back and wait and maybe go a little later. We certainly know that when times are tough we do not have the money to put into economic development, which is probably the time that we should put it in there the most. We have the money this year. We have the time to do this. If we can't look at our targeted industries, our future, the future of R&D which is the future of the State of Maine, I think we are doing a disservice to all of us. Hopefully, this Body will send this out of here on a positive note. Thank you.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate. I just want to echo my seat mate's sentiments regarding this issue. It just seems to me that it reminds me very much of an article that I read last year, Mr. President, which was written by you regarding "Jumpstart 2000," and I thought it was an excellent article. In fact, it so encouraged me that we were going to work on research and development that I got kind of excited to come back here this Session. I don't understand why it's been left out of the Budget. I thought that we have been talking about the importance of this. I did not agree with every aspect, every single piece of that R&D package but who does? I agreed with about 90% of it and let's face it this really is the future of our State. We are talking about a State that's been ranked in the 49<sup>th</sup> and 50<sup>th</sup> among States regarding research and development depending on who you talk to. There's really no excuse that this is not in the Budget in a year when we have a surplus that approaches \$300 million. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate. I hope you vote against this motion to Adopt this Amendment. I can't disagree with any of the comments that have been Stated earlier. This is a good program and Senator Bennett is absolutely correct, the Budget does include \$4 million from lapsed balances plus we appropriated another half million which will be available for the University. This Bill is currently sitting on the Appropriations Table and there's nothing to prevent the Appropriations Table from passing out that Bill and taking the money out of the Rainy Day Fund. There's nothing that would prevent us from doing that. It is not in the Budget currently and I would hope that you would vote against Senate Amendment "B".

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate. Just briefly, I had the opportunity also to serve on that Committee this fall and I must tell you that I was very impressed with the field trip we made to the University, some of the research that was going on and some of the possibilities for expanding job opportunities and everything that we read and heard. Leaders in the State speak, they talk about the jobs in the next century in technology and all of those kinds of things that we are moving forward to. I was also disappointed that we couldn't find a way to fund that particular project. We had a unanimous Report from that Committee. We debated many hours at the end as to what is a fair way to go and what can we afford to do and what's the priority for the State of Maine, and I really hope that you would support this Amendment. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett, to Adopt Senate Amendment "B" (S-647) to Committee Amendment "A" (H-1098).

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**NAYS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "B" (S-647) to Committee Amendment "A" (H-1098), **FAILED**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "J" (S-656) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **AMERO:** Thank you Mr. President. Men and women of the Senate. This Amendment addresses a tax relief package and proposes to amend the package in the Majority Report. First of all, by repealing the Snack Tax that would become effective January 1, 1999. The Snack Tax repeal would be a benefit for all Maine citizens who enjoy their snacks. We think the repeal of this foolish tax would be something that would benefit all Maine people. It's one of those leftover gimmicks from the early 90's when State revenues were not able to fund necessary programs in our Budget. Now that we have such a large surplus of over \$300 million, it only seems that the time is right for repealing that gimmick that we so fondly call the Snack Tax.

This Amendment also would expand the individual income tax bracket which would allow more people to increase their wages before the 8.5% highest income tax rate kicks in. Presently, for a couple filing jointly that top rate of 8.5% kicks in at earned income of \$32,000. This Amendment would allow them to earn up to \$40,000 before having to pay that highest rate. The Amendment also increases the individual Income Tax Personal Exemption in a two-step process similar to that proposed in the Majority Budget, so that it would conform to the Federal Individual Income Tax Personal Exemption. This Amendment also expands the low income tax credit, allowing low income people to keep more of their money before they have to pay a higher tax rate on it. So this Amendment attempts in four different ways to allow Maine people to keep more of their hard earned money. First of all by repealing the Snack Tax, secondly by expanding the tax brackets, thirdly by increasing the personal exemption, and fourthly by allowing more low income people to receive a tax credit. For all of these reasons, I would ask for your support of this Amendment. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate. The Snacks Tax is a gimmick. It's a poor tax. It doesn't work right. It's hard to understand. I wish we could get rid of it. What we should do, what the Taxation Committee decided to do early in the year is tax cuts that will be sustainable. No rubber checks. No promises and we'll pay you next week and the check is in the mail. What we have in our tax package is paid for. It's sustainable on an ongoing basis. It has no false promises in it and it's true tax relief. This is none of the above. Therefore, Mr. President, I move Indefinite Postponement of Senate Amendment "J" and request the Yeas and Nays.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE**, Senate Amendment "J" (S-656) to Committee Amendment "A" (H-1098).

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 Ruhlin, to Indefinitely Postpone Senate Amendment "J" (S-656) to Committee Amendment "A" (H-1098).

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE**, Senate Amendment "J" (S-656) to Committee Amendment "A" (H-1098), **PREVAILED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "D" (S-649) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **BENNETT:** Thank you Mr. President and fellow Members of the Senate. Senate Amendment "D" is a very simple Amendment. If you are looking at the Majority Report with a filing number of H-1098, this pertains to an item which is part GG on page 150. In the great scheme of things, it seems like a fairly small matter. It's a \$100,000 appropriation and probably,

because it's so small by relative perspectives that this issue has kind of got under my skin, because I think that this represents everything that is wrong about doing Budgets at 2:00 a.m. Without public input, testimony, or hearing. Slipped into the Budget is now \$100,000 to provide funds to have the University of Maine at Fort Kent essentially build a new camp just beyond the quarter mile zone on the Allagash Waterway, near Round Pond. This camp will ostensibly replace one that burned down last September. That camp was known as the Page Camp. It was owned by the Department of Conservation, used by the University of Maine at Fort Kent to train students in Forestry and more importantly, I think and more frequently, in environmental studies. This morning in the two largest, daily newspapers in our State there were editorials, one in the Portland Press Herald and one in the Bangor Daily News discussing this particular appropriation. On the morning that the Senate is going to be discussing all of the huge issues in this \$285 million Budget document, both of these two papers choose a \$100,000 appropriation. They choose it for probably the same reason that I chose to amend this yesterday before 2:30 in the afternoon and that is because this is a complete outrage.

There is currently an Advisory Committee that has been working, I think, for a couple of years trying to assist the Department of Conservation by involving stakeholders in deciding what should be the future of the management of the Allagash Wilderness Waterway. Part of their discussion involves the development and building of structures within the mile zone and the quarter mile zone and what should that policy be. This Amendment would, by State fiat through a midnight appropriation, without public testimony, essentially throw out the work of that Advisory Committee entirely. And it would do that by setting a precedent in the Legislation that says it's okay to go ahead and build in the mile zone and have the State do it with State resources. The Page Camp was kind of a ramshackled building that sat within the 500 feet of the waterway near Long Lake where Umsaskis joins Long Lake. It burned down in September. This Amendment proposes to replace the Page Camp. Well the Page Camp was insured for less than \$8,000. Granted the University of Maine at Fort Kent, I gather, and the Department of Conservation had thrown \$13,000 or \$25,000 into the upkeep of this building in recent years but now we are proposing to take \$100,000, a nice round \$100,000 and build a new camp in a different location, located miles away from where the original Page Camp was. This appropriations to the University of Maine at Fort Kent, now you can read the paragraph section GG-1 and you kind of get the sense that the Department of Conservation will continue to own it but there is going to be this lease arrangement but the appropriation is to the University of Maine at Fort Kent. This will be their building. This will be their facility. And how you can say that a brand new facility located in a brand new location, owned by an entirely different institution is a replacement for the Page Camp is beyond me. This is nothing more than a new facility with an appropriation outside the normal course. The University of Maine System which will be the beneficiary of this money frankly has other priorities. Research and development is their top priority this Legislative Session but we are going to let this \$100,000 appropriation go in. I hope that you will join me in supporting this Amendment which would repeal part GG of the Budget.

Let me share with you the thoughts of the editorial writers of the Bangor Daily News. In part they write, "Compared with other Budget items, this one is small. The State isn't going to go broke if the money is spent but it is also not an emergency, which was

supposed to be what this Legislative Session was for. In a few weeks Lawmakers will have a much better idea of what sort of development the Committee considers appropriate and detailed information about how it would like to see the waterway managed. There are Public Hearings scheduled for May on the Management Plan." The Bangor Daily News continues, "At that point Legislators could make an informed public decision about this proposal rather than just letting it drift quietly through the Budget process." This is a bad way to set environmental policy. This is a bad way to treat the Allagash Wilderness Waterway. It's a bad way to be passing Budget Amendments. It's a bad way to be adopting a fiscal policy in this State. And it's a bad way to ensure that State institutions will have no reason to insure their buildings properly when this building was insured for \$8,000 will just get a \$100,000 appropriation to replace it. From many perspectives this small item, in the great scheme of things, in the interest of propriety and dignity to the process should be repealed. This Amendment gives you the opportunity to do that. It's not a Budget buster. It is simply the right thing to do. I encourage you to vote for this Amendment and I ask for the Yeas and Nays. 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 Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President and may it please the Senate. At the start of this Session, the very first spending item that we involved ourselves with was a \$165,000 expenditure out of surplus to send some State officials down to Gray, Maine to an auction to purchase some paintings for the Museum. It was a rush, rush matter. Nobody seemed to care a whole lot about it. Down there they went and surplus got spent. Recently, I had occasion to write an article in the Franklin Journal in Farmington entitled "Testing the Waters of Taxpayer Apathy" And I sighted this example in my article as, to me, the ultimate gall of Government and boy did I get peppered at the house with phone calls, letters in support of my article. I'm going to beg you, please, forget everything that has happened so far today. This is bigger than the gall of Government. Imagine a \$100,000 request to replace a camp worth \$7,800. The camp is not going to end up with the same owners nor at the same site. Now I am going to have to go back home folks and face my constituents with this thing in the Budget and they are not going to be very happy about it. So I am asking you please, forget everything else that we have talked about. Is this in the public interest? Is this \$100,000 something we ought to be taking and spending this way? We do have other commitments, that's for sure. I'll be very disappointed and I will probably have to fight my way back to Sandy River under cover of darkness if this stays in the Budget.

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

Senator **LIBBY:** Thank you Mr. President and men and women of the Senate. I, too, have a real difficult time swallowing this issue. I want to let you know where I'm coming from. Admittedly, in the town of Buxton is the majority of the Membership of the Allagash Alliance, which is a group that is formed to protect the Allagash and the Wilderness Waterway. I

regularly hear from them and you better believe that I heard from them as soon they were able to wake up on Saturday morning and find out what happened on Friday night or whenever this occurred. It was a real surprise for them and the gentleman who lives in Buxton who has been the leader of this Allagash Alliance, Dave Hubble. I saw his name in the paper today and I thought that it was an interesting quote that I should share with you. He said that " this new camp that is supposed to be a Thoreau-like experience." And I think that you know what I mean by that and I think that you know what he means by that. And he says "I can't see Henry David going along with this." He said even further to me on the telephone, "a Thoreau-like experience can't be achieved in a \$100,000 hotel in the Allagash." If, Mr. President, you think this belongs in the Budget then you go right ahead and don't vote for this Amendment. But Mr. President, this does not belong in the Budget. It's an embarrassment to the process and I really am having a hard time believing that we are going to allow this. Thank you.

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate. I could almost take this Amendment seriously if it was not for the fact that some very Members have repeatedly put in for the elimination of the Fort Kent campus over and over, every other year since I've been here. This has nothing to do with the environmental program that we are presently getting up to speed at the University of Maine at Fort Kent. It's wonderful. We are drawing students from all over. We need a place for these students to work. It's an educational piece and I'm upset that it's intent is being vilified here for ulterior motives that have nothing to do with the topic. I am on the Commission that is presently studying the Allagash. I had my first visit on some of those beautiful areas because most of us in northern Maine cannot afford to do the Allagash, to spend the money one needs to visit or the time that one needs to visit. The Commission Report will be before us in May for hearings. It's not before us now. The University has been a responsible citizen and they will be on this issue also. So I urge your absolute rejection of this Amendment.

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

Senator **LIBBY:** Thank you Mr. President. You know, I think that we should talk about this issue. If anyone thinks that we are disingenuous about our sincere opposition to this Budget item being, really under the cover of darkness, included. I just don't understand that because you know that this Page Camp might be a good idea but a concept like this would never go through my Planning Board. Maybe if they were looking at the current site, or replacing a burned down building or something like that, but to take completely undeveloped land and find a new site in the mile zone. I just can't believe that people are angry that, how dare we challenge this part of the Budget? Well, we dare because it doesn't belong here. It's not right. It's not fair. It didn't go through the Legislative process. Where was the Public Hearing? I suppose if I had been awakened at 3:00 in the morning, I would have come to the hearing but I had no idea this was going on. And here we are and it's in front of us now and now is the time then that we have to complain and say this is wrong. It's a question of right and wrong. It's a question of fairness. It's a

question of, should this development take place in the mile zone just barely a quarter of a mile from the Allagash Waterway itself? There is absolutely no doubt about, in my mind, what the sincerity of the previous speakers on whether or not they feel this should be in the Budget. If there is any doubt in your mind, I guess you have the right to have that doubt.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate. I am one who is not opposed to the University of Maine at Fort Kent. I also am very, very familiar with the Page Camp on Long Lake in the Allagash and I'm also very familiar with this location of this new site. It's approximately 100 miles from Fort Kent, all through the woods. It's located on one of the heaviest logging roads, perhaps east of Henderson Ridge, that exists there. I believe that if we do need another classroom in Fort Kent that I don't think we have to travel a 100 miles through the woods to find a location. So that makes me wonder why this location? Well, if you know the country, you'd find that the road traveling east from Henderson Ridge goes around the southeast end of Round Pond on the Allagash water and from this site, at about a mile in there, it's just a very short step down through the woods to a campground that happens to be located on Round Pond. If we want to build a camp for studies for these students, and I would probably support that, why do we have to put it a 100 miles away from the campus? It's practically all woods from this location to Fort Kent. Let's go ten miles into the woods. What's the magic number of driving 100 miles if it's not to locate this on the Allagash Waterway? I think that the study should be completed on the Allagash as to where we are going with it in the future. The Allagash has certainly had its problems with cutting over the past 20 years, and I think that it's important to take a hard look at it along with the rest of our forests and make some long term plans for it. I think that initiative is now underway on the Allagash and I would certainly hate to see us grant permission for this so-called classroom to be built within an area that could very well be off limits within the very near future. Therefore, I would ask that you join me in supporting the motion. I think that we are premature in taking this kind of action at this time. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May I pose a question through the Chair?

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

Senator **BENOIT:** Thank you Sir. For anyone who may be able to answer, who is it who owns the proposed site for the location of this new structure?

**THE PRESIDENT:** The Senator from Franklin, Senator Benoit poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate. I believe that it's the Department of Conservation that owns the land that they are looking at. While

I'm on my feet, Mr. President, I hope that you would not support this Amendment. There has been a lot of talk and discussion. It is true that the Department of Conservation did own the building that the University had fixed up. It's also true that the building was not assessed appropriately. It was only, I believe, around \$7,000 or \$8,000. Risk Management was supposed to go up there and do another evaluation but before they got there the building had burned. This is very important to the University of Maine at Fort Kent because this Forestry Program that is being offered up there is in a process of being accredited. This will be the second program of this kind in the New England area. There has been a lot alluded to that this was done early in the morning. Actually this was voted in the Budget on March 18<sup>th</sup> when we had our work Session. It was voted in at that time at a level of \$125,000. It was reduced, Thursday morning, to a lesser amount but it was dealt with on March 18<sup>th</sup>. There is nothing in this Amendment that requires this building to be built anywhere. The only thing that this Amendment does, GG-1, is if the University leases land from the Bureau of Parks and Recreation then it has to be outside that quarter mile zone. It doesn't say that it has to be within that quarter mile zone. If they wanted to build a camp in Oxford County, anywhere, they could. This is permissive language. What it does do is give a \$100,000 to the University of Maine to construct and relocate this building. It doesn't say where it has to be done. If, after the study comes out in May, they chose not to go within that mile zone, they do not have to. It's permissive language. It says they may. And if they do rent land from the Bureau of Parks and Recreation then it has to be more than a quarter of a mile. It's part of that zone for the Allagash, so this does not stipulate that it has to be up, or near the Allagash. All it says is that it may. Thank you Mr. President.

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

Senator **BENNETT:** Thank you Mr. President. First of all, I would like to extend my sincere apologies to the Senator from Aroostook, Senator Paradis, and any other Member of this Senate who doubts the motives on this measure. I can assure her and others that my concern here is one over process, and I share the views of the Senator from Aroostook, Senator Kieffer, that perhaps this is a good idea. Perhaps there should be some sort of facility. But done in this way, in this Budget, through the process it followed, is unacceptable. I think that we all know that this facility is not going in Oxford County. We all know where it's going. It's going on a parcel of property that's owned by the Bureau of Public Lands surrounding Round Pond. That's the intent. Henry David Thoreau, I believe that he wrote that he went to the woods because he wished to live deliberately, to eke out the very essence of life. But even he went only five miles into the wilderness, as the Senator from Aroostook, Senator Kieffer, has pointed out why this particular location? Why then?

My last point that I would like to raise is that I find it tremendously ironic, because of the environmental policies involved with this small appropriation on half a page, page 150 of the Majority Report of this Budget, that this is being done ostensibly for an environmental studies program and it proposes to have a significant environmental policy impact. Syracuse University has an Environmental Studies Program. A lot of universities have these. But at Syracuse when the students go into the woods to learn about the environment they stay in tents. Why we need \$100,000 facility, and to authorize it in this Budget without public deliberation, without public debate, is a reasonable

question to ask without ascribing motives to those asking the question. So I encourage you to vote for this pending motion to Adopt this Amendment to repeal part GG of the Budget. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. The good Senator from Oxford, Senator Bennett, has just spoken some words of exclamation and apology to Senator Paradis, and I think that reflects well on Senator Bennett. I think something needs to be said at this point and that's this. None of this work is personal here and it can never be because it's the public's business. And when I'm through with this Session, I can walk out the door friendly with every person here. In fact, Senator Jenkins and I have talked on that subject and with agreement. Our work is never personal. It can't be. It's the public's business and nevertheless, I do appreciate Senator Bennett's comment.

May I pose a question through the Chair?

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

Senator **BENOIT:** Thank you Sir. I asked a previous question and would have been better served if I had asked the question I intended to ask which is, as to ownership of the parcel, or campground area that Senator Kieffer, the Senator from Aroostook mentioned, as to whether anyone here, and as I understand it this is an area which is close by where it is intended to have this new structure located. Does anyone in the Chamber know who owns that particular site of the campground?

**THE PRESIDENT:** The Senator from Franklin, Senator Benoit, poses a question through the Chair to anyone who may wish to answer.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett, to Adopt Senate Amendment "D" S-649 to Committee Amendment "A" H-1098.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**NAYS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "D" (S-649) to Committee Amendment "A" (H-1098), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "Q" (S-667) to Committee Amendment "A" (H-1098) **READ**.

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Off Record Remarks

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon men and women of the Senate. Of the proposals for Amendments that have been put before us today, it is clear how little appetite there is for Adopting any of them which is understandable, I guess under the circumstances, but I do hope that the Amendment that I've put before you, Senate Amendment "Q" with a filing number of S-667 will be the exception. Because one thing is clear, that we believe there is much needed tax relief to be provided to hard working Maine families. The Amendment that I have prepared before you not only provides that much needed tax relief, it's fair. It's simple. It's direct and most especially it provides more money in the checkbooks of Maine's families who are middle to low income. Allow me just a few moments to explain.

First we seek to eliminate the Snack Tax, to fully phase in the Federal exemption and to expand the Circuit Breaker Program. The Circuit Breaker Program in particular, which I know is of interest to all of us as it relates to property tax relief, would change the eligibility so that an individual earning up to \$41,100 for joint filers on their Maine income tax return up to \$60,000 of income. That my friends captures most all of the citizens of the State of Maine who are struggling in one form or another to pay their property tax. So combined with the Federal exemption, it's an actual reduction in income tax rates. It drops money directly into the family checkbook. The elimination of the Snack Tax, which is discriminatory in nature and certainly in its application, hits young families most especially ones like mine where there are three children going off to school with a lunch box full of goods that are currently under the Snack Tax. But more importantly, ladies and gentlemen of the Senate, let me give you an example of just how much better tax relief my Amendment offers than the one that is in the Budget.

As an example, a family of four with an income of \$38,000. In the Budget, their total tax relief would be projected to be \$233. If you adopt my Amendment, their tax relief would go to \$561. Think about that \$330 more money in the family checkbook for a family of four living on \$38,000. A family of four living on \$25,000 per year the current proposal before us would give them tax relief in the amount of \$136. If you adopt my Amendment, that family will now get \$330 of tax relief. A family of four, two wage earners making roughly making \$25,000 a year, combined family income of \$50,000 under the current plan they will get \$316 in tax relief. If you adopt this plan, they will get \$700 of tax relief.

What about the wealthy you may ask? Well, let's take a look. If they are earning \$75,000 per year the current plan would give

them \$335 in tax relief. The plan I propose would only offer \$224 in tax relief. At a \$100,000 of income, the current plan offers \$335 of tax relief. The plan I propose only \$231. This is an opportunity to adopt an Amendment that is fair, that is simple, that's direct and puts more money in the family checkbook for those moderate to low income in the State. It doesn't cost any more than the current proposal that's in the Budget for tax relief. It can be implemented without hiring new bureaucracies. And it sends a very positive message beyond our borders that tax relief especially for Maine's hard working families has been increased as a result of adopting this Amendment. I sure hope that we can take this opportunity to improve upon a plan that's good, to make it better on behalf on Maine families. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate. It's getting close to lunch time and I'm getting hungry, and it's about time we moved along. It's a discussion that we pretty much have had earlier today. This is a proposal to fund a Snack Tax in particular without sustainable funding. This is one time money. What happens next year? It would create another tail on the Budget. That's the problem with this. There are no problems with certain portions of it. I congratulate the sponsor for innovative thinking. However, I think that if we are going to give people tax breaks we should stay with the principle. When we give it to you, we mean it. It's going to be funded and it's going to be sustainable. This is not. So consequently, Mr. President, I move Indefinite Postponement of Senate Amendment "Q" and ask for a Roll Call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE**, Senate Amendment "Q" (S-667) to Committee Amendment "A" (H-1098).

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 Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate. I would only add to the debate in this way that the figures I have proposed in my Amendment does indeed provide certifiable ongoing tax relief to Maine families. It is below the amount of money that the Office of Policy and Fiscal Review Reports to us that is ongoing money in the amount of \$84.5 million a year. This is below that. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. May I ask a quick question just to check my math? How much does 47, 27 and 14 add up to. Could someone please let me know?

**THE PRESIDENT:** The Senator from Penobscot, Senator Ruhlin, poses a question through the Chair to anyone who may wish to answer.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Ruhlin, to Indefinitely Postpone Senate Amendment "Q" S-667 to Committee Amendment "A" H-1098.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE**, Senate Amendment "Q" (S-667) to Committee Amendment "A" (H-1098), **PREVAILED**.

On motion by Senator **LIBBY** of York, Senate Amendment "X" (S-675) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **LIBBY:** Thank you Mr. President. Senate Amendment "X" offers the same kind of funding mechanism that we used in the debate about two weeks ago. It is an attempt to reduce the sales tax from 6% to 5% using a funding mechanism that allows for a carryover into the next biennium. It carries over approximately \$50 million in the next biennium but allows for very close to current levels of spending in the Minority Budget proposal that has been worked on and is very close to the Majority proposed amount of spending for this year. And I was thinking that before the good Senator from Penobscot makes his motion, I might offer him Al's Pizza. We just got a list of today's specials and I knew that he was hungry so I thought that he might want them. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate. I move Indefinite Postponement of this Amendment and ask for a Roll Call. In the meantime I'll take a look at Al's Pizza menu.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE**, Senate Amendment "X" (S-675) to Committee Amendment "A" (H-1098).

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 Ruhlin, to Indefinitely Postpone Senate Amendment "X" S-675 to Committee Amendment "A" H-1098.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE**, Senate Amendment "X" (S-675) to Committee Amendment "A" (H-1098), **PREVAILED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "E" (S-650) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. Ladies and gentlemen of the Senate. This is an even simpler Amendment than the last one I put in and probably not quite as grand in the sense that it hasn't been noted in recent editorial pages but I think that it's a good matter of public policy. This Amendment would simply eliminate any position, 52 week position, in State Government that's vacant for six months or longer. It would simply do that. In my view, when you are relying on taxpayers money and if you don't need a position enough to fill it within six months then probably it's not worth appropriating money for it. And so it's as simple as that. The Amendment would eliminate those positions vacant for six months or longer with the effective date of this act. I encourage you to support this Amendment and I ask for a Roll Call.

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 Oxford, Senator Bennett, to Adopt Senate Amendment "E" S-650 to Committee Amendment "A" H-1098.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**NAYS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "E" (S-650) to Committee Amendment "A" (H-1098), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "O" (S-665) to Committee Amendment "A" (H-1098) **READ**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. Senate Amendment "O" is an Amendment that I hope you will join me in to prevent a tax increase. Under the guise of wanting to expand the Low Cost Elderly Drug Program, certainly a worthy goal, supported unanimously under the hammer when the Legislation came through this Body. Upon closer examination aside from the \$2 million appropriation that was in the Budget to expand the program, we have also singled out one industry for an additional 6% tax, or perhaps more politically correct a mandatory rebate program. The Supplemental Rebate Program which would apply to the entire State Medicaid Program as well as to the Elderly Low Cost Drug Program that the State, the language in the Budget states that the Department of Human Services, would have to apply to the Healthcare Financing Administration for a waiver. What my Amendment simply says is that the Rate Rebate Program that is in the Budget would go into effect after the waiver is approved and that a 6% tax would be collected at that time. The pending language says we are going to go and spend \$2 million in the Budget to expand the program which is a public policy decision that we made, which I have lent my support to. But it goes further and says that we are going to add a tax to this industry to further expand the program. There was no Public Hearing on this portion of the Bill. If this Amendment does not prevail, Maine's mandatory supplemental program will be the only one of its kind in the country.

Having done so after, in fact, the State of Washington had one but repealed it because it didn't work. Their cost went up

and some of the companies pulled out. In Illinois they considered instituting a supplemental rebate but after a review of Washington's experience decided not to proceed. California does not have a Supplemental Rebate Program. It was repealed two years ago. What California does have is a negotiated settlement with manufacturers on a product by product basis. And the manufacturers are either forced to opt in or opt out of the program. I think it's also noteworthy that currently manufacturers are already paying a minimum of a 15% rebate. I could go on and on but I think that you get the gist of what my point is. We are saying to one particular industry, we're going to single you out for an additional 6% tax, on an industry that I would think that we would want to help grow. In fact, I had placed on your desk a minute ago and I hope you had an opportunity to read a Statement from the Maine Biotechnology Association. In fact, one of their Members is providing unique serum for the pharmacology industry that they believe this sends the wrong message to this industry, that we are going to single you out for a special tax. My hope is that you will Adopt the pending motion. We will still appropriate the \$2 million to the program and we simply say that before you impose this additional tax on our program here in Maine, you must obtain a waiver from HIGFA. It's only fair. It makes sense. I hope you will support it. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you, Mr. President. Men and women of the Senate. Because I know that all of my colleagues are trying to be very brief in their comments with so many Amendments to consider today, I will do my best to be brief about what is somewhat of a complicated issue. A little bit of history: the Prescription Drug Program that's before the Legislature in this Session actually came before us last Session, it was part of the Bill when we increased the Cigarette Tax we looked at prescription drugs for the elderly and healthcare for children as a stream for where that revenue would go. That Bill was vetoed and in response to that we set up two separate Commissions, one to study prescription drugs for the elderly and one to look at children's healthcare. What you are looking at before you today is the result of the work done by that Commission. We had a bipartisan Commission including members of the industry who got together and looked at this very serious problem that senior citizens did not have access to prescription drugs. We felt if they weren't getting their drugs and taking them, it resulted in higher costs down the road. It meant that the people were having more nursing home admissions, more hospital care because they weren't taking their drugs. People told us time after time, I take my drugs every third day, I have to decide whether to buy lunch or buy my drugs, and we decided that was not right and came up with a plan that has many facets to it. One is to increase the amount of money available now in our State program. Another is to go for a Medicaid waiver and ask the Federal Government to partner with us so we can greatly expand the program. You're hearing a lot of talk today about this particular aspect of the program which is part of our partnership with the pharmaceutical industry in this program. I've heard it called a mandatory charge. I've heard it called price controls, a tax on a single industry. What it is in fact is a deeper discount than we are currently receiving but in addition to the discount that we are getting and something that the Federal Government allows us to do. Right now we get a rebate or a discount that amounts to about 15% for

all the drugs we buy through the Medicaid program. When I thought about this and looked at the way the Medicaid program worked, I decided that this was not too big of a burden to ask any one industry when I remembered that doctors under the Medicaid program who got a raise this year to 50% still only get 50% of their costs when they provide a service through the Medicaid program. Dentists get something like 38% and hospitals get under 50%. So everybody who participates in the Medicaid program with us gets less than full cost. Currently the pharmaceutical industry under the Federal Rebate Program gets 85% of their costs. Under what we believe is allowable under Federal Law, we are applying for a HCFA approval to ask for another 6%. That brings in an additional \$2 million and helps us to expand the program beyond what we were able to do in the Appropriations process. We had unanimous agreement on expanding this program from the Health and Human Services Committee and the Appropriations Committee, in effect, we had unanimous agreement on this language in both of those Committees. What we are doing now is asking for them to partner with us. We're putting up \$2 million. We've asked them through greater discounts to put up \$2 million, too. I've heard a lot of talk about other states doing it. This is perfectly allowable and California does have a program similar to ours. We do not have a mandatory program and they have a voluntary program. This is in fact voluntary. Anyone who chooses to do business with the Medicaid Program and sell us drugs needs to offer these discounts. Each one is individually negotiated through the Department. There were a lot of concerns as we were working on this language over the last week or two, once the pharmaceutical industry decided to come in and start talking to us about it. I have met with them and Committee Members have met with them several times. We've made sure that there is language in there that allows the Department to opt out of the program if it's not legal under State or Federal laws. If they find that any drug that they consider essential will no longer be offered to us by the pharmaceutical industry, they are allowed to opt out. We've put as many conditions in the language as we possibly can to make sure that seniors are protected and that the Medicaid Program is protected but that seniors can get greater access to drugs. I think this is a perfectly legitimate partnership for us to enter into. There was some talk about California losing access to drugs and to the best of my knowledge reading the audit from California about sixteen drugs were no longer made available out of the 600 that they receive. Well, we have put language in there that says the Department of Health and Human Services can change the program if they need to. There's language in this Law that says let's wait till we get the waiver. Let's not do this until we get the waiver. The fact is the State is increasing its participation right now. We're not waiting for the waiver. We've committed \$2 million in this Budget to increase the program for senior citizens. We're asking the pharmaceuticals industry through discounts much smaller than hospitals, doctors and dentists now have to give us. We're asking them to increase their participation as well. In closing, I just want to say that we have to remember who we are doing this for. These are senior citizens who have come to us in great numbers saying to us that they cannot afford access to prescription drugs and because of that they are not as healthy as they could be and they are having more hospitalizations and nursing home care than they should. This folder represents petitions that we have received in the last couple of weeks from senior citizens who have just heard about it and want to make sure that this Bill is passed. Mr. President, I move the Indefinite

Postponement of this Amendment and all of its accompanying papers, and I urge all of my fellow legislators to support me in this motion. I request the Yeas and the Nays.

Senator **PINGREE** of Knox moved to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-665) to Committee Amendment "A" (H-1098).

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 Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President. Ladies and gentlemen of the Senate. Being a Member of the Health and Human Services Committee and having worked on L.D. 2218, yes, we were unanimously in support our elderly with prescription drugs and providing more access to them but there was one phase that we had to eliminate in that unanimous vote and that is the fact that from going from \$8 million and reducing the amount of moneys we did and we were not able to recognize the amount of moneys and income level of increasing that income level which would also increase the poverty level. And by doing this and actually putting this Amendment into affect and not holding this, this Amendment does not repeal the tax, it just is saying that it will be implemented after HCFA. If we not do that and we follow the direction of the good Senator Pingree, what's going to happen is a cost shifting. You are going to see prescription drugs increase, and what's going to happen to the people that we were trying to address on behalf of this problem with a low income that will not benefit from the wide broad base of increasing the illnesses that they would be to acquire drugs for. But you are not addressing the people with the lower income level that will not be eligible for that. We are only utilizing one factor and we are putting a burden on these pharmaceutical companies so that they will not be able to, and we will not see the light at the end of the tunnel and be able to broaden and also increase the income level. So we are again putting an additional burden with cost shifting back to the people who are not Medicaid eligible but are on just a few dollars maybe over the income level and are going to have to assume the additional cost of this burden. So I would ask you to vote against the Indefinite Postponement of this Amendment because we need to again look at working together with these pharmaceutical companies to make prescription drugs available for our elderly on two facets, on the low income level as well as more serious illnesses and be making more prescriptions available. There are two facets to this and we are only addressing one and shifting the cost burden to a very important entity which is our elderly who are not Medicaid eligible but are right there at the edge and need the help with increasing the income level. So this is not repealing the tax again. It's just saying wait till you get your HCFA and then when this waiver is approved then implement the tax. So, I would encourage you to vote against the Indefinite Postponement.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow Members of the Senate. You know there are often times during this Legislative process that I wish I had more time and more

energy to work on issues. Particularly as a Member of the Appropriations Committee, I'm constantly bombarded with these very important policy issues which has fiscal impacts, and this is one of those. This Amendment which is in the Budget, not the one that the pending Amendment seeks to deal with, is I think, an example of the kind of problems that we create when we try to solve problems in the Appropriations Committee rather than before the policy Committees. I did support the language that is in here, and I did so feeling that the appropriate parties were on board. There were a lot of people in the room, they were talking about the issue and they were working toward compromise, however, in retrospect there was a very important entity that wasn't present and that was the pharmaceutical companies who have legitimate issues and concerns over the way that this matter was drafted and included in the Budget. In my opinion, this matter shouldn't be in the Budget. This matter like so many others should be on the Appropriations Table awaiting funding. This expansion of this program means some other worthwhile programs are not going to get funded on the Appropriations Table, and maybe that's fine. Maybe that choice would have been anyway. But you know the more time that you let an issue go through the process, the more chances that you are going to do the right thing because as parties become aware of what's in the Amendment they are able to react and able to accommodate legitimate issues that are raised during public policy debates in the final version. So I have to say just in general that I am really unhappy about this whole debate on this issue. I'm unhappy because I don't believe that what's in the Budget, that this Amendment that we are talking about seeks to redress, even gets at the principle problem that I would like to deal with in respect to low cost prescription drugs. I don't know about the rest of you in the Senate but the calls that I've been getting and the one's that meant the most to me were the people who said, legitimate cases of people who are just over the income threshold currently in Law, 13,000, you know they might be making \$13,000 or \$15,000 a year and yet they may have prescription drug bills of \$400, \$500 or \$700 a month. Those people are not helped at all by either the Amendment that the good Senator from Cumberland, Senator Harriman puts forward or by the matter in the Budget. That's why I say that I really wish that I had more time and energy because I would really like to deal with that problem, and that's the problem that I think everybody in this Senate has heard most and which is rung true in our hearts. And I appreciate the hard work that the Senate Majority Leader has put on this issue because it's an important issue but I just regret that we kind of went down this path for fiscal reasons because we were concerned about paying an extra 1 or 2 or whatever the cost was million dollars to create some equity in this program. Because of that we adopted this path with which I am not at all happy with. I say that really to put some perspective on this and to suggest that this is one issue that I would be much happier dealing with on the Appropriations Table and would work to fund on the Appropriations Table to solve what I consider to be the real problem which are these people who don't meet this income eligibility requirement and yet have a tremendously onerous prescription drug Bill that they have to pay every month. The stories are true that people do cut their prescription drugs in half in order to provide themselves some sort of relief at the same time of meeting their other obligations. This is an unpleasant vote that I am going to have to cast today. While the vote in the Health and Human Services Committee was not unanimous, it was for better or worse in the Appropriations Committee. I'm not saying that what we did was perfect and I

certainly think that we should improve it, and I would work to improve this Bill through the proper mechanism which is the measure which is on the Appropriations Table, which we should be dealing with soon. So, I appreciate the attention of the Senate and I thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate. before we take the vote, I just want to State for the record that there is no effort to undermine the good efforts of the Senator from Knox, Senator Pingree. We should also know that the State of Maine's State Medicaid Program already receives the best price of prescription drugs sold anywhere in the country, and that the current program for rebates generates more than \$19 million to the State of Maine, that the Legislation that we have before us is permissive to expand the program and that no one is objecting to that. All I'm simply asking is that before you impose an additional tax, isn't it fair and prudent to wait to receive the waiver. If we receive the waiver on we can go. It's as simple as that. Thank you, Mr. President.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: BENNETT, CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-665) to Committee Amendment "A" (H-1098), **PREVAILED**.

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The President requested the Sergeant-at-Arms escort the Senator from Penobscot, Senator **MURRAY** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

The Senate called to order by the President Pro Tem.

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On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "K" (S-657) to Committee Amendment "A" (H-1098) **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate. In this Session we have had several Bills that have come before us to correct some gimmicks some would say, some flaws, some mistakes, some unfair actions in the midst of mistakes of so-called economic forest fires that we came out of in the last Session. Many of those have been centered around decisions that were made surrounding the State Retirees Pension Plan. And as you know we have had Legislation before to change the contribution level of State employees to what it was prior to 1992, to change the vested schedule and several others. But one in particular deserves our attention at this important time and that has to do with the unfairness that was inflicted upon the Members of the State Police, the 38<sup>th</sup> Troop, who were unfairly and unjustly denied their pension that they were offered when they applied to become State Police Troopers. This Amendment which I seek your hardy endorsement of simply says that we will take \$2.8 million from the Rainy Day Fund to fund the promise that was made to these hard working professional law enforcement officers when they became a Member of the 38<sup>th</sup> Troop. So I hope that you will join me in supporting Senate Amendment "K". Thank you.

On motion by Senator **MICHAUD** of Penobscot, 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 called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**NAYS:** Senators: CAREY, CATHCART, CLEVELAND, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LONGLEY, MICHAUD, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY

**ABSENT:** Senator: DAGGETT

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "K" (S-657) to Committee Amendment "A" (H-1098), **FAILED**.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1098) AS AMENDED BY HOUSE AMENDMENTS "E" (H-1109) AND "G" (H-1111)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/98) Assigned matter:

**JOINT ORDER** - relative to establishing the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators

H.P. 1653

Tabled - March 23, 1998, by Senator **RAND** of Cumberland.

Pending - **PASSAGE**

(In House, March 20, 1998, **READ** and **PASSED**.)

(In Senate, March 23, 1998, **READ**.)

On motion by Senator **PINGREE** of Knox, Senate Amendment "A"(S-661) **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you, Mr. President. What this Amendment does is merely replace the language that allows this Study Committee to have meetings as often as necessary with language that says up to four meetings. That's it.

On further motion by same Senator, Senate Amendment "A" (S-661) **ADOPTED**.

**PASSED AS AMENDED BY SENATE AMENDMENT "A"(S-661) in NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

The Chair laid before the Senate the following Tabled and Later (3/4/98) Assigned matter:

**SENATE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for the Year 2000 Project"

S.P. 734 L.D. 2012