

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

WHEREAS, throughout its history, Israel has been the most reliable and most trusted ally to the United States in the Middle East; and

WHEREAS, since its founding 50 years ago, Israel has built a modern western nation with the only democracy, free press and independent judiciary in the Middle East; and

WHEREAS, Israel has been attacked 3 times during its existence by neighbors committed to Israel's destruction and Israel faces ongoing security challenges including threats posed by well armed rogue regimes, such as Iran, Iraq and Syria; and

WHEREAS, the people of Israel, having endured the heavy social, economic and human costs of 5 major wars and countless terrorist attacks, remain strongly committed to the pursuit of a real peace; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, congratulate the people of Israel on the 50th Anniversary of the founding of the modern State of Israel, and reaffirm the historic, mutually beneficial and special relationship of friendship and cooperation that exists between the United States and Israel; and be it further

RESOLVED: That we recognize the historic significance of the 50th Anniversary of the reestablishment of the sovereign and independent modern State of Israel, we commend and congratulate the people and political leadership of Israel for their remarkable achievements in building a new State and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors; and be it further

RESOLVED: That we recognize Jerusalem as the eternal, undivided capital of Israel and we extend our best wishes to the people of Israel for a peaceful, prosperous, successful and eternal future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Ambassador of Israel to the United States, the United States Secretary of State and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

SECOND READER

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

House As Amended

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
(H "E" H-1109; H "G"
H-1111 to C "A" H-1098)

READ A SECOND TIME.

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

Senator **SMALL:** Thank you, Mr. President. I'd like to pose a question through the Chair to anyone on the Appropriations Committee that would care to answer. I believe, on page 109 of the Bill under section D-4 under Part III, it talks about the legislature's contribution. The Commissioner's recommendation for an appropriation for the legislature's contribution to the pupil guarantee for all subsidizable pupils in the school administrative units, and then it strikes out, "must be at least" it says and replaces it with, "may not exceed the amount of the corresponding appropriation for", then strikes out, "prior", and puts in, "current fiscal year, unless a lesser amount is necessary to insure compliance with section 15607, subsection 7", and the appropriation for Chapter 606 of this chapter may not exceed- it strikes out "105%" and puts in "100% of the corresponding appropriation for the current fiscal years". And then it says, "additional appropriation for General Purpose Aid for local schools under Chapter 606 and this chapter for the Legislature's contribution may be requested in a supplemental appropriation Budget Bill". Could I please have an explanation of what this language does in the Budget?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you, Mr. President. Primarily what this Amendment does is for the purpose of the structural gap. When we deal with the structural gap they figured on 5% that's currently in the statutes. What this Amendment is proposing to do is they will no longer figure the structural gap of up to 5%. So what would happen if the Department of Education or the Governor would want to spend more money on General Purpose Aid, they would have to ask for additional money in the supplemental Budget. Which is what we have to do under current law at this time.

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

Senator **SMALL:** Thank you, Mr. President. It is my understanding, currently, that the Commissioner makes a recommendation which is capped at 105% of the previous year's amount which our committee authorized a Bill out of committee to get rid of the cap on the amount that the Commissioner can propose, and now it sets the cap at last year's cost. Is that correct that they will not be able to put in Part One Budget any increases for GPA?

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

Senator **CLEVELAND:** Thank you, Mr. President. Let me see if I may respond to this. The direct response to the immediate question is no. The Department and or the administration may recommend any amount they want, as a matter of fact any amount over the 5%. There is no limitation on what they may wish to recommend and put in their Budgets that they submit on a biennial basis. It really more accurately represents what we have been doing over the years, even though we've had this 5%. Of course what has been happening is that when we've had less money to do that, we've provided less than the 5%. And, unfortunately in some years we've flat funded. But, what happens in those years in the estimation of what future costs would be as long as the 5% is included in here, it has to be calculated as future expenses for the purposes of a structural gap for future expenses. This does not limit at all, as a matter of fact, it allows and recommends that both the Commissioner and Governor make any recommendation that they feel is necessary and appropriate and it could be beyond the 5% if they wish.

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

Senator **SMALL:** Thank you, Mr. President. I apologize to the Senate for my difficulty in understanding this but, apparently that is shared also by the superintendents of the State and perhaps Members of the Department. I'm reading here that the appropriation may not exceed 100% of the corresponding appropriation for the fiscal year, the current fiscal year that's here. The question is, will the Commissioner be able to recommend for the Part I Budget an increase over the previous year's expenditures?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. The answer is an emphatic yes!

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

The Doorkeepers secured the Chamber.

The Secretary 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, was **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 concurrence.

Senator **PINGREE** of Knox moved to **RECONSIDER** whereby the Bill was **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 concurrence.

The Chair ordered a Division.

On motion by Senator **HARRIMAN** of Cumberland, 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, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **RECONSIDER** whereby the Bill was **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 concurrence, **FAILED**.

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.

ORDERS OF THE DAY