

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

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FRIDAY, JUNE 17, 2005

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

### ENACTORS

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

#### Act

An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures  
H.P. 1199 L.D. 1691

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. One of my roles as Majority Leader is to articulate Democratic positions on key issues. I truly hope that tomorrow, when the newspaper headlines are written, what it shows and what they say is that the Legislature passed a budget. Not a Democratic budget. Not a Republican budget. A legislative budget was passed. Earlier today there was some debate as to what is in the budget, who made cuts where, what were the size of those cuts, and how they might impact different people in the state. I truly hope that the real message that comes across tomorrow is that this budget relieves or takes away the uncertainty that has surrounded the budgeting process for the last three or four months. That uncertainty is that communities around the state know that their school funding will be there, the property tax relief is there, and that healthcare programs for people that need those programs will be there too.

A couple of years ago, in fact it was three years ago, when I first ran for the Senate I had a Green Party opponent. What the Green Party opponent said is that there is no difference between the Democrats and the Republicans. Can't tell the difference between the two of them, so consequently you should vote for the Green person because they are something different, something new. Democrats and Republicans agree on everything. You can't tell the difference between the two. I think during this session what we have seen is that there are differences between Democrats and Republicans. During this budget discussion that we just had we saw what some of those differences were. We also saw what the common ground was, the areas of agreement. We had bi-partisan support on property tax relief. We had bi-partisan support on the Part 2 budget. We had bi-partisan support on civil rights. On much of this budget we also had common agreement. I hope, over the next several weeks, we will also come to a bi-partisan support on the bonds. We have much that we agree upon and much to work from.

Over the break in April I had the opportunity to go to Charleston, South Carolina. It was the first time I'd been to Charleston. It's the home state of the good Senator from Kennebec, Senator Mitchell. When I was there for the first day, I went on a buggy tour of Charleston. It was a beautiful tour. About three-quarters of the way through the tour the tour guide was talking about something and pointing out something and said South Carolina ranked 49<sup>th</sup> in the country in their educational

system. He kind of turned to the people on the tour and said, 'Thank God for Mississippi.' I said, 'Why did you say thank God for Mississippi?' He said, 'If it weren't for Mississippi we'd be 50<sup>th</sup> in the country in our educational system.'

There are a lot of things that we debate in terms of what is wrong with Maine. Taxes being too high. Not always everything that we'd like to see in different parts of the state in terms of jobs and economic development and economic growth. We do have a very good education system. We have one of the best in the country. One of the highest ranking. We have a good university system. We have a lot of things in the State of Maine that are good. I think this budget is an opportunity for us to build on those good things as we move into the next session and that this budget will be an opportunity for us to continue to expand those things that we think are important. The people that are winners in this budget are the citizens of the State of Maine, not Republicans, not Democrats, but the people of the State of Maine. Thank you and I hope you will join me in enacting this budget.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Madame President and I compliment the Majority Leader for his remarks. I found this debate tonight very interesting, to say the very least. I sat here all evening and I listened to both sides speak. I was moved by speakers on both sides. I told speakers on both sides that I was moved by their talk and by their remarks. I was moved because everyone has a concern for the State of Maine and its people. Everyone here in this body has a concern. There may be differences on how we address those concerns, Madame President, but they all have a concern. I was also moved just a moment ago by the Majority Leader when he said there are no winners in this body, no political winners, and it is the people of Maine that have won. Differences, we shouldn't despair that we have differences. That's how we grow and that's how we come to be what we are and why our country is so strong and why we have the prosperity that we have. It is because we had differences. We are free men and women to pursue and seek what we want. That is different than all the Communist nations and all the dictatorships and all the rulers who would deprive men and women of those freedoms. In those places where they don't have those freedoms, what do they have? Nothing. Despair. Starvation. Killings. Murders. Raping. You name it. Everything that is bad. Don't despair over differences. It makes us strong. The best thing about differences here is that we have respect for each other and that we can agree and disagree agreeably. That makes it worth it all.

It's been a great honor to serve here. As you know, I'm in my last term. When I first came here I wondered if there were any differences as the Majority Leader spoke of tonight. I'm pleased that there are because we wouldn't grow if we didn't have differences. Our side believes more in the free enterprise system. There is no question. The other side believes in government solutions. Absolutely. Both sides are well intended. I'm very proud of everybody here and thank you very much, Madame President.

**THE PRESIDENT:** The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

FRIDAY, JUNE 17, 2005

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#280)**

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senators: DOW, TURNER

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Off Record Remarks**

Senate at Ease.

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Saturday, June 18, 2005.

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

H.P. 594 L.D. 835  
(S "A" S-381 to C "A" H-523)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve**

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education

H.P. 899 L.D. 1302  
(S "A" S-385 to C "A" H-570;  
S "A" S-325)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1202

**JOINT RESOLUTION HONORING DAVID C. ELLIOTT ON THE OCCASION OF HIS RETIREMENT FROM STATE SERVICE**

WHEREAS, David C. Elliott is retiring from his current position of Director of the Office of Policy and Legal Analysis, a nonpartisan staff office of the Legislative Council of the Maine State Legislature, and from state service; and

WHEREAS, David Elliott has served the State of Maine with dedication for 30 years and has earned the respect and affection of all who have worked with him, including Legislators, colleagues and friends, for his high professional standards, his commitment to excellence and his indefatigable and inspirational character of gentle strength, quiet humor, and knowledge of and sincere respect for the institution of the Legislature; and

WHEREAS, David Elliott is a native Mainer, who was born into a farming family in Waterville and educated in local schools, earning a bachelor's degree in economics from Colby College,