

MAINE STATE LEGISLATURE

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One Hundred and Nineteenth Legislature
State of Maine

Volume 4

Second Regular Session (Continued)
April 14, 2000 to May 12, 2000

Second Confirmation Session
August 31, 2000

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**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
April 25, 2000

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Senator Marge Kilkelly of Lincoln County.

SENATOR KILKELLY: Let us join in the spirit of prayer. God, Holy Spirit, Ever Present One. Known by each and every one in our own way. Expressed by every being by our own breath. Shown to us by the song of a bird, the laugh of a child, the smile of a friend, the warmth of the sun, the comfort of Your love, especially in times of need. You are with us this day and only You can open our eyes, ears, heart, soul, and spirit to Your presence. These times are a challenge to us as we face the work that You have prepared for us. Help us to remember that we are all here because we care about this state, and while we may take a variety of paths to get from here to there, we're all reaching into our hearts, souls, and minds to discern Your will. Grant us courage in times of fear. Patience in times of stress. Energy in times of weariness. Joy in times of sorrow. Clarity in times of confusion, and faith at all times. Hold our families and loved ones in the palm of Your hand; those with us and those who are with you. Make us grateful and ever respectful of the staff who supports our work in this place. Most of all bring us your faith. All this we ask in Your name. Amen

Reading of the Journal of Monday, April 24, 2000.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Limit Mandatory Overtime" H.P. 729 L.D. 1019
(S "A" S-630 to C "A" H-893)

In Senate, April 8, 2000, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1950, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY HOUSE AMENDMENT "A" (H-1145)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

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

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

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/24/00) Assigned matter:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 1790 L.D. 2510

Tabled - April 24, 2000, by Senator **RAND** of Cumberland.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1140)**, in concurrence

(In House, April 24, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)**.)

(In Senate, April 24, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)** Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-1140) **READ**. On motion by Senator **MILLS** of Somerset, Senate Amendment "I" (S-731) to Committee Amendment "A" (H-1140) **READ**. On motion by Senator **RUHLIN** of Penobscot, Senate Amendment "I" (S-731) to Committee Amendment "A" (H-1140) **INDEFINITELY POSTPONED**.)

The Chair ordered a Division.

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

On further motion by same Senator, Senate Amendment "G" (S-729) to Committee Amendment "A" (H-1140) **READ**.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Senate Amendment G is, in fact, the minority report on the supplemental budget. I wanted to just highlight this morning some of the major pieces, or major components, of the minority budget. First of all, and I think very importantly, the minority report puts a very strong emphasis on education. Of first importance in priority is General Purpose Aid to education. The majority budget appropriates \$18.5 million for General Purpose Aid to education. The minority report appropriates \$28 million to General Purpose Aid to education. We feel that General Purpose Aid to education must be the top priority in a time of surplus funds. Because of the additional monies being made available for General Purpose Aid to education, the GPA cushion does not need to be as high as it is in the majority report. Our report also puts an additional \$3 million into school renovations for a total amount of \$30 million.

I think very importantly, the minority report recognizes the importance of our retired teachers and their need for more state assistance with their health insurance coverage. So we are increasing, from 30% to 35%, the state's share of participation in the health insurance costs for our state teachers who have retired. We realize that the state employees have 100% benefits and slowly, as our economy has improved, we have been trying to bring our state retired teachers closer to parity with our state employees. Our budget recognizes at least this 5% increase at this time of plenty of extra monies available in our state. So investing in education is of primary importance in the minority budget.

There are several similarities between the minority and the majority budget. I think most of the social service issues have been addressed very well in both budgets. The major difference is that our budget does not require any borrowing in order to balance the budget and we do not set aside funds for an endowment fund, a technology fund, or a laptop fund. We do, however, use \$8 million that is available now for technology. We do believe that by investing more money in General Purpose Aid to education that local school districts will be able to make up their own plans, to implement their own technology plans, in a way that makes sense for their local school district rather than a one-size-fits-all plan from the state. Investing in General

Purpose Aid to education allows for each local school district to do what's best for their own district with technology and with other needs.

Another major difference between the minority budget and the majority budget is the structural gap. The structural gap in the minority budget is between \$200 and \$210 million. That's still a very large structural gap. We wish that we didn't have any. However, it is about as far as we were willing to go and still feel that we were presenting a fiscally responsible budget. The structural gap in the majority budget is at least \$50 million greater than our structural gap.

I think as you look through the two reports you will find a lot of commonality and I give credit to the Appropriations Committee who worked so hard, who listened to the needs of different groups as they came before that committee and who made their case for why they were deserving of more funds. I think that most of these issues were taken care of in our biennial budget. As we look at being fortunate enough to have a \$345 million surplus, I hope that we will target what we feel are the priorities in the state. I think there's one thing that both of our parties agree to, and most people in the state agree to, and that is that education should be the number one priority in our state. That's why I urge you to consider carefully the two proposals that are before you. I would urge your acceptance of this amendment, which is, in fact, the minority report and replaced the majority committee report. 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, I know we're all anxious to take a vote, so I will speak only briefly. But I want to remind my colleagues of one thing, this is a minority report. I want to thank everybody who has worked hard for the last couple of weeks on crafting a budget, maybe it's been 3 weeks, 4 weeks, I don't know. Many of us and all of you have spent long hours with your committees, sitting by as part of this process, and negotiating in rooms to figure out what would be a consensus budget. The reason I cannot support this particular amendment, or the minority report, is because it does not reflect the compromise that we all came to in putting together this budget. If, in fact, you think about the fact that it takes about 5 different players, 2 caucuses in the other body, 2 caucuses in this body, and the Executive Branch to come to a compromise on a budget, we all need to find a position that we all agree on. This particular report did not succeed as a compromise because all 5 of those particular players did not agree. That is part of this process that we go through and I stand by the process that we've gone through and appreciate all the hard work that people did. Any one of us could stand up and write a minority budget. I would be happy to do that today and there are, of course, many things in this budget that I'm sorry we were unable to include in a compromise that included all of us. I would love to be delivering this morning what my perfect budget would look like, what my caucus of 1, what my caucus of 20 might have liked to see as their perfect budget. But that is not, in fact, how things work in this process. We all give a little, we all take a little, and we find something that works for all of us. I am proud of the fact that we came to that agreement in the majority report and hope that we will all be able to pass that today. So I urge your opposition to this particular minority report and hope that you will vote that way today.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I'm voting against anybody who will not vote for this amendment for 2 or 3 very fundamental reasons. I think it's possible, first of all, to reach compromise if you compromise the future of the State of Maine. That's what this budget has done. If you borrow money and run up a \$268 million structural gap, you can reach a compromise because everybody who has signed onto the compromise has been bought off with some sort of spending that suits his or her own idiosyncrasy. In the meantime, we've left it to the 120th Legislature and the 121st Legislature to solve all of the problems that may well be created by this budget. If the federal judge breaks Microsoft up into pieces and the NASDAQ drops to 50% of its present value, then stand by because the summer visitors won't be here. When they fail to come, we will fail to have the gas tax revenue, the sales tax revenue, and the income taxes that will be necessary to sustain a completely irresponsible package of spending for the future. That's why I will vote for the minority budget and not for the majority budget. Thank you.

On motion by Senator **AMERO** 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 opened the vote.

The Chair noted the absence of the Senator from Sagadahoc, Senator **SMALL** and further excused the same Senator from today's Roll Call votes.

ROLL CALL (#405)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

NAYS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "G" (S-729) to Committee Amendment "A" (H-1140), **FAILED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. If there's one resounding theme that has reverberated in this chamber, and among the members' comments outside of this chamber, I believe, is a general opposition to the notion of taking a large sum of money, in this case of the majority report. It puts forward about \$30 million in direct appropriation for the purpose of buying laptops for 7th graders. We've heard that this budget doesn't include laptops for 7th graders. If it doesn't include laptops for 7th graders then what is the \$30 million direct appropriation all about? The truth is we don't know. Coincident with the uncertainty, or outright opposition to that spending, I've heard from both sides of the aisle a great deal of talk about the need to do more for school renovations. Therefore, I put forward Senate Amendment "J", which does a very simple thing and that is it de-appropriates the \$30 million from the Maine Learning Technology Endowment, the laptop fund if you will. It de-appropriates that \$30 million and re-appropriates it to what I've heard is a higher priority from members in this body and that is fixing our schools and providing more money for General Purpose Aid. Indeed, what this amendment would do is to increase General Purpose Aid in this budget for next year by \$9 ½ million, up to that \$28 million level, which a lot of superintendents around the state and a lot of schools, a lot of teachers were hoping for and expecting out of this surplus. Indeed, just this morning I spoke with the superintendent of my local school in SAD 17. He was much chagrined that he was going to have to rewrite his budget now because every message he was getting out of Augusta and the State House was that \$28 million would be the figure. Lo and behold, the budget puts forward \$18 ½ million.

First and foremost it takes that money and puts \$9 ½ million to ramp up General Purpose Aid to \$28 million. Secondly, it takes the balance of that money, the other \$22 million and change, and puts it toward school renovation. The third thing it does is that it corrects the mistake, in my view a mistake, of taking \$20 million out of expected lapsed balances and putting it into this technology fund and redirects that money to where it should go, which is to the unfunded liability in the retirement system.

Therefore, I put forward Senate Amendment "J" believing, in fact knowing, that Senate Amendment "J", if all of us in the Senate here could put forward a budget, I think we would go for this priority GPA and school renovations above this uncertain, ill-conceived, ill-defined laptop proposal or technology proposal, whatever it is you wish to call it. I'm hopeful that we can improve this budget by putting forward and adopting Senate Amendment "J". Therefore, Mr. President, I ask for your support 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 Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Thank you Mr. President. Ladies and gentlemen of the Maine Senate, first of all let me say it's wonderful to see that sun out this morning after the week of rain and whatever it was. While we're looking at that, perhaps we should think about a brave new vision for the century that's coming along toward us. Sometimes I think we have a tendency to take new ideas and disparage them just because they are new. We are coming into an age of advancing technology where technology itself is growing almost faster than our ability to keep track of it. Without investing in technology, we will be left behind. If you stand still in today's global economy and today's global technology you'll fall behind. What this is, this is a brave vision. I say that purposely. To prepare Maine for the 21st century and does it in such a way that I'm surprised at those people who pride themselves on fiscal prudence overlook.

We have two types of money. We have one-time money that comes into this state that will not be there perhaps in the future. If you take that particular one-time money and convert it through an endowment fund into reusable money to reach out into the future, to give that technology training, to plan for that new century; then you've taken that one-time money and converted it into the ongoing money which is so valuable here. That's the secret and that's a great point that I haven't heard mentioned enough about this majority budget. This particular amendment proposes to undo what I feel is a touch of genius in that majority budget. Taking one-time money, planning it for Maine's technological future, and thereby, converting it into ongoing money. That is a brilliant plan. That is what this amendment would undo. I therefore ask that you join me in voting to indefinitely postpone this amendment, and Mr. President, I ask for a roll call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140).

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 Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#406)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "J" (S-732) to Committee Amendment "A" (H-1140), **PREVAILED**.

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

Senator **BENNETT**: Thank you Mr. President. In the spirit of debating the pending motion, I would just like to state for the record that on that last vote I attempted to hit my "Request to Speak" button. I did several times but the technology failed. If that's not a good metaphor for the last vote, I don't know what is. I want to say this, and I was going to say it in conjunction with the last vote to indefinitely postpone Senate Amendment "J", but I'll say it about the committee report and that is this, the budgets are about priorities. That's all it is. A budget is a statement of priorities. If we believe that General Purpose Aid and funding that at the expected level of \$28 million in addition next year is a lesser priority than starting some ill-conceived and ill-defined vision, if you will, for a dream, a fantasy for the future, then we can vote for the pending motion. Unimproved as it is by the chance to have Senate Amendment "J" attached to it.

The other point I'd like to just simply address is this question of one-time money versus ongoing money. We hear a lot about that. The other important thing to remember in that context are two things. One is that budgets are comprised of one-time expenditures. In fact, every expenditure is at its essence a one-time event. The second thing to recall is that we are notoriously bad about projecting anywhere near accurate figures for spending and revenues over any period in the future. Indeed, the reason that we're dealing with the \$345 million surplus today is because just 10 months ago we couldn't foresee it. A third of a billion dollars additional coming into the state. Ten months ago we didn't see it. That is a clear indication that our ability to see into the future with any accuracy is just not there. So I encourage you to oppose the pending motion because it is even marginally, on the margin, is not improved by some of the amendments that have been put forward. I encourage you to, again, take a look at the options before us and with sincerity, I ask you to please not lose the moment. We have an opportunity here. We have an opportunity to redirect this budget, to redirect the fiscal future of this state. Don't let that moment pass. Thank you.

On motion by Senator **LIBBY** of York, Senate Amendment "K" (S-733) to Committee Amendment "A" (H-1140) **READ**.

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

Senator **LIBBY**: Thank you Mr. President. Women and men of the Senate, I apologize for lateness of presentation of this amendment. I was a little bit confused by the fact that we had lost our ability to press the "Request to Speak" button and also wasn't sure quite what motion we were on. Fortunately I am just in time to present Senate Amendment "K", which simply takes \$10,000 from unappropriated surplus and uses it to post all of our votes right after they're made onto the internet. I don't know why but this proposal has been around an awful long time. I'm wondering, since all other arms of state government are busy posting things on the internet just as fast as they can do it, why is

it that we're dragging our feet. I want to make sure that I had the opportunity to present that idea to the body and ask for a roll call when doing so. 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.

Off Record Remarks

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#407)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

NAYS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, KILKELLY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator **LIBBY** of York to **ADOPT** Senate Amendment "K" (S-733) to Committee Amendment "A" (H-1140), **FAILED**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140) **READ**.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Senate Amendment "F" is a very simple amendment. It tries to do one thing that is of great concern to many of us here in the chamber here today. That is to eliminate the borrowing that is associated with this budget through the Government Facilities Authority. It does that by de-appropriating \$30 million from the technology-laptop fund and it appropriates funds to build the psychiatric facility in Augusta. By not using the extra constitutional bonding ability of the Government Facilities Authority, which would cost \$33 million for this facility, and putting it up front in the budget, we are able to fund this facility for \$29,627,000. That's what this amendment proposes to do. By eliminating the \$30 million for the technology endowment, that then frees up an additional \$330,420 for other

uses. We would propose in this amendment that most of that money go into the unfunded liability to help reduce that liability for the Maine State Retirement System. We also propose that \$50,000 of it be appropriated for survivors of law enforcement officers who are killed in the line of duty. This is a Bill that was proposed before the Criminal Justice Committee. Unanimously supported by all of its members, and in fact, the only disagreement that that committee had was the amount of the benefit, most people wanting to make that benefit at least double the \$50,000 that the Bill had proposed. I feel strongly that this budget should reflect some benefit for those law enforcement officers' survivors who are killed in the line of duty because many of them end up losing their homes or their apartments because there is no benefit given to them immediately upon the loss of that breadwinner in that family.

This amendment is very simple. It removes having to borrow from the Government Facilities Authority to build the new hospital at AMHI. It gets that money by eliminating the laptop technology fund. It does provide more money for the unfunded liability as well as a one-time death benefit for survivors of law enforcement officers killed in the line of duty. Mr. President, when the vote is taken on this amendment, I 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 Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, let's get something perfectly straight this morning. Make no misunderstanding. Let's put it in the record. Let's go the people of the State of Maine so that everybody can understand the same thing. There are no laptops in this budget. Period, end of statement, true fact, just straightforward, no diversion from that truth. There is in here, however, a program for technology that says that we will be able to compete in the future. We are determined to compete in the future, and to do so we need the technology. The 120th Legislature will come back and make those determinations on how best to develop that technology for our future. That's what's in the budget, a technology endowment, which we just discussed a few moments ago, that will better prepare us to have, if you will hopefully a more successful economic future. There are no laptops in this budget, so it's not a question of swapping laptops for a building.

While we're talking about buildings, I would say to you when you are building a 40-year life, hopefully, or a 25-year life building, it's perhaps the wisest thing to do. It has long been recognized by economists, to spread out the investment over a period of time. This is nothing new. This is an age old honored tradition that makes economic sense. If you're going to have anything of major capital expense that lasts for 20 years, generally you fund it for 10 years. If it lasts for 40 years, you fund it for 20 years. The formula may vary. But you should use a bond funding, long-term mechanism. There's nothing wrong with that. It makes economic sense. It's been done. It's highly recommended. It's considered a prudent manner in the way of financing your capital investments. So, what the majority budget does, is it takes a prudent course in financing long-term capital improvements, like AMHI, and funds it properly. It does not contain laptops which I think myself and many others would be

opposed to. But it does very clearly take one-time money and converts it into long-time use for technological advancement for the people of the State of Maine so we can better compete in the future. Therefore, Mr. President, I would move indefinite postponement of this amendment and I would further request a roll call.

Senator **RUHLIN** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140).

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.

Off Record Remarks

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, we have a saying back home and the saying goes something like this, "If it's a duck, and you call it a goose, its still a duck." I just don't understand why we continue to say, you know, laptops and technology, and so forth. In this budget we have \$30 million. We have \$20 million if we have more surpluses; it's going to be the \$50 million that was originally asked for.

I must tell you, to back up just a bit, when this proposal first came forward I was one of the very few that actually saw some of the merit for technology, or laptops, or whatever we want to call them, a duck, or a goose, or whatever it may be. The reason I was in favor of it, number 1, I think, maybe spending 20 years in education I know it's important; and number 2, I think if we at least spend \$50 million on technology that it would be \$50 million we wouldn't spend someplace else. So I thought, "Let's put it into this." That was the reason I was concerned about it. But as time draws nigh here at the end of the 119th Session, I think back to what we have done as a group in both bodies and where we were a year ago. I can remember that we were looking at over \$300 million surplus last year and we said here we were forced to raise fuel tax 3 cents. I knew how important the projects were for all of us throughout the state and our constituents, and the roads and the bridges and all of the things we needed to do. I can remember last year saying, if we don't give back some significant tax incentives, or tax breaks, or change the tax structure, we will be standing here a year from now saying that we still have \$300 million. I think that is the situation that we're dealing with here today. It's a good position to be in, there's no question about it.

I must say also, I heard earlier the priorities that we all have. Certainly we do. We have needs for our own areas. We probably have prejudice for places where we work and people we meet. We all know that we need to support the elderly, the children, the retired schoolteachers, and working teachers at the tech college, and every thing else. There are a lot of important issues. But my whole problem with this budget is I respect the efforts that the Appropriations Committee has put in and the hours they put in, and I think we've got some excellent proposals in this budget. But I just can't bring myself to borrow \$30 million

when we have another surplus of \$300 million. That's where I'm at. The people at home, I was home over the weekend, and people are saying to me, "What are you folks doing down there. When is enough, enough?" If the majority party, or whoever, could sit down and say, "Okay, we do have to prioritize some of these issues and not borrow \$30 million." You'd have my vote. That's the problem with this thing. I really think that this motion before us, at this second, that we should vote opposed to this and take that \$30 million out of the borrowing. I just can't go back to my people and say, "I just voted to borrow some more money and we still had another \$300 million." Mr. President, if we don't give back some significant tax breaks, we'll be standing here another year with another \$300 million. Thank you.

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

Senator **MILLS:** Mr. President. Men and women of the Senate, when they insist so loudly that it's not about laptops, you can bet your boots, it's about laptops. I am one of those who stood up and said, "I thought it was appropriate to diversify the purpose of the technology trust fund so that we would have at least some option." But the proposal, from the very beginning, has been a proposal to spend part of the surplus. "What can we do with the surplus fund?" was the question and the Governor answered by saying, "Why don't we buy laptops for 7th graders?" The Legislature, in its wisdom, has converted that into a more generalized technology fund. It was always a question of how to distribute surplus funds. It was never a question about, "Should we go into debt? Should we go out and borrow money in order to establish a trust fund to accomplish a certain purpose?" That was never the proposal. Frankly, if you put this out on a poll to my constituents, it would be 95 to 5 against. No one in his right mind, in my county certainly, would say that we should go out and borrow money in order to set up a trust fund for this purpose. It flies in the face of what my constituents certainly have been telling me.

The other thing about borrowing money generally. You know if a business or a corporation finds that it has an opportunity to build a structure to do business in and it can justify it by projecting a generous return on the investment, then in that context, it may make sense to go out and borrow money so that you can pay interest at 6% or 7% and maybe make 10% or 15% on the investment. That sort of talk about borrowing money to make a long-term investment so that you can make money off the investment is appropriate for the private sector, for the corporate sector, and for the business sector. But here? I mean, are we serious in saying that we want to borrow money so that we can go out and make money off whatever it is that AMHI does? It has no application. It's another world. We're not making a profit of the AMHI complex. If we're got extra funds, as we do, \$350 million, and it only takes about 10% of that money or less, about 8% or 9% really, to set aside a fund to build the AMHI building that we may need, then for goodness sakes, we should be taking it out surplus and getting it done, behaving like responsible financial planners. Thank you, Mr. President.

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. First, Mr. President, I'd just like to extend to you and my colleagues here,

your kind attention. I, perhaps some might say, "filibustered" a bit last night and I appreciate that the hour was late and that you took the time to listen carefully to my comments. To you and to the Senate, I say thank you.

I will be brief today and ask you to join me in defeating the pending motion to indefinitely postpone this amendment. I say that, Mr. President, because the facts are clear. The Government Facilities Authority has been one of those insatiable appetites that this legislature has been unable to resist when it comes to borrowing money without asking for the citizens of the State of Maine's permission. While I'm sure you'll hear, or you already have heard, that it's really okay to go ahead and borrow this money to build AMHI because the federal government is going to pay two-thirds of the cost. I don't know about you, but my federal taxes come out of the same checkbook as my state taxes. But that aside, regardless of whether we borrow the money, or as my good friend from Somerset, Senator Mills, has so aptly pointed out that if you have the surplus money available to pay for it in cash, you're still going to receive two-thirds reimbursement under the current federal law. So it's not about who's going to pay, the federal government, or the citizens of Maine. We're all going to pay.

The point I'd like to make, Mr. President, is that when this unique financing idea was first introduced, the Government Facilities Authority, it was designed for the judicial projects where they could, indeed, show that revenues were going to come to pay for their bonding. Up until 1998, the total outstanding bonds was \$19.5 million. If the majority budget passes, the citizens of Maine will be \$200 million deeper in debt under the Government Facilities Authority and your constituents and mine have never been asked to approve it. Most especially, Mr. President, we came into this session, as my good friend from Oxford, Senator Bennett, pointed out, with \$345 million of unexpected revenues. Committee Report "A", if adopted, will spend all but \$8 million of that \$345 million. I suspect by the time the Appropriations Table is run, that will all be spent, and hopefully, not more. If that \$8 million that is left unspent so far is spent, the structural gap will grow from \$250 to \$280 million to almost \$290 million. I hear compromise has been, well you've got to put in my program, and if we put in your program, then you've got to put in this program, and well, if you're going to put in that program, then we ought to do this. By the time we packaged it all together, we spent every last penny and borrowed \$30 million more in the greatest economy that we can remember. The citizens of Maine are \$200 million more in debt and they didn't have a right to ask to give us permission to do it. I hope you'll join me in defeating the pending motion to indefinitely postpone this amendment. Thank you, Mr. President.

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, we've worked very hard to get to this point in the legislative process. I really want us to get on with it. However, I have to admit, and that's why I'm on my feet, that every time I hear the word "surplus" I get a spike in my blood pressure. I was delighted to hear that we've finally fixed all of the roads in Washington County, where people are no longer at risk for their life, health, and their property damage. I can assure you that there is an unpaid bill, and I don't see it in this budget at all. So obviously, this bill that has not been paid, we must not have had enough money in the budget to get to it. I had a very close

relative who had a major medical emergency visiting in the valley this weekend. They had to totally sedate her to get her out of the county for the specialized care she needs because she would have not survived an ambulance trip on our roads. It's pretty, pretty bad. When I was heading for Fort Kent for this medical emergency, it was snowing, it was dark, the roads are so deteriorated, and it was snowing - water so we were totally hydroplaning. You couldn't even see the markings the roads are so bad. You couldn't see the white lines. You couldn't see the yellow lines. They're worn out. So, don't speak about surpluses until you fix roads that are causing accidents. We had a schoolteacher who rammed into a school bus last week. The ditch she hit in the middle of the road was so huge that her car was thrown into a school bus with children on it. So, let's be a little bit careful when we throw words around, when we have all these unfulfilled needs that are still not being met in this county and in this state.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Ruhlman to indefinitely Postpone Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#408)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, KILKELLY, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-728) to Committee Amendment "A" (H-1140), **PREVAILED.**

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#409)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, Committee Amendment "A" (H-1140) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#410)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS

ABSENT: Senators: BENOIT, CAREY, CATHCART, KIEFFER, MACKINNON, MITCHELL

EXCUSED: Senator: SMALL

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1140)**, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

Senator **LONGLEY** of Waldo requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

SENATE PAPERS

Bill "An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY)
S.P. 1089 L.D. 2693

Sponsored by Senator HARRIMAN of Cumberland. Cosponsored by Representative RICHARDSON of Brunswick and Senators: AMERO of Cumberland, KONTOS of Cumberland, LONGLEY of Waldo, Representatives: DAVIDSON of Brunswick, MURPHY of Kennebunk, O'NEAL of Limestone, SAXL of Portland, SCHNEIDER of Durham. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Limit Mandatory Overtime"
H.P. 729 L.D. 1019
(S "A" S-630 to C "A" H-893)

Tabled - April 25, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 2000, **PASSED TO BE ENACTED**, in concurrence.)

(April 14, 2000, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1950, in concurrence.)

(In House, April 24, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY HOUSE AMENDMENT "A" (H-1145)** thereto, in **NON-CONCURRENCE**.)