

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

FRIDAY, JUNE 17, 2005

On motion by Senator **GAGNON** of Kennebec, **TABLED** until
Later in Today's Session, pending **ENACTMENT**, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, the Senate
removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Study the Cost of the Provision of Certain
Governmental Services in the Unorganized Territories
H.P. 1154 L.D. 1636
(C "A" H-587)

Tabled - June 3, 2005, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2005, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**, in
concurrence.)

(In House, June 3, 2005, **FINALLY PASSED**.)

This being an Emergency Measure and having received the
affirmative vote of 31 Members of the Senate, with no Senators
having voted in the negative, and 31 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:

ENACTORS

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

Act

An Act To Transfer Funds to the Maine Milk Pool from the
General Fund To Fund Dairy Stabilization Programs
H.P. 1200 L.D. 1692

On motion by Senator **ROTUNDO** of Androscoggin, placed on the
SPECIAL APPROPRIATIONS TABLE, pending **ENACTMENT**,
in concurrence.

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the
Senator from Aroostook, Senator **MARTIN** to the rostrum where
he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JOHN L.
MARTIN** of Aroostook County.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** on Bill "An Act To Eliminate Pension Cost
Reduction Bonding and Provide Replacement Budgeting
Measures"

H.P. 1199 L.D. 1691

Reported that the same **Ought to Pass**, pursuant to Joint Order
(H.P. 1194)

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

The Minority of the same Committee on the same subject
reported that the same **Ought Not To Pass**, pursuant to Joint
Order (H.P. 1194)

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

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Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **EDMONDS:** Thank you, Mr. President, men and women of the Senate. First I want to thank you in advance for your patience tonight as I assume we will be hearing considerable debate on this subject. I will begin by saying this, there should be great debate about the matter before us. It is moments like this that make our system of government so strong. Here before us is a matter of great importance to the people of the state and we will have passionate and civil discourse about the outcome. I can't help but think of the many places in the world where this kind of conversation about this kind of issue is not possible. Call me a romantic, but in my heart I believe this is what this institution is all about. Also I would like to single out the good Senator from Androscoggin, Senator Rotundo. Usually the honor of opening this type of discussion goes to the Appropriations Committee Chair, who more than any other person has put her energies into crafting a good bill. You have done just that and moreover I am certain it is only through your patience and fairness and intelligence that we have stuck together and emerged with a solution. In a few moments I know we will hear from you about the details, but I want to be the first to give you thanks.

I have come down from the chair, for only the second time this session, because I believe so strongly in what we are about to do. I feel it is my duty as leader of this body to insure that the context of these difficult decisions is apparent to all and that the many interested groups have a clear understanding of what I believe their roles to be. First, understanding the context of this action is the only way to appreciate the solution. This is a bill that is entirely about the big picture. We passed a budget not long ago that contained a borrowing provision that needs no further introduction. There was considerable debate at the time and I still believe now what I believed then. It was the best option for us at the time. I am here today, however, because the landscape in Maine has been changed dramatically in the weeks since then.

First, the peoples' veto effort, whether you support it or not, has the potential to create great uncertainty at all levels of government over the next six to eight months, and pending the collection of signatures, will touch off a divisive and expensive campaign through November. Maine will be better off if we can avoid this scenario and we have it in our power right now to do just that.

A short time later our military institutions took a giant step towards closure, and at a very practical level, our state government has to be fully prepared to lift two regions of our state, including my own, out of the turmoil that is likely to occur. To many that means that we need to preserve our capacity to invest so we have every tool of state government at our disposal, perhaps even borrowing, to address the loss of 12,000 jobs.

The budget we passed in March was fine for March, but borrowing no longer makes sense. I'm not asking you to agree with this analysis. In fact, not all of my caucus agrees with this

analysis. Frankly, it doesn't matter. Interpreting history is a job for someone else. What does matter is this, we have an opportunity in our short time remaining to pass a budget that makes sense for now and for the future.

Second, I want to deliver a specific message to the groups involved and affected by this budget. To my colleagues across the aisle in this chamber, we have come halfway in this proposal and I hope you will look long and hard at coming across the other half. The committee review of 5% reduction to all of state government crystallized the harsh realities of replacing the borrowing entirely with cuts. Furthermore, no one on our side has suggested we replace the borrowing entirely with new taxes, not even my good friends from Portland. In fact, we are in unanimous support of a framework adopted for this process, a 50 - 50 mix of cuts and revenues. Compromise was demanded of us and compromise is what we offer here this afternoon. To my friends in the gallery and in the halls, I can't think of any one of you who are here to advocate for particular causes, whether they are the poor, the sick, the big businesses, the environment, or any other entity, who are pleased to read what is in this bill. You are all here to defend particular issues. Let me remind you why we are here. We are here to represent and defend the greater good. I believe the greater good is served by the action we are about to take. As I have been constantly reminded, this is about the forest, not the trees. Again, my promise to you from the beginning is still firm. My door will remain open throughout this entire process and I will discuss every concern you have.

To my dear friends on this side of the aisle, as well as my buddy, the Senator from Kennebec, Senator Cowger, who is tucked over there on the other side, who have been with me through thick and thin, your work has been invaluable. In fact, without the efforts and persistence of our small working group who initiated this process, I fear we would have no option before us. I know how difficult these decisions have been for everyone and all of you have surrendered something that you cared about. Ordinarily I don't believe we would have made these choices. We have all come together around one conclusion that trumped all others, these are not ordinary circumstances and doing things now will allow us to regain the trust of the people of this state to continue to make decisions in the future.

Finally, to the members of the public who may be listening or watching on the news or reading about this in the paper tomorrow, it was recently said by a member of this institution that he had a budget plan but refused to release it for fear it would be analyzed or dissected. There is no such position in the Maine Senate. If I have learned anything as President of the Senate it is that real leadership demands a willingness to stick your neck out, to say things that ought to be said, to do things that ought to be done, and to put your own name on an idea, no matter how unpopular, if you believe it is in the best interest of the people of this state.

Here I am today; bring on the analysis, bring on the dissecting, but be ready in the days to come to declare that the error of balanced budgets in Maine has begun anew and the people here now were the ones that were finally willing to come together for a greater good.

Teddy Roosevelt, who's birthday I share by the way, once said that it was not the critic that counts, nor the man who shows how the strong man stumbled, or where the doer of deeds could have done them better, the credit belongs to the man, and I've added or woman, who is actually in the arena. It is the 35 of us here that are in the arena today. The critics will have their day,

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but right now it is us, and only us, with the power to make this decision. I believe this is a defining moment and I urge you all to vote yes on this solution. I thank you for your kind attention.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On motion by Senator **BRENNAN** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

S.P. 57 L.D. 151
(S "B" S-373 to C "A" S-367)

In Senate, June 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY SENATE AMENDMENT "B" (S-373)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-716) AND SENATE AMENDMENT "B" (S-373)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

H.P. 1199 L.D. 1691

Majority - **Ought to Pass**, pursuant to Joint Order (H.P. 1194) (8 members)

Minority - **Ought Not To Pass**, pursuant to Joint Order (H.P. 1194) (5 members)

Tabled - June 17, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, June 17, 2005, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 17, 2005, Reports **READ**.)

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise to urge your support of the majority Ought to Pass report before you. After the announcement of the BRAC Commission and the possible base closings there was increased interest on the part of many people in the Legislature to go back and reconsider the \$447 million worth of borrowing contained in the Part I budget that was designed to pay down the unfunded liability for our state teachers' retirement fund. The economic uncertainty created by the BRAC news and the half billion dollar impact that those closings could potentially have on the state were driving factors in the work that has consumed the Appropriations Committee for the past week as we have discussed the reduction of the \$250 million worth of borrowing. I first want to commend the Appropriations Committee members for their diligence in examining every idea that was brought before us as potential cuts. I want to publicly thank the good Senator from Aroostook, Senator Martin, and the good Senator from York, Senator Nass, for their leadership and cooperation in the work done on the borrowing reduction.

Early in the process we had created one list, a blending of Democratic and Republican ideas which we worked through with care and thoroughness. I'm proud that the committee engaged in a public examination of all of the ideas brought before us. It was important that all of the proposals were discussed openly and respectfully amongst the members. As we went into our deliberations on potential cuts we agreed that we would honor our promise of increasing funding for our public schools by \$250 million so that everything else should, and could, be placed on the table for debate. We didn't discuss new revenues. Our focus was on cuts and we all worked to see if we couldn't reach the \$250 million reduction together. We worked meticulously, looking at all aspects of state spending. It was a healthy process. Democrats adopted Republican proposals and Republicans adopted Democratic proposals. Working together, we got to around \$110 million worth of cuts which we unanimously agreed upon. These were difficult cuts, spread across the board. We then parted ways, however, because it became apparent to the majority of the committee that we were not able to go further in cuts beyond the \$125 million unless we stripped healthcare and social services from thousands of Maine families, elderly, and children. We just couldn't go there. With the uncertainty of the