

MAINE STATE LEGISLATURE

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FRIDAY, JUNE 17, 2005

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

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base closings, we refused to create more uncertainty through huge cuts to healthcare for Maine families. We refused to freeze the healthcare for the non-categoricals as well as coverage for Cub Care parents and families and individuals and employers who are now being covered through Dirigo. We knew that the cuts to the non-categoricals, as well as cuts to Cub Care parents and the Dirigo program, would jeopardize health insurance coverage for nearly 40,000 Maine people who were either currently covered or who would otherwise be eligible for coverage. These statistics have faces. Some of the people being helped through these programs are the working poor who work two or three jobs at minimum wage but still have trouble making ends meet for their families. Some of the sickest and poorest residents of the state qualify as non-categoricals. In the case of Dirigo, we are helping small business owners who can, for the first time, offer health insurance to their employees. We also knew that these cuts of approximately \$52 million proposed by our Republican colleagues would result in an additional cut of approximately \$90 million in matching funds from the federal government, resulting in harm not only to those receiving services but to others who depend upon our funding; our community hospitals, doctors, and other healthcare providers. Cuts to healthcare coverage by the state also results in healthcare cost increases for everyone who has private insurance. The bad debt and charity costs to the hospitals incur when the care for the uninsured simply are shifted to the health insurance premiums that everyone else who has private insurance pay.

In the report before you, you will see that there were other cuts that we refused to take. We refused increasing cuts for services for people afflicted with AIDS. We already have a waiting list in the state of people who are HIV infected who are going untreated because of insufficient funding. We also wanted to make sure the elderly continued to get the drugs they needed as they transitioned from the state prescription drug program to the new federal prescription drug program at the end of the year. We didn't want to cut further into respite care for families caring for sick children, very sick children I should add. Finally, we wanted to make sure funds for homeless youth were not cut more deeply and that we kept in place health safeguards for the people of Maine such as the monitoring of surface water quality so people would know whether or not it was safe to eat the fish they caught in Maine's lakes and rivers.

When faced with the choice of cutting services to the most vulnerable in the state or raising new revenues, primarily through a targeted cigarette tax, the majority of the Appropriations Committee members chose to raise the cigarette tax by \$1 per pack. We cut as far as we could, almost \$120 million of state spending, and just couldn't responsibly go any further in cutting social and health services for some of our poorest and sickest citizens in Maine.

You have a responsible and balanced bill before you that eliminates that borrowing from the Part I budget and also reduces the structural gap by \$300 million per year. I strongly urge acceptance of the motion on the floor. Before I sit down I do want to thank OFPR and the Revisor's Office who have worked around the clock in recent days to produce the documents before us today. I also want to thank my Democratic and Republican colleagues on Appropriations for working so hard to eliminate this borrowing. While our work together might have led us to different conclusions about the cuts, we all worked together in good faith and the people of Maine are much better for it. Thank you.

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. Madame President, I will speak just briefly, if I can, about the bill and then address the details in the amendment that will be offered, hopefully, shortly.

It is just amazing that we should be here, at least I think it's amazing, talking about what we are talking about. I've been here for a few years. We've never been in a situation that we've had to cut this much money. We take no joy in that. It is important, I think, to recognize how we got here and what has happened. We had a Part I budget that wasn't going to work for a number of reasons. We needed to come together. It was late in the session. With the help of both parties, I think and I give most of the credit to my colleagues over here, somebody came up with the idea of putting these two lists together kind of anonymously. It worked because nobody had to be responsible. That's an awful thing to say, but nobody was responsible for anything, particularly on the list. It gave us a tremendous, what you might call a giant step, forward in dealing with the potential. I was equally surprised when we assembled the list and there wasn't really all that much that was Democratic or Republican. A lot of the stuff came from the 5% and what we would do with the 5%. The Presiding Officers actually requested from the Commissioners, in that very short letter, to provide us with the Part 2 thing. When you looked at the yellow sheets, the list, it was mostly that. They gave us the opportunity to deal with this and we did so, I think. I am pleased to say that we got halfway there. For us, that wasn't good enough, but getting halfway there, I think, at this point was pretty amazing. We spent a week or so talking almost exclusively about reducing the size and cost of state government. To me, that was just amazing.

Where do we go from here? We'll talk about the division when I present my amendment, but I think, Madame President, now is the time to recognize that we did important work, and we did it very quickly, in a relative sense. It was very uncomfortable, but collectively we can do these things. I think that is part of the message right now.

Madame President, when we take the vote on this, and I think that is the next procedure, I ask that we do it by roll call. I think it is then that I will get to present my amendment.

On further motion by same Senator, supported by a Division of 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 Androscoggin, Senator Rotundo to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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ROLL CALL (#272)

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

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

ABSENT: Senators: BRYANT, DIAMOND, TURNER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **NASS** of York, Senate Amendment "A" (S-374) **READ**.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. To paraphrase the title of this bill, it's about eliminating bonding and providing replacement budgeting measures. In the case of the minority on the committee, we started out with a goal of filling the \$250 million hole with cuts. It was not easy. The target kept shifting around. Made me appreciate a little bit more the people who work for us down in OFPR. It is very difficult, especially when you start to talk about Medicaid projections and Medicaid numbers. That is the most difficult area to know where you are and to get a clear roadmap of where you are going. With those difficulties and constantly changing numbers, it was not easy to go there. It wasn't easy to stay there. From hour to hour things shifted and slipped away or became unattractive.

In the end, Madame President, despite recent news coverage, we feel that there was no significant change to what I would call the old Medicaid. Medicaid before this administration and Medicaid before 2003. That was the time when we added non-categoricals and in more recent times we started doing more and more for the so-called S chip parents. Madame President, when you're trying to fill this kind of a hole, you can't get away from Medicaid. It's a 900-pound gorilla. Some have said that in this administration it was grown \$200 million. That's one of our basic problems. Explosive growth in some programs, moderate growth in revenue. We're overspending and out-spending our resources. Madame President, it was our goal to not hurt people. It was our goal not to increase taxes, even cigarette taxes. You can't get much worse than that. Cigarettes, I always think in terms of licking the ashtray, that old cliché to turn people off from smoking. Even cigarette taxes, Madame President, were not acceptable. Certainly no borrowing. That is somewhat unfortunate because we started this process with Part I thinking that we could refinance the unfunded liability. That's gone. The situation had made that not politically possible. That's too bad

because when we try to do that again in a couple of years we probably won't have the interest rate spread to do that. This system has missed that possibility. We've lost that possibility politically, I believe. No substantial changes to Medicaid, no taxes, and no borrowing. This is in the majority report that is now in front of us. Relative to the Medicaid piece, because that is what has gotten the most coverage, some have suggested that benefits will be taken away from 40,000 people. That is not true at all. That never was part of our possibilities. In fact, it looked to us, at the time that we put this to bed, that maybe 611 people would be denied benefits that were started in May, relative to the S chip parent expansion of benefits. We'll probably talk about that tonight before we're done.

Further in this, we actually agreed, as the Senate Chair has suggested, on a fairly significant amount, about \$110 million, and most of these things came from the 5% list. I'm going to keep coming back to the 5% list because, as I had suggested here a couple of months ago, that 5% was easy. No problem with 5%. The private sector does it all the time. Well, I was partly wrong. It wasn't easy, but 5% was doable. I'm suggesting that when we come back here in a year with a new term that we could probably have to do another 5%. Now we know how to do it. That's what is happening out there in the real world. It's not easy but very doable. As I said two months ago, it's those Commissioners over there that know and can tell us how to do this. They provided the details. I was surprised by that; which positions they could do away with, how to move things around so that this was doable. Most of what we have done, both the majority and the minority in this case, came from that list.

We have proposed changing the methodology without increasing the cost for revenue sharing. No town is going to miss a check. We are going to bring it on budget. We're going to appropriate revenue sharing. We believe that we can save \$18 million that way. We have postponed the state employees' pay raise for six months. We've continued the Chief Executive's current suspension of MaineCare enrollment for the non-categoricals or childless adults that was started in March. Relative to Dirigo Choice, we have suggested that the focus on Dirigo Choice needs to be changed. The focus needs to be on small businesses and self-employed. We can't afford the direction we are going. We can't even measure the potential savings there now. This is a sinkhole that we cannot afford. We believe there are other bills that will essentially replace that. There are broad administrative savings in this proposal. Reforms to state government operations worth in total about \$40 million, maybe even \$42 million. There are some small things in this budget. In Part G in our proposal on what the corrections folks call safe keepers. A new term to me. People who, for whatever reason, need to go from our county jails to the state prison; mostly discipline problems. We have taken that possibility out that this is going to cost our county jails any money. There is not a lot of money involved here, but an irritating situation for county officials who are struggling to maintain their jails. We objected to the tax increases I suggested before. We objected to the proposal that the majority made relative to the BETR program. At a time when our focus is going to change to jobs, away from healthcare and to jobs as we all struggle to get through the BRAC Commission, we just can't figure out why we would want to break our promises that we've made over a number of years to businesses that are not uniformly spread throughout the state but are spread in big, usually fairly significant, manufacturing facilities. We rejected that.

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We think this is a better plan. We don't increase taxes. We keep Medicaid and hurt the least number of people we possibly could. There is no borrowing and there are no increased taxes. I urge all the members here to support this amendment. Thank you.

On further motion by same Senator, 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 Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. There are a number of things in the presentation of the good Senator from York, Senator Nass, that I might respond to. I am just going to approach one of the specific areas. I don't know where he obtained his figures on who would or would not be hurt by what we see in front of us as the minority report, but from the figures that we have received from DHHS and other areas it would appear that this amendment jeopardizes health insurance coverage for nearly 40,000 people who are either currently covered or who would otherwise be eligible for coverage. We're dealing with 22,000 non-categoricals, adults living in poverty below \$9,100 per year, most of who are currently covered. We're dealing with 7,300 members of Dirigo because if we follow through on this minority report we might just as well close the doors on that particular product because it would not in any way survive. The third area that we're talking about is placing people in jeopardy would be 9,800 low income working parents who have been eligible due to MaineCare expansion. That totals up to 39,100 people. Ladies and gentlemen, I don't think that this body or the other body or the state wants to move in that direction. The amendment that you have in front of you, presented by the good Senator from York, Senator Nass, reduces funding in the amount of \$21 million for non-categorical coverage for adults. It eliminates MaineCare expansion for working poor parents in the amount of \$32 million. It takes \$10 million from the Fund for a Healthy Maine. One of things in the majority report that has bothered me from day one has been the majority report taking money from the Fund for a Healthy Maine. While I don't support, in any way, a constitutional amendment to protect that particular fund, I am concerned with our taking funds from it to balance this \$250 million situation. It reduces child mental health services for over \$1 million and it reduces community mental health services for over \$1 million. Those figures add up to \$65.3 million. One thing it doesn't show clearly in the amendment that we have in front of us is that in addition to that reduction we would be losing \$110 million in federal funds as a result of the reductions that you have before you in the amendment being proposed by the good Senator from York, Senator Nass.

Ladies and gentlemen, I would hope that this body is not ready to move in the direction being suggested. We have a majority report in front of us tonight and I urge strongly your support of that report. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-374).

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I just want to raise some of the concerns that I have with the amendment that has been brought forward by the good Senator from York, Senator Nass. One of the concerns that I have has to do with the cuts that have been made without fully investigating the real impact of them on state government. There are cuts that total \$13.3 million from across the board in state government. We examined, very carefully in the Appropriations Committee, the impact of some of these cuts. We realized that to cut this deeply would significantly impact the kinds of services and the kinds of programs that could be offered by the state. The other thing that I would ask you to keep in mind is that we have already cut in these areas significantly in recent years in order to balance the budget.

I'm also particularly concerned about what's being done with the revenue sharing. The \$18 million that's booked is coming from a change in the way that we provide funding for municipalities. The change could potentially put revenue sharing in jeopardy because what we are doing now is changing it to a system where it is a yearly appropriation. That has not been the case in the past, it's been an automatic payment to municipalities. That troubles me as well.

I think, for me, the greatest concern has to do with the depth of the cuts to healthcare. Figures have been shared already but I just need to emphasize them because I think, potentially, they could be so devastating. A \$21 million cut has been recommended for the non-categorical coverage for adults living in poverty. The elimination of the MaineCare expansion for working poor parents, \$32 million. There is \$10 million taken from the Fund for a Healthy Maine. The further reduction of children's mental health by \$1 million and the reduction of community mental health services and medication management for people with severe mental illness of over \$ 1 million.

As was mentioned, if you add in the federal match for these dollars, you come to approximately \$175 million total that would be taken out of our economy in Maine. There are some who suggest that the impact on local communities, in terms of taking that money out of local communities that would go to local hospitals and providers, would have an impact as serious and as significant as the damage that could be done if the BRAC Commission recommendations go through. I would further contend that \$175 million total cuts in healthcare would be much more devastating to local communities than a one-time 10% cut to the BETR program. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I would just like to respond to some of the analysis that you have heard regarding this notion that there are some 40,000 Mainers that will be losing their coverage. Implied in that statement that I have heard the last day or so is that these are individuals, citizens of the state, that are currently covered in Maine's Medicaid program and will be receiving a letter cutting them off from services and that they will no longer be able to continue their services that are being covered in Maine's Medicaid program. That simply is not the case. All you need to do is to take a look at the current caseload. The figures that were distributed on your desk this morning gives you the breakdown as of May 2005 of the Medicaid caseload as it currently exists. The

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current caseload already has 50,000 more people on the rolls than two years ago.

The Senator from Sagadahoc, Senator Mayo, focused on a couple of expansions that have taken place. One of those is the adult expansion for those over 151% of poverty that was just opened in May and is expected, if it continues, to see at least 10,000 people come on the rolls. Currently, as of May, there are 611. The minority report, wisely and prudently I think, decides it is time to terminate that expansion before those folks come on the rolls. I ask you where is the funding in the majority report to fulfill that promise of those 10,000 or more that may end up coming on the rolls? This is an open-ended entitlement program without a cap and without a limitation as it is currently designed. If this does go forward, what are the assumptions? Is 10,000 an accurate assumption? Where is the money to pay for that? I think this is a prudent measure. These men and women have not yet come on the rolls, are not yet receiving services, and this is the time to be realistic and to look at the 265,000 Maine citizens that are already on Medicaid and fulfill that obligation.

The second group, the men and women that are classified in the expansion of the non-categorical childless adults, the good Senator from Sagadahoc, Senator Mayo, talked about 24,000, all of them, being eliminated. The current policy implemented by the Administration two months ago was to suspend this program and to not take on any more individuals until, through attrition, the participation in this program floats down, over a period of two years, to 14,000 participants. The minority report recognizes the current policy and books the savings and caps it at 14,000. Again, I ask you, does the majority report remove the suspension? Do we reopen the program in the majority report? Does it go back up to the 25,000 and how is that funded? The minority report does nothing more than reflect the action that has already been put in place because the non-categorical expansion has already exceeded the cap by about \$18 million. We had no choice and the Administration had no choice but to suspend the program two months ago. This is simply a reflection of that. Thank you.

On further motion by same Senator, 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 York, Senator Nass.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. The good Senator from Androscoggin, Senator Rotundo, suggested a hard choice a few minutes ago. She suggested that the Medicaid cuts here were worse than the cuts to BETR, a one-time \$10 million cut. That's a difficult judgment to make. We suggest that not many people are affected on the BETR side. Let me try to put it in very stark terms. \$10 million for one year. Those recipients of the BETR program in the city of Bath are going to have to write somebody a check, fill the bill, or pay the taxes to the tune of \$.5 million more because of this. Those recipients in Bath have just incurred, if this passes, a greater expense of \$.5 million. Biddeford \$80,000 as a result of this. Freeport \$140,000. Those recipients in Freeport are going to be writing checks for \$140,000. Jay \$600,000. Lewiston \$72,000. Madawaska \$120,000. Portland \$200,000. Rumford \$75,000. South Portland \$1.1 million. Westbrook \$70,000.

In a time, Madame President, when we are concerned about jobs, because that is where the money comes from to support the social programs that we all know we need, this is detrimental, hurtful, removes jobs, and leaves people without support. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me just begin by saying that it was not an easy task, but we knew that we had to do it based on potential base closings and some other economic factors. It's interesting that we talk about what has happened with this Administration in Maine. We ought to be matching it with the Administration in Washington because the people that have been added on to our system in MaineCare are there because of federal economic policy over which we have very little control. Some of those are the result of jobs that are gone in the industrial sector. Keep in mind that, in the last study, we have seen that about 20% of the people that work at Wal-Mart are on MaineCare. This is not because they are not working, it's because they don't have healthcare. That's one of the real crisis that we face in this country and in this state. I don't know where the 611 figure came from, but it is inaccurate. The 40,000 figure is a lot more accurate. The letters won't come tomorrow, assuming we enact this before midnight. They will come, under the minority plan, 90 days after the legislature adjourns. That's when the benefits will terminate. That's the unfortunate part.

We keep talking about these welfare recipients, but why they are there, for the most part, is because they don't have healthcare. I just wish that this country would look at what other countries in the world are doing. If they don't want to abolish private insurance companies, they should look at Germany or France. They have both a state system and private carriers. They have universal care, universal coverage, which we can't seem to get to in this country. We provide care in this manner through the Medicare system or the MaineCare system, as we call it now, to provide that insurance to them and we do this so it doesn't drive private carriers out of the market, which we almost succeeded in doing. There are all kinds of mechanisms that can be developed.

Let me just tell you that when you stop and look at the roughly \$110 of federal money that will be lost in the minority plan along with the \$40 million of state dollars or so, that's about \$150 million; then you start allocating where that money goes. The largest amount of that goes to hospitals. Subsequently, the next one is to the physicians. You can go right down the line of every single one of those. You know, in the case of hospitals, if we don't pay them in this process, there will be a shift. We've been talking about paying them what we owe them. We're almost there. Beyond that we would have a shift. We can talk about all of this until, frankly, the cows come home, but we all know that coverage is the issue and that members of our party are not willing to let people simply be uninsured.

I could go through all of this. We were successful in getting to roughly \$110 million or \$115 million pretty much together but divided roads along the way. You know what amazes me when I stop and think about it? If you look back to where we were on the Part I, we talked about this is where we ought to be. Let's split it 50% with cuts and 50% with taxes. I don't know what happened to those individuals who believed in that. Apparently they have

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left us. Now we have to do it alone. So be it. I guess that is the role of the majority party and they need to carry the load. We also need to defend it to Maine citizens. I do know this, this report that we have right now in our hands, which is known as the minority report on the sheet but also known as the amendment, is the wrong way to go. I'm more than willing to explain it across this state, if we were to adopt this amendment there would be cost-shifting to hospitals, to individuals, to insurance carriers, and we would be postponing the inevitable. We talk about the structural gap. This report adds about \$50 million to it because it's going to be paid in the next biennium. That's called gap under our definition. We are postponing the inevitable.

If you haven't missed it, it looks like state employee's 3% increase is going to be postponed. You know how quickly we would lose that battle in court? It's a contract, signed and approved by this legislature, whether you voted for it or not. Unless we simply figure out some other way to get it, we'd lose that very quickly. Any judge, regardless of background, understands contract law. It seems to me that we ought to be careful as how we do this.

I certainly will not be voting for the minority report and I'm sure that is not a surprise. I certainly hope that you will do the appropriate thing today and move to kill it.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I just hear a little pattern here and I guess I'm trying to completely follow it. I see that one of the things we are talking about is the reason the majority party decided to come back and look at this atrocious borrowing package is because of the BRAC Commission report. It seems to me like they didn't know this was even coming. Well I think most of us had a good idea that it was going to be coming. Then in the second section we blame Washington. Well, that's great, but we need to look at our spending patterns over the last 30 years. Blame Wal-Mart. Blame the big guy. There might be a legitimate case there, but that is not the only solution. Wal-Mart provides jobs for part-time people in many cases. Sometimes it's a second income. Sometimes it's an entry-level income.

Probably the most difficult thing to accept is knocking people off the system. This plan doesn't knock people off the system. This knocks off an increase. Only in Augusta would we consider an increase in spending a cut. I believe that when we get home and we explain to the people of Maine, they are going to tell us that we are taxed enough in this state. We are the highest taxed state in the nation. It's time that we turn the course. It's time we took another direction. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. As we bring this session of the legislature to a close, it appears that we are poised to put an end to the ill-advised borrowing package that was a centerpiece of the Part I budget. It's been a twisted and tortured path to this moment. The matter reflects a major shift from the determination of this body just eleven weeks ago. At that time, the majority insisted that the massive borrowing package was the only responsible course of action. There were those of us on both sides of the aisle who felt,

at that time, the borrowing package was the worst possible course of action, setting up our state for an endless spiral of borrowing and debt. We asked the question; if we have to borrow money this biennium to pay our bills, what do we do about the next biennium and the next one and the next one? Where will it stop? At that time the majority here in the legislature summarily dismissed the possibility of addressing the spending side of the equation. Given that, a number of us who felt most strongly about the folly of borrowing worked together in a bi-partisan fashion to offer an amendment that permanently lowered the top rate of the income tax while imposing a temporary 16-month 1¢ on the sales tax with a hard and fast sunset during this legislature to ensure that we pay the bills on our watch. Our bi-partisan approach, which I termed the truth in budgeting amendment, was based on the novel concept that under Maine's Constitutional requirement for a balanced budget, the Governor and the Legislature are committed to a level of spending and have a moral obligation to pay for it on their watch, not to employ borrowing schemes to mask the cost and leave future taxpayers and legislators holding the bag. However, the Senate rejected the truth in budgeting approach. In fact, the majority felt so strongly about that they ran through a partisan borrowing package without a single Republican vote in this body, hailed its passage, and adjourned the legislature to insure that it took effect by July 1st. Here we are, it's not even July 1st yet, and look what's happened. The borrowing package has been so thoroughly discredited that the only debate now is how best to get rid of it.

How did we get here? Ladies and gentlemen of the Senate, we got here because the people of Maine were paying attention to what we were doing and they did not like what they saw. Don't Mortgage ME, the people's veto effort was born. The majority in control here in the legislature dismissed the people's veto effort as the actions of a few disgruntled Republican lawmakers. Those of us in this body who worked to bring it to fruition, the Senator from Somerset, Senator Mills, the Senator from Cumberland, Senator Turner, the Senator from Hancock, Senator Rosen, and I, were criticized as irresponsible. The Ellsworth American quoted the Chief Executive as calling the repeal effort 'a dangerous partisan stunt' and the leader of the other body dismissed our position as 'sour grapes.' However, it soon became apparent that the people's veto effort had broad public support across this state with Republicans, Democrats, and Independents gathering signatures from Eastport to Fryeburg, lending their support to the repeal effort. As that support built and literally swept across the state, the signatures rolled in and it became apparent that Don't Mortgage ME would reach the required 50,000 signatures to put the borrowing package on the ballot. The result of that extraordinary grassroots success has been a seismic shift in positions.

A few days ago I heard the Chief Executive of this state on a call-in radio show declaring his determination to eliminate the borrowing package. A newcomer to our state may have come away from that interview with the impression that our Chief Executive had recently learned of an irresponsible borrowing package and was leading the charge to eliminate it. Of course we know differently. This is the same Chief Executive who had championed the borrowing and dismissed our opposition as a dangerous political partisan stunt. Amazingly, he had even sought to shift the blame for the downgrading of Maine's bond ratings away from his own fiscal policies and to the effort to rid the budget of what the Senator from Somerset, Senator Mills, has aptly termed profligate borrowing.

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Oh, how times have changed. In just a few short weeks the dynamics have shifted vastly. Now that the borrowing has been discredited, we have come to this moment in the Senate. The choice we face is no longer between borrowing and taxes because now, unlike our earlier debate on the majority budget, spending is firmly on the table. Our choice is between raising taxes or reining in state spending to achieve a balanced budget. The majority report begins to address Maine's spending problems. I applaud that. It falls short of the corrections needed to right our shift of state by resorting to permanent tax increases as opposed to the temporary 16-month 1¢ some of us proposed in March. This measure fails the people of Maine who already top the charts when it comes to taxes.

Under the majority plan the vast and unsustainable expansions of the state's Medicaid program remain on track. Unlike the assertion we heard in an earlier debate in this chamber, Maine already spends more on Medicaid than all but three states. That's right, 46 states spend less per capita on Medicaid than Maine. At \$1,190 per capita, Maine spends 44% more on Medicaid than the national average of \$825 per capita. This unsustainable spending puts in jeopardy the very people who need Medicaid the most and have traditionally been its primary beneficiaries; the poor, the elderly, and disabled citizens who are the most vulnerable in our society. We have a duty, I believe, and a moral obligation to structure our Medicaid program in a way that honors our responsibility to protect those citizens who are the most vulnerable. I believe that is at the heart of the disagreement before us today. Are we going to marshal our resources in a way that takes care of those most needy Mainers or are we going to expand Medicaid eligibility beyond our capacity to sustain it, either forcing tax increases on hardworking Maine families or putting those very people at jeopardy? It's not just the traditional Medicaid recipients who are put at risk. The vast Medicaid expansions also threaten other crucially important items such as higher education, children's services, and a host of other vital programs that are important to Maine people.

According to the non-partisan OFPR, Maine's Medicaid roll skyrocketed from 227,000 in January 2003 to more than 261,000 by last November, a 15% increase in less than two years. That increase, and the continued increases since, total \$200 million just in the increase. What are we doing? Are we listening to the people back home? It reminds me so much of the debate eleven weeks ago when the voices of Maine people fell on deaf ears in this building, that is until the people's veto gathered a full head of steam and got the attention of this legislature and the Chief Executive. Shouldn't that have taught us something? Are we so far out of touch here in this building with the people across this state that it will take another citizen initiative to convince those who control our state government to change course on this massive and costly Medicaid expansion that threatens the financial stability of our state government? I hope not. I hope that we will take the bold steps people expect us to take to slow down the freight train. We have the opportunity to do that with this pending motion and we can do it while protecting the most vulnerable of our fellow citizens. We can do it in a way that incorporates the proposed spending reductions that the Administration itself brought forth from their own departments and agencies as the most responsible ways to rein in spending department by department and minimizing the impact on the people they serve. By doing that, ladies and gentlemen of the Senate, we will demonstrate to the people of Maine that we are indeed listening and that we are willing to provide the leadership

that they deserve and that they demand. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. There is enough blame to go around. Probably there is more blame than there is go around to this chamber or downstairs or in the other chamber. I need to tell you that I will support the majority budget tonight and I will support it for some very real reasons, not because of a people's veto. People who know me know that I don't worry about a people's veto. I will support it because in the time that we have had to think and reflect and to actually get both sides to the table and truly talk and not just do political things for the media. I would remind you that in every single session, in fact for the seven years that I have represented my people either in the other body or here, we are known for waiting until the last hour, until it's too late, to put our cards on the table. Goodness, we wouldn't want anybody to get the upper hand. I admit that often times I'll go to a meeting at night and I read about that same meeting the next day in the press and I think I attended the wrong meeting and that I wasn't there. I recall a first budget where some on my side, remember there is enough blame to go around, wanted to raise taxes. A lot on our side, and certainly on the other side of the aisle, said no. There was a group that formed, a bi-partisan group, and they came up with the borrowing plan. Then, like so often happens, my side said, 'Great, if we can borrow for one thing, we can borrow for everything.' The other side said, 'Oh, no, no, no, no.' Hence, the majority budget. Then we got in and cooler heads prevailed after all was said and done, and low and behold, people started talking, quietly, not Democrat to Republican but friend to friend. You know what? We found out there were a lot of people on both sides of the aisle who weren't completely happy. We didn't have anything else in front of us and you know the rest of the story. We look at the 11th hour, we're standing here and once again the game rules have been changed. I believe, as the good Senator from Washington, Senator Raye, said, first it was a talk of we'd meet you halfway. The compromise. Halfway. Some taxes and some cuts.

As we all sit here with health insurance. As we all sit here with families that aren't worried about if they are going to be warm next winter. I'm not saying we're all wealthy, I know what it's like to live on one income. I know what it's like to pretend to live on legislative pay. We are well off and we're making decisions for other people here. I'm concerned about the tax rate. I'm concerned about healthcare. I'm concerned about education, because people have asked us to do that too. It appears that this institution, both ends of the hall, doesn't know how to compromise. I think once on this floor it was said that we all ought to read this summer the book, Everything I Needed to Know I Learned in Kindergarten. Little kids share. Little kids understand half and half, not all and nothing. We have a two party system because you have to compromise, but we don't compromise. We don't compromise. You do it all the time if you are a parent. If you have two children, you have to make sure both of those children are happy or both equally upset with you. This is half and half. This is what the other sides wanted, part of it is what some of the people on my side wanted. In the end is it really what Republicans want or what Democrats want or what we want in a 2006 election or a fear of a people's veto? No. This is

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a budget that allows us to continue to work. Anybody who thinks that you can take, after years and years of deficit spending, and end that in one year you are wrong. It can't happen. It's reality, people. We didn't get here overnight; we don't get someplace else overnight. This group does not compromise. This group always waits until the last minute and no one can understand why we say, 'Oh, but if you had just given us more time.' We are, unfortunately, doomed to repeat history again and again and again because we haven't learned.

Isn't it amazing that in two weeks we've been able to join hands and reach across the aisle and come up with \$125 million worth of cuts? That's compromise, people. Let's learn to share. Let's learn to play fairly in the sandbox. Let's go out and be proud of what we do and not go out and see who can chalk up a win and who can chalk up a loss so we can run out in 2006 for an election. I need to tell you that I'm not afraid of the people's veto. I did this because I think it is the right thing. My vote tonight will be because I honestly believe it's the right thing to do because there has been movement on both sides of the aisle. That's how it is supposed to happen. That's what the Maine citizens expect us to do. They expect us to act like adults. They expect us to make decisions. They expect us to make sure we take care of the most vulnerable. They want their children to have a good education. I guarantee you that. Show me that parent that says, 'Don't spend any money on education because I want my kid to be stupid, I want my kid not to have a fair chance.' It doesn't exist. They are willing to spend the money and they are asking us to compromise. They are asking us to do both, watch the finances and realize that life is more than an existence. The way Maine life should be is that we take care of everybody to the best of our ability and we don't sit here to win political battles back and forth. Quite frankly, in seven years I'm tired of political battles. I'm tired of the blame at the end and all the spin on it. That's what the people of Maine are tired of and that's what I heard again and again while knocking on doors. They said for me to go and do the things that are right because we are human beings, because we are Maine citizens, not because I'm a Democrat or somebody else is a Republican. I think it's time we look at this and we vote it through. Next year we can continue the cuts and can continue making sure that we do what we need to do. We've passed caps with L.D. 1 on all three levels. It's not perfect, but I'm not sure that humans will ever create the perfect, humans are always trying to continue to create. We need to accept this budget and do what is right, a fair compromise, and stop playing political games. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President. I am humbled by the tone that was set by the President of our Senate earlier this evening, many years ago it seems, and by the tone of the good Democratic Chair of the Appropriations Committee, the Senator from Androscoggin, Senator Rotundo, and from my good friend the Senator from York, Senator Nass, who has become a very good friend through the battles of school funding. I want to return to that tone because I want us to think about something the President used in her speech. That is seeing the trees and not losing the forest. I want us to look at the big picture for a minute here.

I think we are all here for the same reason. We may find a different path to get there. It wasn't so long ago that we were

standing shoulder to shoulder with the good Senator from York, Senator Courtney, making sure that the school children in Sanford got extra money because they had not had enough money to provide all that his children needed. That is something the state spends money on. I think it was just last week that I was fighting shoulder to shoulder with my good friend from Washington, Senator Raye, for healthcare, for education, for economic development, and all the things that he wants for his people in Washington County. The Senator from York, Senator Nass, has talked to me many times about what we could cut and what could we do. This has been a wonderful exercise and it has been a very important exercise.

I congratulate both men and women, Democrats and Republicans, on the Appropriations Committee for working so diligently in trying to look for ways that we could be leaner and meaner but providing those things that we think are very important to the people who sent us here and not losing the forest for the trees.

I guess I was hoping somewhere in my heart of hearts that we could get away from the rhetoric of Maine has a spending problem because I think this exercise showed me, and I think if you were very honest with yourself when you go home at night and look at the things you tried to cut and you couldn't cut, Maine has people and businesses with needs. That's all we spend the state's money on, the people back home and the businesses that are using it for a leg up.

I shouldn't even be speaking because education came out great in this debate. As the Chair of the Education Committee we all decided education was important. We didn't cut very much there. We did cut the university, much to my chagrin. Everybody stepped up to the plate, whether it was the university, which I care deeply about, or something else. We said there would be no sacred cows in this process and we all gave up a lot of things that we liked because we were trying to get to the greater good.

It's turned out to be a debate, in large part, about how we're going to take care of people who need healthcare. I would just like to mention two things to you. I really hate using the word non-cats or non-categoricals. It certainly dehumanizes the people we are talking about. Let me tell you about a non-cat. There is a very good friend of mine. He was the teacher of my students. An excellent teacher. He continued to teach. I must tell you he has rescued more throw-away children than anybody I've ever known. You can never go by his house when there is not some young man that nobody wanted staying there for a few days. They are not bound by the Department of Mental Health or anybody else. They are just there because he takes them in. He taught up until last year. He taught school. He's not very healthy sometimes. He's a large man and has an illness, but he's working. He did get laid off though when they had a reduction in force in Winslow. He is surviving now by doing odd jobs, raising some chickens, but he still takes care of those children. He called one day to see if there was any kind of help program for him. Guess what? He's a non-cat. Dirigo Choice was something that he just might belong to. He's working on that. Don't kid yourself. This is a man who had no others. He lost his job. He's trying to work. He's looking for other jobs. Even Wal-Mart. We're not putting anything down. I'm just saying that this is what a non-categorical is. It's a real person with real needs, who is working and poor.

The last thing I wanted to say, in particular to my friend from York, Senator Nass, because we've had the discussions about what could and could not be cut, is that it is time to be honest with each other. Both sides deferred some costs. We said we'd pay it

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next year. A long time ago, when I served in this body, we were so bold. You know what we did? We put the whole GPA into the next fiscal year. Were we proud of that? No, that was the stupidest thing we ever did. It could have gone to infinity and we certainly made the budget work that year. Fortunately, we had the good sense to get rid of that gimmick. Well, this budget has some too. Why did we do that? Because we are trying not to hurt our towns, our cities, and our people. So both sides have things in here. As a person who represents a lot of state employees, they are the beneficiaries of a lot of this amendment's push because they are going to have to wait. Instead of getting their pay on time, on June 29, they will have to wait until July 3. It may not be important to us in here, but it might be to them. It doesn't really save a penny. Let's be honest with one another. That bill is still there. I guess I'm saying you can't get there from here without really hurting people. I think you know that and I think you did some of these things to keep from hurting people more. I'm hoping that you will think about non-categoricals and think about all the people you don't insure. I sit on the board of a hospital. My last financial report, guess what, the charity care, since we have been taking care of more people, went down 60%. Somebody is going to pay, but let's find the best way to do it. I appreciate your listening to me. I have the greatest of hope and the greatest of respect for all of you. I want us to stay on the tone that has been set by our President and our committee because I honestly believe that this minority report doesn't go the distance and I hope that you would even consider joining us on the majority report. Please do vote to indefinitely postpone this motion and search your hearts about going forward so that we can continue to do good work together. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "A" (S-274). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#273)

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, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: TURNER

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-374), **PREVAILED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "B" (S-375) **READ**.

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

Senator COURTNEY: Thank you, Madame President, men and women of the Senate. This amendment restores the funding to the BETR program. Regardless of how you feel about the BETR program, I think that it is vital to the creation of jobs in the State of Maine. It is vital to continue to create the jobs that provide the taxes for the programs that are needed. It's my belief that this reduction in funds to the BETR program will ultimately drive businesses out of the state. I think it is going to set a tone in this state that Maine is not open for business, Maine is not a good place to bring your company. This amendment, I believe, is about jobs. In many cases, very good paying jobs. Madame President, I would respectfully request that the body support this amendment. Thank you.

Senator ROTUNDO of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-375).

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

Senator ROTUNDO: Thank you, Madame President, men and women of the Senate. I'm concerned in terms of the amendment before us and the permanent change that it proposes to revenue sharing. I'm troubled that it could jeopardize the future of revenue sharing, making revenue sharing an appropriation means that it would appear as a budget item to be debated in each budget bill. Under current law, little over 5% of sales and income tax revenues are automatically set aside for revenue sharing. This would change it and every year we would have to debate and make decisions about revenue sharing. It is something that I feel probably would not be terribly popular with our municipalities as it could jeopardize the future of it.

Also, with regard to BETR, as we all deliberated in Appropriations we were clear that the pain of these cuts needed to be spread across the board with the exception of GPA. Hence the cut for BETR. It's a 10% cut for one year only. It's not ongoing. We felt this was only fair, particularly since this is a very costly program that year after year, as we've made significant cuts in the budget, has never been touched until very recently.

For those reasons, I hope you will move to indefinitely postpone and support the motion on the floor. Thank you.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of 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 Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "B" (S-375). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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ROLL CALL (#274)

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

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

ABSENT: Senator: TURNER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-375), **PREVAILED**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "C" (S-376) **READ**.

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

Senator **MILLS:** Thank you, Madame President. This amendment is a very simple and small one, frankly. As I understand the impact of the section of the budget that is deleted by the proposed amendment, we're talking about section HHH, there would be some \$210,000 essentially removed from the competitive grant system for the Maine technology initiative administered by the Department of Economic and Community Development. That money would be removed for the purposes of earmarking it to a special project that hasn't even begun or started yet, to a project that would be inadequately funded through providing even \$210,000 to it, and to one that is highly speculative and hasn't been vetted through the competitive grant process that is typical of technology investments. Most members of this chamber, I believe, are thoroughly familiar with the grant and many of the businesses that have been helped through the Maine Technology Institute grants. To deprive that money, to take that money away from the competitive grant setting and give it to an earmarked project that has virtually no chance of coming to fruition without millions of dollars being added, it seems to me, is a violation of our methods by which money is spent through our technology initiatives. For that reason, I think it's inappropriate to have a special earmarked fund within the DECD budget when the money should be administered through a competitive system based on the comparative merits of those who apply for these funds, which are very scarce. For that reason, I do urge this chamber's acceptance of the amendment. Thank you.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-376).

On motion by Senator **NASS** of York, supported by a Division of 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 Androscoggin, Senator Rotundo to Indefinitely Postpone Senate Amendment "C" (S-376). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#275)

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

NAYS: Senators: ANDREWS, BROMLEY, CLUKEY, DAVIS, DOW, MILLS, NASS, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: TURNER

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-376), **PREVAILED**.

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 pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#276)

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, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senator: TURNER

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19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator 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.

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 **TAXATION** on Bill "An Act To Rebalance Maine's Tax Code"

H.P. 1131 L.D. 1595

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
PINEAU of Jay
HUTTON of Bowdoinham
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

Senator **PERRY** of Penobscot moved the Bill and accompanying papers be **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#277)

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

NAYS: Senators: ANDREWS, CLUKEY, DAVIS, DOW, HASTINGS, ROSEN, SNOWE-MELLO, WESTON

ABSENT: Senator: TURNER

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PERRY** of Penobscot to **COMMIT** the Bill and accompanying papers to the Committee on **TAXATION**, in concurrence, **PREVAILED**.

ORDERS OF THE DAY

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

Emergency

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

H.P. 1027 L.D. 1464
(C "A" H-626)

Tabled - June 17, 2005, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**, in concurrence.)

(In House, June 7, 2005 **PASSED TO BE ENACTED**.)

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.