

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

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**NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

**EXCUSED: Senator: NUTTING**

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being excused, and five being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. Robert E. McAfee** of Portland, for reappointment to the Dirigo Health, Board of Directors was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber **Dr. Robert McAfee** of Portland. Would he please rise and accept the greetings of the Maine Senate.

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Off Record Remarks

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

**ENACTORS**

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

**Emergency Measure**

An Act Concerning the Confidentiality of Records Held by the Gambling Control Board

S.P. 32 L.D. 90  
(C "A" S-47)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 2 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.  
Senate called to order by the President.

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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 Extend Civil Rights Protections to All People Regardless of Sexual Orientation"

S.P. 413 L.D. 1196

In Senate, March 29, 2005, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "I" (H-92)**, in **NON-CONCURRENCE.**

Senator **HOBBS** of York moved the Senate **RECEDE** and **CONCUR.**

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

Senator **HOBBS:** Thank you, Madame President and members of the Senate. I'll call your attention to House Amendment "I" (H-92) that has been attached to this bill. I just wanted to clarify what this particular amendment does. This amendment provides that the bill may not be construed to change any right to marry that exists under the United States Constitution, the Maine Constitution, or any law of the state. The original bill, which was voted on in this body, there was no nexus between what is known as the defense of marriage act, what is known as gay marriage, and the original bill. However, this amendment will make sure that everyone knows that there is no nexus and it was decided by both the opponents and the proponents that it would be better to, for clarification sake, even though it doesn't need to be clarified, have this amendment on the bill.

On further motion by Senator **HOBBS** of York, 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 (#33)**

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

**NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, NASS, PLOWMAN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK**

**EXCUSED: Senator: NUTTING**

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HOBBS** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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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 Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)

H.P. 343 L.D. 468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-35)**.

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 To Pass as Amended by Committee Amendment "B" (H-36)**.

Signed:

Senator:

NASS of York

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENTS "E" (H-52); "T" (H-67) AND "CC" (H-93)** thereto.

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35)** Report, in concurrence.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Since late January, my colleagues on Appropriations and I worked carefully and conscientiously to craft the '06 - '07 biennial budget. As we approached our work, we were mindful that we needed to find an additional \$250 million to meet our obligation to Maine voters who had passed the school funding referendum in June. Second, we needed to include the property tax relief voters expected from us and that was promised in L.D. 1. We worked in good faith as Democrats and Republicans to resolve our differences and secure a 2/3 budget. I personally want to thank this morning the good Senator from York, Senator Nass, and the good Senator from Aroostook, Senator Martin, for their hard work. There were small bi-partisan working groups that we formed to look for solutions to those things that divided us on the Appropriations Committee, with the securitization of the lottery being the biggest obstacle. It was the collective thinking of the bi-partisan group, looking for an alternative to securitization, that focused us on dealing with the unfunded liability of the state retirement plan, a huge issue looming on the horizon for the state. Unfortunately, a unanimous budget alluded us, though it is important to remember that about 93% of the budget before you was voted in unanimously by the Appropriations Committee and that this budget is stronger for the bi-partisan work that we did. The amended budget before you responsibly meets our obligations to the people of Maine and protects Maine's families. This amended budget provides the property tax relief promised in L.D. 1; provides the infusion of \$250 million of educational funding necessitated by the passage of the June referendum by the people of Maine; and reduces state spending by more than \$425 million and we've cut and capped services and streamlined state administrative operations and eliminated over 60 state positions. It begins to address, in a responsible way, the unfunded liability and the need to pay down this debt, saving Maine tax payers millions of dollars in the future. It restores \$53 million of the \$130 million in proposed cuts to DHHS to maintain the safety net for our children, veterans, elderly, and disabled, thus honoring our commitment to our Maine