

MAINE STATE LEGISLATURE

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Legislature, and out beyond the current administration, and puts it on the glide path to take care of that unfunded liability over a thirty year period. I would encourage your support of it. Thank you very much.

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

Senator **MARTIN:** Thank you, Madame President. I would just read from the proposal itself. Annual payments will be made on the basis of an independent actuarial analysis conducted every two years.

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

Senator **TURNER:** Thank you, Madame President. I would simply ask and inquire of the good Senator of Aroostook, Senator Martin, and your point is?

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

Senator **MARTIN:** Thank you, Madame President. My point, if it was missed by the good Senator from Cumberland, Senator Turner, is what I was reading. My point that I made at the beginning was that we're turning over the state budget to actuaries. I read from the proposed Constitutional Amendment exactly what the proposed constitutional amendment would say.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I regret to comment that if that's the case we're already in the hands of actuaries, big time, on the pension side of things. The Constitution already provides that we have to meet our obligations for pensions that we owe to State employees and teachers. We have to pay off that actuarially determined liability by July 1, 2028. It was the teachers and the Maine State employees who, in the early 1990's, brought those Constitutional Amendments to us because they wanted their pensions, they wanted their money, salted away on a responsible schedule determined by actuaries so that we would have enough money in the piggy bank to meet all of the many obligations that we've accrued since instituting pension systems in 1917, which in those days were completely unfunded. Of course we're just doing now for health insurance, health obligations, retiree health obligations, in some fashion very parallel to what we did 10 or 12 years ago with respect to pensions. This is nothing new and the fact that the State has to take an actuarially responsible approach to this debt obligation is compelled by accounting rules that are in turn driven by bond house ratings and analyses. It's all good accounting, good actuarial work, responsible government, and responsible and good business to have an obligation in place that requires us to amortize this obligation that has been appraised at around \$4.7 billion. Thank you.

THE PRESIDENT: The pending question before the Senate is final Passage. 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 (#213)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

This being an Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 16 Senator having voted in the negative, and 19 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE, in NON-CONCURRENCE.**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act To Amend the Election Laws"
H.P. 1227 L.D. 1761

Tabled - June 11, 2007, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-489)**, in concurrence

(In House, June 11, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489).**)

(In Senate, June 11, 2007, Committee Amendment "A" (H-489) **READ.**)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "D" (S-389) to Committee Amendment "A" (H-489) **READ.**

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

Senator **MARTIN:** Thank you, Madame President. First, I want to apologize to the staff and members of the Senate. You can see I'm at letter 'D' trying to get this to the way we had worked it out. Basically what this will do is to allow the continued use of stickers in primaries where there is a candidate that has dropped.

Stickers will continue to be allowed. There's some fear that this might be a problem with machines because we may be going to machines in the future. That's why we've made the provision that the clerks, if they have any problems, will report them to the Secretary of State and we'll deal with them the following day.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "D" (S-389) to Committee Amendment "A" (H-489) **ADOPTED**.

Committee Amendment "A" (H-489) as Amended by Senate Amendment "D" (S-389) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY SENATE AMENDMENT "D" (S-389)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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 Allocate the Number of Redemption Centers Based on Population"

H.P. 1122 L.D. 1600
(C "A" H-272)

In Senate, June 20, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**, in concurrence.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **ADHERED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Address an Inequity in the Judicial Retirement System
S.P. 574 L.D. 1630
(C "A" S-295)

Tabled - June 18, 2007, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2007, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295)**.)

(In House, June 15, 2007, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-295).

On further motion by same Senator, Senate Amendment "A" (S-377) to Committee Amendment "A" (S-295) **READ**.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would ask that you vote against the pending motion. Let me see if I can succinctly explain to you why I don't think this is a good idea. After this debate I'll make sure that I only meet judges at cocktail parties and not in the courtroom.

This bill comes to us as a result of the convergence of several things coming together. First of all, what the bill does is try to provide a modest enhanced retirement benefit by making a contribution to the judicial retirement system for a COLA that was not paid to judges in the 2003 - 2004 timeframe. Normally when you seek to do that in a retirement system you would expect Maine's Constitution to hold sway, which says you must not only cover the current cost but the unfunded liability as well. Further, we have had, for some period of time, an opinion from the A.G. that says that the judicial retirement system is, in fact, subject to that portion of Maine's Constitution that says that you cannot incur an unfunded liability by providing an enhanced benefit. Somewhere out of the blue, the A.G.'s opinion recently changed and says the judicial retirement system is no longer subject to Maine's Constitution; therefore you do not have to finance the unfunded liability at the time you provide the extended benefit. That is another matter you need to keep in mind.

The reality is the unfunded liability, which does not have to be cured, is about \$1,139,000. It so happens that the posture of the judicial retirement system is such that there is excess money available that would cover this amount and have a little bit left over. In so doing, you would disadvantage those who are not