

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

In Senate Chamber
Friday
June 18, 1999

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

Prayer by Senator Chellie Pingree of Knox County.

SENATOR PINGREE: Thank you all for letting me come before you and lead you in prayer. Let us pray.
I pray for us all, as we enter our last day of work, that we may make our decisions with compassion and wisdom, and treat each other with kindness and respect. I pray for us all, as we depart the building that is our home for many months and return to our homes and families, our jobs and responsibilities, that we find the time to be grateful to all of the people and communities who care about us even when we're gone long hours and long days. That we find the time to enjoy the remarkable beauty of the State we are blessed to call home. And that we remember to value the phenomenal privilege we have been given to represent our friends and neighbors and those we've never met, as we, like generations before us, sit in this Chamber and make decisions that will determine their future. I ask God to keep all of our children safe and look after those who will not be with us the next time we convene as a Senate. Amen.

Pledge of Allegiance led by Senator Jane Amero of Cumberland County.

Off Record Remarks

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

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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Reading of the Journal of Saturday, June 5, 1999.

COMMUNICATIONS

The Following Communication: S.C. 341

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 8, 1999

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under S.P. 771, Joint Order establishing the Commission to Study Single-sales Factor Apportionment, I have appointed the following Senators:

Senator Richard P. Ruhlin of Penobscot
Senator Beverly C. Daggett of Kennebec
Senator Carol A. Kontos of Cumberland

Please let me know if you have questions regarding these appointments.

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 342

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 288, L.D. 806, "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers," which I am returning without my signature or approval.

This bill provides annual cost of living adjustments for employees receiving total and partial incapacity benefits prospectively, for

injuries after January 1, 2000 reaching their 6th anniversary. The adjustment may not exceed 3%. The purpose of the bill is to assist employees who are collecting benefits to keep up with the cost of living; the estimated cost to employers is 3.4% of workers' compensation system costs or \$9 million annually.

Only a year ago, I returned another bill with this exact title without my approval. Although the provisions of the bills differ, my underlying objection to piecemeal alterations to our workers' compensation system and benefit structure remains the same. I cannot approve this legislation primarily for this reason.

By returning this bill without approval, I do not wish to imply that our system or benefit structure is perfect. Our system already has built-in cost drivers that will add significantly to system costs, such as the projected 6.7% increase in costs (approximately \$17 million a year) that employers will experience in 2000 as the number of weeks of benefits is extended to 520 weeks. If we readjust benefits, we must reallocate all of the cost drivers in the system in a rational way. Despite the appeal of this proposal, Maine is not in a position where we can provide additional benefits to employees without countervailing system cost decreases.

We are all aware of the improved status of Maine's workers' compensation system since the 1993 Blue Ribbon Commission reforms. Maine's turnaround in this area has contributed to the general economic upswing we have recently enjoyed. However, both the reformed system and our economy are still fragile. Maine ranks only near the middle of the States with respect to workers' compensation costs. This means it is less expensive to cover employees in about 50% of the states and Maine is at a competitive disadvantage for jobs. As an example, in 1998 one prominent self-insured Maine company found its per employee cost of workers' compensation coverage to be 14% lower in New Hampshire, 30% lower in Vermont and 55% lower in New York. Same company, same policies, same jobs – drastically different costs. This comparison with our neighbors is compelling evidence of the competition Maine faces as we try to recruit quality jobs and employers.

Only about one quarter of the states provide automatic cost of living adjustments in benefits. Of these states, merely a handful provide adjustments for partial incapacity benefits, as is proposed in L.D. 806. It is also highly significant that our workers' compensation system had cost of living adjustments prior to the 1993 Blue Ribbon reforms and that they were cited as a significant cost driver in that troubled system. The last version of those adjustments applied only to death and total disability benefits, which is a narrower class of employees than that which this bill would cover. We must strictly scrutinize the reintroduction of a benefit that was specifically rejected in the landmark 1993 reform legislation.

It is difficult to return a bill that seeks to provide injured employees with a modest cost of living increase and I do not do so with ease or capriciously. This Administration has urged representatives of labor and business to open a dialogue regarding the possibility of reallocating the already built-in system costs increases so that benefits can be directed to those most in need. Until the system is once again scrutinized in a rational and

comprehensive way I cannot support significant changes to the benefit structure, such as embodied in L.D. 806.

Because of the objections outlined above, I am in firm opposition to L.D. 806 and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

S.P. 288 L.D. 806
(C "A" S-189)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **MURRAY** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **MITCHELL** of Penobscot who would have voted NAY.

ROLL CALL (#228)

YEAS: Senators: BERUBE, DOUGLASS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, KONTOS, PARADIS, RAND

PAIRED: Senators: MITCHELL, MURRAY

14 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators having paired their votes and 7 Senators being absent, and 14 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

An Act to Provide Equal Treatment in the Taxation of Public Pensions

S.P. 431 L.D. 1268
(C "A" S-348)

The Following Communication: S.C. 343

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 11, 1999

To the Honorable Members of the 119th Legislature:

I am returning without my signature or approval S.P. 431, L.D. 1268, "An Act to Provide Equal Treatment in the Taxation of Public Pensions." This bill would provide a State income tax exclusion of up to \$6,000 in taxable income to recipients of State, Federal, and military retirement benefits. This tax expenditure of about \$14.1 million would be funded by subjecting the Social Security benefits of some recipients, which have been exempt in Maine since the inception of the income tax in 1969, to State income taxation.

I understand that the portion of the Social Security benefits subject to taxation by this bill is currently subject to Federal taxation. The Federal government initiated the taxability of certain Social Security benefits by enacting the "Social Security Bailout Bill" in 1983. The proceeds of the Federal tax are dedicated to relieving the pressure on the Social Security Trust Fund and the Medicare program; however, there was no compelling reason for Maine to conform to this policy in 1983, and I see none in 1999.

While I can appreciate the intent of this bill to provide public pension tax relief, I cannot justify the imposition of the supporting tax burden squarely on the shoulders of other Maine retirees. This new tax would serve as a disincentive for many retirees to remain in, or return to, Maine's workforce. In addition, many would retain less exempt pension than will be provided as a benefit to public pensioners.

I am sympathetic to the idea of providing tax relief to all retirees in Maine and hope future economic circumstances will allow us to move in this direction. Simply shifting this burden from one group of retirees to another, however, I cannot justify.

For these reasons, I believe that a Social Security tax for Maine is not a proper funding source for this bill. I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator, Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to do something a little unusual for me this afternoon. It's because I recognize something. I recognize that there is no chance today, I've counted heads; I can count; I learned that some time ago. There is not a chance to override the Governors veto on this issue. So rather than continue the divisiveness which the pension proposals have brought forward to this Chamber, I'm going to ask that all of you join me in voting to Sustain his veto. But before I do that I want to mention one thing, and the only reason I would do this is I consider the question of equality in our taxes, and fairness in our taxes, to be paramount in our concerns and should be. The Tax Committee over a period of years has looked at it; our entire tax code is a glaring inequity. It's inequity in the public pensions pay for people who are retired who are much more affluent. That is not proper; it's not correct, and it should be addressed. I have been watching very carefully as we all have voted on, at various times, the pension issues. I am pleased to report that in my mind, from what I have observed, every member of this Senate has voted to give some relief, in some form, to the public pensioners of this state. It is past time. We should move forward with that, I feel that we can do that in January. I see the vehicles for doing that in January. To continue this issue before us, to address it until fairness is finally reaching this State, to recognize we should not have two tiers of people paying taxes in this State, and to address it straight forward. That is my aim; that is my goal. That is what prompts me to say today, let us stop now, take a deep breath, and move forward with this issue in January. Let us keep uppermost in our minds that fairness is fairness. And let fairness, ultimately prevail. Thank you.

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

Senator **DOUGLASS:** Mr. President. Men and women of the Senate, I wanted to rise to speak in favor of the principle that is behind this Bill, and that is to exempt the modest pensions received by teachers and other public employees from Income Tax, as Social Security is exempted from Income Tax. This is an important principle and I wanted to just note one example of many that I received. I got a letter from a constituent of mine, Geraldine Morton, who receives approximately \$9,000 in a teacher's pension. She is 72 years old. Of that pension, \$1,400 is deducted for Blue Cross/Blue Shield. She is a widow and her

husband's Social Security is \$1,700, but from it is deducted \$525 because of her receipt of a State pension. Now that is an unusual situation that many people don't know about. I certainly didn't before I came to serve in the Legislature. The net result is, she pays taxes, and is in a different situation than those who receive Social Security, who are exempted from Income Tax. And I hope that we can, in the future, address this inequity. Thank you.

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

Senator **HARRIMAN:** Good afternoon, and thank you Mr. President. Ladies and gentlemen of the Senate, it's nice to see you all again. I rise as the Co-sponsor of this piece of Legislation that has worked it's way through the Legislative process to this ultimate destination before us today, where the Governor has asked us to Sustain his veto. I Co-sponsored this Bill because, like some of my colleagues who have spoken already, it is time that we understand that there are people who are living on retirement income, who do not receive the same tax treatment as other citizens. Most especially, our retired military, teachers, and our State employees. The goal has not changed that we need to find rate relief for this growing segment of our population because we want them to stay here, not to change residence as we are all so familiar with, that people choose to do because of our tax policy. When the Bill was before us, before it went down to the Governors desk, I implored that the Amendment that was added to the Bill by the Committee to go and tax someone else to give tax relief was the wrong public policy message. And perhaps, like you, the flurry of phone calls, e-mail messages and faxes that have come to my home and office sent the message loud and clear that the retirees who are currently living here believe that the best place to create tax relief for public pensioners is not on the backs of another retiree, but on recognizing that the State checkbook just needs to do with a little bit less money here in Augusta. So I look forward to taking that journey, as my good friend from Penobscot, Senator Ruhlman, suggested and the sooner we can do that, the better Maine retirees will be. Thank you Mr. President.

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

Senator **MILLS:** Mr. President, and men and women of the Senate, I rise just to make sure that we all comprehend, or at least that I have on the record my own sentiments about how this trade off came to be. At some point in the early 1980's, the Federal Government decided to tax half of the Social Security benefit that is received by people who are able to make something in the order of \$30,000 or 35,000 in present dollars, in retirement, basically on investment income. And in the early 1990's, for a still further upper layer of income category, that percentage was raised to 85%. This was done in part as a trade off for not reducing Social Security benefits in a progressive way for people who clearly weren't relying on the benefit for their own self-support. And for reasons that are somewhat lost in history, the State of Maine elected to go out of conformity with the Federal Government in regard to the tax policy enacted by the Federal Government in relation to high income Social Security recipients. Now to give you just a bit of an example of how high income we're talking about, in order to generate \$30,000 to \$35,000 worth of investment income, not counting unrecognized capital gains, to

get that kind of an income from bonds and stock dividends, from interest, you have to have a net worth of \$500,000 or \$600,000 of investments. Not counting the home that you presumably own, the cars that you may drive, the snowmobiles that you may be operating, the boat you may own, and the camper. Counting only the income producing assets of the retiree, to generate \$35,000 of income, you've got to have about a half million dollars in the bank, or at Paine Webber, or some such place. So what we did in the early 1980's is we created a tax loophole for millionaires living off Social Security, in part. Now that is what we saw in the Tax Committee and said, that isn't fair when you've got school teachers making \$9,000 a year on a State pension, unable to tap into Social Security for precisely the reason the good Senator from Androscoggin articulated. Because the Feds and their wisdom said, if you're getting a public pension, even if you've earned Social Security you shouldn't get it; ridiculous Federal policy; absurd Federal policy. Deeply detrimental to those who receive public pensions. A grotesque inequity exists. And so we remedied the millionaire loophole on the one hand, and at the same time created a very small, very modest \$6,000 exemption for public pensions on the other, and tried in a small way to rebalance the teeter-totter very slightly. That was the thought behind this Bill. The Bill, I believe was incorrectly reported by the Press, some of whom are sitting here. I think the people who get to write the headlines abuse their privileges by announcing that we in these two Chambers, and the Tax Committee, 11 of the 13 of us, had decided to go out and tax poor Social Security recipients. Well, we did not do that. None of the people that called me were eligible to be taxed under the Bill and I suspect that of the 3,000 people that hammered the Governors phone line, there weren't 300 of them that would be open for taxation under this Bill. This thing took on a political life of its own. It became a rallying cry for people who want to teach us a lesson, and make us recognize that the third rail of politics really is Social Security. They wanted to hammer home a point and they have succeeded. But we're doing it all, we should understand that by sustaining the veto in this case, what we're doing is we're perpetuating a grotesque inequity for public employee pensioners and at the same time perpetuating what I think is a millionaire's loophole that exists in the State Tax Law. Thank you.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to talk a little bit today about all retirees in the state of Maine. Because I think it's time we address the concerns and fears of all retirees in this State, not just one portion of them. And I would like to give you a couple of examples of calls that I have received on this particular Bill. One was from a couple who are constituents in the City of South Portland, who called me to say, after reading the article in the Portland Press Herald about the State of Maine beginning to tax people's Social Security, they finally had made a call to a local broker to put their house on the market because they said this was the straw that broke the camel's back for them. They've now made the decision to move to Florida because they no longer have faith that their Legislators are going to do anything to encourage retired people to stay in the state of Maine, where they have lived and worked, and brought up their families. I've also received several calls from people who would have benefited from this piece of legislation. And one in particular was very

passionate. A retired military person who said, look I would benefit from this Bill, but I just don't think it's right to take from other retirees so that I can benefit. I'm hoping that all of you will consider, later today, recalling a couple of the Bills that are now in our Dead File, so that we will have a chance to readdress these issues of how we can provide some tax relief for retirees in the state of Maine in the next Session. And I'm pleased that today we are going to be able to sustain the Governor's veto because this is not the right approach. We will have an opportunity in the next Session to set the record straight on the issue of helping retired people to stay in the state of Maine and to encourage other retirees from other states to also come here as well. Thank you Mr. President.

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I've spoken on this Bill three times and I'm not going to repeat what I said before. In regards to the poor retired teacher that was earning approximately \$9,000, I doubt very much if that individual would, after the exemptions and deductions were taken, have to pay any significant State of Maine Income Tax. I believe the tax would be zero. I did do a little research after we adjourned and I believe I'm correct on that. In regards to the amount of money that the Social Security kicks in. At \$25,000 if you're single, if you have income of \$25,000 or excess of, and you're single, \$32,000 for a married couple, that is really not a very great income or pension with today's dollars. I just wanted to set the record straight on that, and I do compliment the Chairman of the Taxation Committee, Senator Ruhlin from Penobscot, and I would like to join him when we come back and see if we can work something out. It is my hope that we do step up to the plate and pay for it, and not do it on the backs of one particular group, who happen to be the more affluent Social Security recipients. I'm not going to prolong this debate any more, but I hope you all vote to Sustain the Governor's veto. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I have been voting in opposition to this Bill all along the way, as you know. And on Enactment, if you take a look at the voting record, you will notice that there were 11 Senators in the Chamber who voted in opposition. I was one of the 11, and 23 voted in support of the measure. When you are one of 11 against 23, your vote doesn't count. Mr. President, I rise to thank the Governor publicly for his veto of this measure. It's a bad idea. Bad legislation proposed, and now today as I vote in support of his veto, my vote will count. Thank you Sir.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#229)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, DOUGLASS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

No Senator having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, and none being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 344

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 511, L.D. 1512, "An Act to Amend Maine's Family and Medical Leave Law," which I am returning without my signature or approval.

L.D. 1512 amends the Maine Family Medical Leave Law by adding employment leave provisions to the law. It will allow employees in firms having as few as 15 or more employees to take up to 24 hours each year of employment leave to attend medical and dental appointments of a child and to take leave to attend parent-teacher conferences.

As you are aware, there is a Family and Medical Leave Act at the Federal level that applies to all workers in the United States. The Federal law requires employers with 50 or more workers to offer up to 12 weeks leave for catastrophic medical needs. This leave can be paid or unpaid at the employer's discretion.

In contrast, Maine is one of only two states which has a law that lowers the threshold to firms with 15 or more employees. It is estimated that more than three-quarters of Maine workers are covered by this law.

The Family Medical Leave law was created to support people in emergency or catastrophic medical situations. Essentially, the intent was to ensure that employees would have flexibility in these situations over which they had little if any control. LD 1512 expands the law to cover short-term scheduled activities. As a parent, I understand the importance of activities as parent teacher

conferences, medical and dental appointments and other family responsibilities. However, I do not believe that it is an area that requires regulation by law.

Already, Maine is one of very few states that has gone beyond the Federal Family and Medical Leave Act. I am concerned that adding additional provisions to the law will add unnecessary regulation and oversight to the employee-employer relationship.

Because of these concerns, I must oppose L.D. 1512 and respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Amend Maine's Family and Medical Leave Law
S.P. 511 L.D. 1512
(S "B" S-323 to H "A" H-576;
C "A" S-217)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **MURRAY** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **MITCHELL** of Penobscot who would have voted NAY.

ROLL CALL (#230)

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

NAYS: Senators: AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, PARADIS, RAND

PAIRED: Senators: MITCHELL, MURRAY

15 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators having paired their votes and 6 Senators being absent, and 15 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Off Record Remarks

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

The Following Communication: S.C. 351

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 693, L.D. 1939, "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State," which I am returning without my signature or approval.

Increasingly, I have come to recognize the challenges and difficulties faced by deaf and hard-of-hearing people in obtaining information and services throughout the State. It is for this reason that I included \$120,000 for the Maine Center on Deafness, \$40,000 for legal interpreting, and reestablished two positions in the Division of Deafness in each year of my Part II budget. It is my hope that this funding and these positions will be a good step forward in services for people who are deaf and hard of hearing.

Also, it is important to note that due to the efforts of advisory groups, legislators, and members of the administration, a number of other important steps have been taken to improve services for people who are deaf or hard of hearing. These include:

- Legislation that directed the Department of Professional & Financial Regulations to create licensing standards for interpreters and to gather information on the background and training of individuals now providing interpreting services for people who are deaf or hard of hearing.
- An enhanced undergraduate degree program for the training of interpreters in American Sign Language funded by the Maine Department of Education.
- A Department of Education review of rules related to the standards and qualifications of education technicians who assist students who are deaf or hard of hearing.

Although I recognize that additional resources also would be put to very good use, at this time I am unable to support an additional

\$200,000 in the next biennial budget. This decision is based on the recognition of overwhelming service demands over the next several years and the limited resources available to meet these demands.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 – 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Let's not raise expectations we can't deliver on—this does a disservice both to the program in question as well as the taxpayers.

As such, I am returning L.D. 1939 without my approval or signature, and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State

S.P. 693 L.D. 1939
(S "A" S- 420 to C "A" S-206)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, first let me thank everybody here for allowing this Bill to be taken out of order. Interpreters are very important for deaf people to be able to understand what is going on, and as you may have noticed today, there are many people here in the Legislature watching what we are doing, talking to us about these issues, who are in fact, deaf and who need interpreting in order to communicate with us. I make this point because someone who is deaf has a very difficult time in life without some sort of additional services. Right now the State of Maine provides very few. Over last summer the Department of Labor, pursuant to a Resolve enacted by the previous Legislature, held a series of forums across the state of Maine. Deaf persons and persons who work with the deaf and hard of hearing came to testify about what their needs are and what the State should be doing to provide services. The reason that this Resolve was passed was that we had discovered that there are about three pages of mandates of what the State is suppose to be doing in terms of providing services. Yet the only two staff people in the Division of Deafness had been cut during the Productivity Task Force years and the entire appropriation to the Maine Center on Deafness, which was the community services that were being provided, was just over \$22,000. So the Resolve said to the Department of Labor, okay find out whether or not all of these services that we have mandated for many years are required. Are they necessary? What is the need out there? Come back to the Legislature with legislation which tells us which services we should not be providing, and come back for a Budget for those we should be providing. Well interestingly enough, the Department came back and said, we should not get rid of any of these mandates that say that we should be providing these services. We should be providing all of these services and we should be beefing up the Budget to provide those services.

What are these services that need to be provided? Current law mandates that the Division on Deafness coordinate services for the deaf statewide. That they provide information and referral services, advocacy in the areas of employment, education, legal aid, healthcare, social services, financing, and housing. Again, the Department attempts to do this through a \$22,000 grant to the Maine Center on Deafness located in Portland. One thing that became very clear, especially after a focus group was held in Aroostook County, is that there is a severe lack of services in Northern Maine. The money that would have been appropriated in the legislation before us today, which I am asking you to override the Governors veto on, would insure that services are provided in Northern Maine, north of Augusta. Right now we have an office of one staff person and a half, in an office that doesn't even have adequate phone lines. It has no secretary, it has no place to meet. I had to have a meeting there once and it was right next to the coke machine, which was fine for those who were deaf. They didn't hear it, but I couldn't hear anything that anyone was saying who was not deaf, or the interpreters. It's a completely inadequate set up and it does ourselves a disservice to say that we are providing these services in the law, when in fact we are not. The Department's own report said that about 100,000 people in the state of Maine are deaf or hard of hearing. Many of the hard of hearing are, in fact, elderly people who are late deafened, for which we have almost no services. You can imagine the experiences of an older person who ends up in a

nursing home, who suddenly finds that he or she can no longer communicate. A very, very frustrating, harmful, terrifying experience. In some ways, perhaps, even worse than someone who has grown up with deafness and is used to that experience. Going back to the 100,000 people, it's interesting to note that the amount of money appropriated in this legislation, would basically provide \$1 per person in terms of services. Not too much to pay in my opinion.

This legislation has not been debated at length in the House or the Senate. And there is a good reason for it. It came out of the Appropriations Committee with an unanimous vote. A unanimous bipartisan vote of all members there to fund it at \$200,000 a year. \$200,000 a year, the Bill before you is \$100,000, again the unanimous vote of the Appropriations Committee, when we went through the Table, to provide \$100,000 a year for these services. The Governor has a long veto message, I encourage you to take a look at it, but I would point out it is quite inaccurate. He states that there is, in fact, all kinds of services being provided by the Bureau of Rehabilitation that this would duplicate. That is incorrect, these services are not duplicative of any services provided by the Bureau of Rehabilitation, which is solely for getting people into jobs. A couple of hundred people a year access those services. What we're talking about here, is what happens when someone goes to a car dealer. They see they're deaf and they take advantage of them and rip them off by selling them a car that doesn't run; a lemon. That person comes back and they try to get redress. They have no one there to interpret for them. They don't know how to contact a lawyer. They're at sea. This is the kind of story we've heard. Over the summer when the forums were held, one woman stood up and said, insurance doesn't pay for hearing aides. I didn't have enough money to fix my hearing aide, I'm deaf, my children are not. For two years I have been unable to communicate with my own children. Now that is just pathetic and we ought to be able to help people with those kinds of needs. I just found that to be one of the most shocking things that I had heard. When this issue came up and we heard rumors that there was a list of Bills that were going to be vetoed, members of the deaf community called down to the second floor to register their concerns with the TTY, which is the way they communicate. That is the telephone services that the deaf can use. And the Governor's Office does not have an answering machine on its TTY. Someone who tries to leave a message cannot do so. Unlike those of us who can speak not using our hands, but with voices, we may leave a message down there. So perhaps, the messages have not been heard. I know there are a lot of needs out there. There is a concern about fiscal prudence. I will just say this, is it fiscally prudent to help someone so that they can get a car in working order, so that they can get a better job? Is that fiscally prudent? I think it is. I think that is money well invested. A small, small amount of money here that would help a large group of people access everyday life, jobs, their relationships with their families, the whole panoply of things that we take for granted. I urge that you vote to Override the veto.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, in terms of wanting the Governor to hear the message when there is no way for that message to get through, I guess I would like to add I'm equally frustrated in the Judiciary Committee

as you have read. We've heard the most horrible stories I've ever heard in my five years in the Legislature about abuse situations that happen. And when they came forward to ask for the extension of statute of limitations they also gave us an alternate list of services that would possibly satisfy them. And since then we have been having meetings, many with members of the Governor's Staff, at which time we had given, what I thought were believable, credible promises of services that we all, as a State, will try to deliver to our deaf citizens. It's really disconcerting, from my position in Judiciary, hoping that we all can honor our long overdue promises that one of the 22 issues picked out of our Budget concerns a \$1 per person; help for these deaf citizens. I don't know how we get the message in and I'm really sorry for all of us that this ball is getting dropped today. It's been dropped many times in the past and I hope someday we can honor any one of the promises that we seem to be making to this deaf community. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon ladies and gentlemen of the Senate. I too share the vision of the people who need our services, who are hard of hearing or deaf. And if I could digress just briefly, Mr. President, I would like to share with you a boyhood story. When I was playing basketball for Yarmouth Elementary School, we used to go over to the Baxter School for the Deaf to play basketball. In fact, on one occasion I had an opportunity to meet a former Governor of Baxter. So I bring to my comments on the record regarding the veto a genuine interest and concern for the issues that this Bill, that has been vetoed seeks to address. But I would like to suggest that while the disappointment over this veto may seem to be the only message that has come out of this Legislature that is simply not the case. And in fact, in our Budget, that has passed and is signed, is an appropriation for \$120,000 for the Maine Center for Deafness, an additional \$40,000 for legal interpreting services. And, we re-established two positions in the Division of Deafness each year of this Budget that has just been passed. It was also suggested by some, that perhaps there was even more resources that could be accessed for the services. One in particular that I hope we will take a close look at, is the residential care portion of the Governor Baxter School for the Deaf, which has a fiscal note of approximately \$550,000 a year. And when you analyze, as my good friend from Penobscot, Senator Michaud, did on one occasion, most of the people residing on campus live in the greater Portland vicinity. Yet, as has been mentioned, services in Northern Maine, there were, I believe, no residents on campus from Northern Maine. I think that is a public policy issue worth exploring further. There could be savings there that certainly I would support reallocating to this community. But that is for another day.

The fact is that most of the Bills that you're going to be asked to consider sustaining the Governor's view on have come from Bills that found their funding through taking major changes in tax policy. We've already dealt with one on Social Security. Hopefully there will be another on tax conformity where, on the Appropriations Committee's Table, the Bill that was brought up before us on tax conformity, because it had a fiscal note to the State, was immediately voted Ought Not To Pass. The Commissioner of Revenue Services said please could you pause for just a moment and allow me to explain, if you don't pass these

Bills, there's 10 or 12 areas on Maine's Income Tax form that will be out of compliance with the Federal Government. And if this was really all about money, if you take the health insurance deductibility for self-employed people out of the Bill it becomes a positive fiscal note. And you know what happened? All of a sudden the vote was Ought To Pass As Amended. The positive fiscal note was used to spend. And where was the money spent? On very worthy programs. Programs just like this. And many others that we're going to have to make very difficult decisions on today. Ultimately at the end of the day, this is tough business to stand here in front of our colleagues and our constituents and make tough choices. And this has to be one of them in my view. It should be done with an acknowledgment that this Legislature, as my good friend from Kennebec, Senator Treat, has stated, has taken a fresh look at it's responsibilities. And the Budget we have passed makes measurable quantum leaps in the direction that we should be going in. And I hope that will sustain you as you cast your vote. Thank you Mr. President.

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

Senator **MILLS:** Thank you Mr. President. Mr. President, men and women of the Senate, in the Labor Committee we get to hear not only about the needs of the deaf community, but also the needs of the blind community and the community of people who are disabled for a whole host of other reasons. That is a segment of our population that is growing larger and larger every year, I would suggest in geometric and not arithmetic fashion. And part of the reason I think has to deal with modern medicine. When I was a kid we didn't see too many people coming back from World War II in wheel chairs because they died very soon of either lung ailments or urinary tract infections. And they died usually within a few weeks or a few months after incurring the physical disability or the spinal cord lesion. Today someone who suffers a profound spinal cord lesion has a life expectancy that is approximately normal. And that is very good, but it has the impact of imposing on services that are provided by the Department of Human Services. The need for those services is growing by leaps and bounds every year. We still have strange inequities in our tax code that require us, for instance, to impose the 5 1/2% sales tax on the equipment that needs to be purchased by a physically disabled person to accommodate a van or to make accommodations to his home. We have a lot of fiscal demands on our Budget to serve the needs of those who live in our society with profound disabilities. And for better or for worse it does seem to me that these needs have to be addressed in a balanced way within a Part 1 or Part 2 Budget, where the money that we allocate for these purposes is divided among various constituents of our society in a balanced way. I can't sit here for a moment and disagree with anything that the good Senator from Kennebec, Senator Treat, has articulated about the needs of the deaf community. But I can say that there are needs that are just as poignant, just as profound, just as compelling from people in our society who have disabilities that are just as difficult, just as profound, just as awkward, and just as compelling. And for that reason, I think I have to Sustain the Governor's veto in this case, somewhat reluctantly, but with the idea that my reason for doing so has to do with addressing these needs in our society in a balanced way within the context of a plenary program for all people with disabilities that are the responsibility of the

Department of Labor and the Department of Human Services. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, a couple of comments if I might, in response to some of the statements made by my colleagues concerning this Bill and also what may be or not be in the Budget. The Governor's original Budget did not have this money in it. Either the \$100,000 that's in L.D. 1939 or what has come out of the Appropriations Committee, which includes \$120,000. The original \$22,000 was there. It was only because L.D. 1939 came forward with compelling testimony before the Appropriations Committee that a changed package was submitted, which included some of the \$320,000 per year that L.D. 1939 originally had in it. It is interesting to me that all 13 members of the Appropriations Committee voted in favor of \$100,000 additional per year, that's in L.D. 1939, after we voted for the Budget. I assume that they unanimously supported the additional \$100,000 because they felt that what had been put into the Budget by the Governor was inadequate. I don't know the reasons, but I assume they had reasons and they were good reasons. Certainly there are many needs out there and I am not one to argue that this is the only need that should be funded. Indeed I will be voting to support a number of the measures before us today, but I will say that there are few issues where the Department that oversees those services has come forward with a 200 page report detailing the deficiencies that they're provided, and recommending additional funding. And I found it interesting, going through my file, that I have an almost identical report from 1986. I guess at that time the Department that then ran these services, also did a survey. There was a big study about it. Some of the recommendations are identical. Almost nothing came out of that report and I have real concerns that very little will come out of this year's report as well. Yes there are big needs out there, not just in this case, but the case has been made thoroughly, it convinced the Appropriations Committee to twice vote unanimously in support of this funding. And I would just suggest that if there are additional needs out there that have not come forward that they go through the same process. I sat through three, 3-hour forums in the heat of the summer last year and had you been there as well, I don't think we would be having this debate. It was a very moving and educational experience. This Bill has been thought through thoroughly. Even if Enacted as is, it cuts the original appropriation in the Bill by \$100,000. It is fiscally responsible and it will meet a very, very important need. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#231)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 7 Senators being absent, and 17 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Off Record Remarks

The Following Communication: S.C. 345

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 16, 1999

To The Honorable Members of the 119th Legislature:

Enclosed please find S.P. 518, L.D. 1552, "An Act to Ensure Adequate Nutrition Services for Maine's Elderly," which I am returning without my signature or approval.

This bill provides a general fund appropriation of \$100,000 for each year of the next biennium for the Meals-On-Wheels Program.

Meals-On-Wheels is an important program, and state government demonstrated its support for these services with a \$100,000 Supplemental Appropriation in the FY '98 budget. Also included in FY '99 is an additional \$150,000 appropriation for other supportive services which includes transportation, outreach and adult day services. Both of these increased appropriations are reflected in the already enacted Part I budget. I also understand that President Clinton's budget proposal for Federal Fiscal Year 2000 includes an additional \$35,000,000 in federal funds for home-delivered meals. If the federal budget is approved, Maine should receive \$175,000 in new funding for this program.

L.D. 1552 also needs to be considered in the context of other long-term care needs. The Part II Budget contains a Supplemental Appropriation of \$3.5 million to reduce home care waiting lists and increased opportunities to enhance the affordability of drugs for the elderly.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

For the reasons outlined above, I am opposed to LD 1552, and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Ensure Adequate Nutrition Services for Maine's Elderly
S.P. 518 L.D. 1552
(S "A" S-396 to C "B" S-142)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I heard earlier from the Senator from Lincoln, Senator Kilkelly, that she was wearing black today because this isn't a very fun day. And I have to agree with her, I never would have worn red had I thought this through. I don't feel like there is any excuse for the veto messages that we're facing today. I am very disappointed at the veto message in front of us and the other ones that we're looking at. In fact, there will be 22 in all. Most of them are for minor amounts of money. Minor funding issues that we're facing today. And almost all of them have a similar rhetoric with them about the idea of on-going revenues. The difference between on-going spending and one-time spending, and reminding us that we cannot spend every penny and return to the fiscal irresponsibility that some have said the Legislature once possessed. But I'm not going to even debate that today. I want to remind myself and talk about the fact that when we did the Part 2 Budget we had about \$300 million of surplus revenue that we

were dividing up. From all counts, only \$14 million of that was on-going revenue. So everyone in here, including the Chief Executive in signing the Part 2 Budget, has spent a lot of one-time money for on-going expenses. We've all been doing that. For some reason the last \$3 million that we're looking at today was inappropriate. I find this very confusing. Why is it inappropriate that the senior citizen's lunches are something we shouldn't be spending money on? Well, many programs that we have all voted for and all funded, including investments in our businesses, funding in education, construction for schools, all that was appropriate uses of one-time money. But for some reason this last \$3 million is money we should have never touched. We will see later today a brand new Bill for another tax break that spends one-time money for an on-going tax break. For some reason that is appropriate. But today lunches for senior citizens is something we shouldn't be spending money on. We're irresponsible. Let's just remind ourselves, this is \$100,000 per year. We had a \$4.1 billion Part 1 Budget. Almost \$300 million in our Part 2 Budget. But this \$100,000 is inappropriate and a misuse of State money and fiscally irresponsible. I don't understand it.

I must quote the good Senator from Lincoln again, Senator Kilkelly, who said earlier today we should look at the return on our investment. What are we doing here with our citizen's dollars. This \$100,000 would buy 25,000 meals over the course of the year for 200 senior citizens. 200 senior citizens who often aren't visited for any other reason during the week except when the Meals-On-Wheels volunteer driver comes to their door and brings them a hot lunch. That's often their only check in. And the fact is, if, of those 200 people, we could keep three out of nursing homes, at a cost of \$40,000 a year to the Medicaid program, we would have more than saved the cost of this program. Now I call that a very good return on our investment. Somehow we were able to do that with the BETR program, with tax credits, with tax investments that went up at a phenomenal rate this year. But \$100,000 because it was one of the last \$100,000 spent, not one of those early \$100,000, but one of the last ones, is now inappropriate and a bad use of our taxpayer dollars. Even worse, today or yesterday we've heard that we're going to have another \$48 million in surplus. How can we justify being unable to spend \$100,000 for senior citizens meals. 200 citizens in the state of Maine we can't give that to and we're going to face another \$48 million in surplus. But we can't spend it on these senior citizens. I just don't think there is any excuse for the veto or for us being able to override it. I hope you will join me in attempting to override this veto.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, in the four terms that I have served, two in the House and two here in the Senate, I don't believe that I have ever cast a vote to override a veto and I am about to cast my first. I want to make sure that I tell you why. I serve many, many times during the year as a volunteer at Meals-On-Wheels sites around my district. And in fact, I've served as an auctioneer. I have brought different kinds of goods, baked goods, all kinds of different things to auction off so that money could be raised at the Meals sites. My mother serves as a deliverer of Meals-On-Wheels and so she goes, and I have driven with her, to four local towns and delivers meals, and sometimes she is the only person that the homeowner

has seen all week. I know because I worked with the program long enough, gone to board meetings, met with the people who run this program. First of all I know it is one of the very best programs that we have in the state of Maine in my opinion. And I know, secondly, that it does not have the kind of funding that it should have even beyond what has been additionally appropriated in the Part 1 and Part 2 Budget this year. I believe that this program can work even more closely with State Government, to couple services that State Government provides so that seniors can have a better idea about what State Government can do to offer them additional help. And in some ways I wish that we had an awful lot more than a \$100,000 to talk about an additional appropriation for a program like this. I'm not frustrated at all with the vetoes from the Executive branch. Not frustrated at all because I think many of those are fiscally prudent. This one may be fiscally prudent, I'm just happening to disagree that it is. I don't think it is, and if I am to make an error, I'm going to make an error on behalf of my senior citizens, if this is indeed an error in judgment. But I do not believe it is. I think that what we owe our senior citizens, in my district and yours, is a message that we ought to be sending out today from this Chamber that says, look we've got an awful lot of things that we are concerned about here. There are a lot of issues, there are some agreements, there are some important things that we must work out, there are some lines that we have to draw. But we are not going to send a message back to our community, back to our senior citizens, that says we're not going to support a \$100,000 allocation to a program like Meals-On-Wheels. I just can't do that. It's not right, so I will be voting to Override the Governor's veto and I will be doing so reluctantly, but I will be doing so. Thank you very much.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Madam President. Has a Roll Call been requested?

THE PRESIDENT PRO TEM: A Roll Call is Constitutionally required.

Senator **KILKELLY:** Thank you. My error, I apologize. Men and women of the Senate, I would urge you to consider overriding this veto. I want to just talk briefly about my experience with Meals-On-Wheels. When my children were little, one of our first

volunteer jobs was Meals-On-Wheels. I would pack the kids in car seats and off we would go. We did that once a week and it was an incredibly good learning experience for me, not having done that kind of work before, but always having worked with children. I met people that didn't see anyone during the week except me. We talked and it was a wonderful opportunity to have that exchange and to provide them with an opportunity for contact with someone else. I think that is critically important. It's a real quality of life issue. It goes far beyond nutrition, but nutrition is important as well. There is a part in this veto message that I find rather perplexing and the sentence is, there is very little chance that this program expansion could successfully compete for continued funding in 2002 and 2003. My response to that is, so be it. We can't bind a future Legislature, there isn't anything we can do here that will bind a future Legislature, and putting funding into this program for two years does not bind the future Legislature. It means that people need to come back two years from now and advocate in the same way that they've needed to advocate this year, for the continuation of this program. But one of the real challenges is what's going to happen between now and then. And that is the decision that rests on all of us today because we do have an opportunity to say that this program may not compete successfully two years from now for funding, but if it competes successfully today for funding, if we're able to override this veto, we can be personally responsible for assuring additional elderly people in our communities are going to have something to eat for the next two years. There are very few issues within this Legislature that are truly life and death issues and this is one of them. We're talking about frail, elderly people. We're talking about people who may or may not have family or friends close by. We're talking rural elderly people who may not have connections with their community any longer because of the circumstance they're in. And we're talking about the opportunity that we have, as a Body, to make a statement that we believe, for the next two years, those people ought to have food or, if we vote to Sustain this veto, that they don't need food. And that's the choice that we have. I think it is important for us to think, as we make this vote, of who these folks are. These are people who have worked during their lives, they've paid taxes, they've done all the things we expect them to do. And they are now in a situation where they are not in a position to cook their own meals, to feed themselves, or to take care of themselves. This meal may make the difference between that person being able to stay in the home where they raised their families. Where maybe they were with a spouse who's passed away, and they want to stay in that home for as long as they possibly can. And the meal is the key to that difference. Without that meal they may, in fact, be forced into some other alternative living situation where they will spend their last days, not in the same situation that they would like to be in. That is the responsibility that falls on this Senate today. To make the decision about, do we believe that those people deserve to have a meal, do we believe that those people deserve to have an opportunity to stay in their homes, where they raised their families, for as long as they possible can, or do we think that is unimportant? Do we believe that two years of this funding is worth the risk of maybe not having two years from now? I think it is. I think two years is better than nothing. And nothing is what we're going to get if we sustain this veto because this veto does nothing for senior citizens in this state who have provided us with our lives, with our communities, with our schools, and with our state. We owe them at least this money. Thank you.

THE PRESIDENT PRO TEM The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE**: Thank you Madam President. Men and women of the Senate, I rise because this Bill is an important Bill to me. I was a Sponsor of this Bill, and it is one of many of my Bills that are being vetoed here today. I'm not going to arraign anybody's motives, but I have, I believe, the highest number of Bills being vetoed today and it is a distinction I certainly wear with pride. This Bill is especially important to me because it does something that I think is long overdue in this state. We can debate all we want about fiscal responsibility. The reality is, what we're talking about here is a small amount of money, a very tiny amount of money in a \$4 billion Budget for this State. A \$4 billion Budget. And every single Legislature I have been in, when money was left for the Table there was never a restriction placed on it that it had to be one-time expenditures; that it could not be on-going expenditures. That is an artificial restriction placed on this Legislature by the Chief Executive, and it's to the punishment of many people in this state who are well deserving of being funded off the Table as every single Legislature in the past has done.

In the Governor's veto message he talks about Congress appropriating money for Meals-On-Wheels and Maine getting an additional \$175,000 for this program. That is absolutely not true. Congress is considering a 12% reduction in funding for elderly nutrition services and social services. The Administration has imposed an increase, but the impact of what's being considered in Congress, the reduction, unless Congress reverses its self-imposed Budgetary action, is the loss of \$288,000 in senior nutrition funds and nearly \$200,000 in social service funds for the State of Maine. That is the reality here we're facing. Now many of you remember the bad fiscal times that occurred in the State of Maine and many of the things that were cut during that time. This was one of them. This was one of the things that was reduced and it was never replaced. This is a Bill we owe the people of the state of Maine. And what better should we be doing with surplus revenue then paying Bills of the past? The elderly this money will serve are among the most vulnerable in the state. It will help get meals to the most isolated and most remote areas of the state where the closest neighbor's house may be miles away. Maine is a very big, rural state and many of you may be actually involved in Meals-On-Wheels, have family members involved in Meals-On-Wheels, belong to a church that is involved in Meals-On-Wheels. And you will know if you ever talk to anybody who goes out on a Meals-On-Wheels call that those calls can be some of the single most important calls in that elderly person's life. If you have met those people while going door-to-door, often you and the Meals-On-Wheels person are the only persons who regularly stop by their house. It's a very important connection for them and keeps them connected with their community. Not only is there potential for a major cut in the next Federal Budget in the Meals-On-Wheels program, but it already sustained a minor one last year. The U.S. Department of Agriculture cut its per-meal allowance by \$.03 per meal. That doesn't sound like much, but it added up to \$35,000 last year. I'll simply close by reminding the Senate of one thing, we're talking about trying to be fiscally responsible. Benjamin Franklin used to say that you can be penny wise and pound foolish. You can try to save a few cents now and it costs you more money in the long run. I'll close simply by saying, malnutrition is one of the leading causes of dementia among the elderly. We pay a tremendous amount of money towards the cost

of dealing with people who suffer from dementia. We have a choice here today of paying a few pennies up front and saving us a lot of expense and the public a lot of misery in the long run. Thank you.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

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

ORDERS

Joint Resolution

Under suspension of the Rules, on motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker ROWE of Portland and Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENNETT of Oxford, BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CASSIDY of Washington, CATHCART of Penobscot, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, KILKELLY of Lincoln, KONTOS of Cumberland, LaFOUNTAIN of York, LIBBY of York, LONGLEY of Waldo, MacKINNON of York, MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PARADIS of Aroostook, PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, TREAT of Kennebec, Representatives: AHEARNE of Madawaska, ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BOLDUC of Auburn, BOUFFARD of Lewiston, BOWLES of Sanford, BRAGDON of Bangor, BRENNAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, CAMERON of Rumford, CAMPBELL of Holden, CARR of Lincoln, CHICK of Lebanon, CHIZMAR of Lisbon, CIANCHETTE of South Portland, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CROSS of Dover-Foxcroft, DAIGLE of Arundel, DAVIDSON of Brunswick, DAVIS of Falmouth, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FRECHETTE of Biddeford, FULLER of Manchester, GAGNE of Buckfield, GAGNON of Waterville,

GERRY of Auburn, GILLIS of Danforth, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, JABAR of Waterville, JACOBS of Turner, JODREY of Bethel, JONES of Pittsfield, JOY of Crystal, KANE of Saco, KASPRZAK of Newport, KNEELAND of Easton, LABRECQUE of Gorham, LaVERDIERE of Wilton, LEMOINE of Old Orchard Beach, LEMONT of Kittery, LINDAHL of Northport, LORING of the Penobscot Nation, LOVETT of Scarborough, MacDOUGALL of North Berwick, MACK of Standish, MADORE of Augusta, MAILHOT of Lewiston, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MATTHEWS of Winslow, MAYO of Bath, McALEVEY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MITCHELL of Vassalboro, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, NASS of Acton, NORBERT of Portland, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEAL of Limestone, O'NEIL of Saco, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PIEH of Bremen, PINKHAM of Lamoine, PLOWMAN of Hampden, POVICH of Ellsworth, POWERS of Rockport, QUINT of Portland, RICHARD of Madison, RICHARDSON of Greenville, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAMSON of Jay, SANBORN of Alton, SAVAGE of Union, SAVAGE of Buxton, SAXL of Bangor, SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIAH of Bowdoinham, SHIELDS of Auburn, SHOREY of Calais, SIROIS of Caribou, SKOGLUND of St. George, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STANWOOD of Southwest Harbor, STEDMAN of Hartland, STEVENS of Orono, SULLIVAN of Biddeford, TESSIER of Fairfield, THOMPSON of Naples, TOBIN of Windham, TOBIN of Dexter, TOWNSEND of Portland, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TRIPP of Topsham, TRUE of Fryeburg, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WILLIAMS of Orono, WINSOR of Norway), the following Joint Resolution:

S.P. 856

JOINT RESOLUTION RECOGNIZING JAMES GORMLEY ON THE OCCASION OF HIS RETIREMENT

WHEREAS, upon his retirement and in appreciation of his years of service to this Legislature, we wish to recognize James Gormley, Sergeant-at-Arms for the Maine Senate; and

WHEREAS, James Gormley, affectionately known as "Jimmy" to coworkers at the State House, has honorably served the Legislature as postmaster during the 111th Legislature through the 116th Legislature, as a member of the chamber staff for the House of Representatives during the 117th Legislature and as the Sergeant-at-Arms during the 118th Legislature and 119th Legislature; and

WHEREAS, his careful attention to detail, his exceptional dedication and his good humor have made him an invaluable asset to this Legislature and a valued and vital member of the legislative staff; and

WHEREAS, his length of legislative service must be counted not only in years, but in the often unending hours that he has devoted to the legislative institution and its process; and

WHEREAS, he has gained the affection and respect of Legislators, coworkers and many others and will be greatly missed by everyone at the State House; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, do pause in our deliberations to express our appreciation to James Gormley and to recognize his unselfish and honorable commitment to this Legislature and to the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to James Gormley as a lasting token of our friendship, gratitude and respect.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, it's hard to think of all the wonderful things to say about our wonderful James Gormley, Jimmy, who we are all so fond of and has been an important part of my service in the Legislature since the first day that I arrived. But I wanted to just talk about one thing that I find particularly moving about Jimmy. It's sitting where I do, watching when the Pages line up every morning and both Bob and Jimmy make sure that they all get in order and he says, step here, step there, get in line, both of you get in line. They go down and do their service and all throughout the day Jimmy is there supporting them, telling them where to go, helping everything that they need done as the day goes along. And I have noticed when the Pages are all done for the day and he is thanking them and telling them how much he appreciates their service. He says to them, you are the best group of Pages we have ever had. The first time I was very impressed because many of them were my Pages and I happened to hear him say that. Then I noticed he said it again on another day. So all I can figure is that every day those Pages get better and better and better, and Jimmy makes sure he notices it.

One other special thing from me. When I first came here I had three teenage children. They were a little surprised that their mother was going to be gone so much, and that this job was going to take quite as much time as it did, which over the years has sort of become common place in our house. But particularly for my youngest son, who would have been about 11 at the time, he kind of was wondering where I went every day and what I was up here doing. So the first day he had a chance to come up here and serve as a Senate Page, I think it was a good experience for him to kind of find out that there was a role he could play, but his very favorite part of that was going down to the Post Office, hanging around with some of the older Pages, but particularly being down there with Jimmy, who made a point of finding out how he did in school, what he liked to do in the summer and did he have any girlfriends? Well to this day my 18 year old son, when he comes through here, knows the first person he has to go visit is Jimmy, and he's got to know everything. And in fact, if I

need to know something, I know who I can go ask to find out. Jimmy you have been an extremely important part of my Legislative service, frankly, I just don't even know if I want to come back next year if you're not going to be here. But I just want to thank you for all your service and the important role that you've played in all of our lives and certainly in the Legislature.

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

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

Senator **BENNETT:** Thank you Madam President. Fellow members of the Senate, I too want to rise and briefly just say a couple things in behalf of this incredibly long Resolution. I refuse to believe that all these people really want Jimmy Gormley to leave us, but I do want to say one thing, which is the role of Sergeant-at-Arms to me is a really significant role, and it is a role which I think Jimmy performs tremendously well. It is one that you don't recognize when it's performed well. It's only when it's performed poorly that you would recognize it and fortunately we do not have that problem. When I had the good fortune of moving from the Chair now occupied by Senator Davis, the good Senator from Piscataquis, to my current seat here, I realized that there is a different dynamic that occurs in this Chamber and it's one that really has a lot to do with the way that our debate proceeds and the way our proceedings progress and how we debate is so important to the tenor of this Senate. The Sergeant-at-Arms has a tremendously important role in that and I have just been amazed watching how diligent Jim Gormley is about making sure that our rules, the little unspoken rules, and the ones that are written down but nobody ever talks about, are enforced in this Chamber. For me, I cannot underscore the importance of that. Because it is a fundamental, basic sort of thing that needs to be done. And it has a lot to do with the profound respect for this Institution that I know we all have, but I think that Jimmy Gormley has in particular. Preserving this Institution of the State Senate is the essence of what Jimmy Gormley is suppose to do, and it's the essences of what he does in so many subtle, quiet, effective ways so well. And I just want to say thank you for that. As a member of the Minority Leadership it is particularly important for me that our proceedings move forward in a way that is mutually respectful, positive and constructive. And for that it's kind of a difficult thing to broadcast beyond this Chamber, but I think anybody who served in the Senate knows what I'm talking about and has that same respect for Jimmy Gormley and the way that you've done your job. I really thank you deeply through the Chair. Thank you very much on behalf of the Senate for all your good work, and I wish you god speed in the years ahead. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Madam President. Men and women of the Senate, it's hard for me to get up here and talk about Jimmy Gormley because I have known him a long time. In fact, virtually when I came into the Legislature Jimmy was one of the first people I got to know coming down to the Senate. And like people have said before, Jimmy is somebody who always treats everyone with respect and every elected member of this Body and the other Body got a great deal of respect from Jimmy Gormley throughout their Legislative service. But it wasn't until I became Senate President that I really developed this deep, deep affection for Jimmy and the job he performs. When I became Senate President I talked to one of the prior Senate Presidents to get some advice and I talked to several of them. And to a person, they came back and told one very simple thing. They said two people will be crucially important to you. That's the Secretary of the Senate and the Sergeant-at-Arms. Those are the two most important people to you because you will not be able to function without them. The Secretary of the Senate obviously we know does so much work around this Chamber keeping track of the Records of this Chamber. But when you are presiding, the Sergeant-at-Arms is your arms and your legs. As the good Senator from Oxford, Senator Bennett says, he is the person that carries out the Rules we adopt and sees that they are implemented here in the Chamber. And I remember when I first became Senate President, I'm talking to one of the new Pages and they would always treat me with a little bit of awe, and I always wondered why that was. I talked to them and Jimmy Gormley used to take them into the Chamber and he would take them the very first day and he would say, see that man up there and see that woman standing beside him. Whatever they tell you to do, they're your bosses, you're to do it. That was Jimmy Gormley. He has unbelievable loyalty to the presiding Officer, to the members of this Chamber, and to the Senate as an Institution. And it is rare to find that quality in a person, that sustained quality he has sustained throughout his years of service here. He has never once become cynical about the process, he has always loved the process, he has always been devoted to each and every one of us, and I know I personally have been the beneficiary of his absolute loyalty, trust, and devotion to service. And for that I owe him a debt of gratitude that I will never be able to repay. Thank you very much.

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

Senator **ABROMSON:** Thank you Madam President. I can say something about Jimmy Gormley that nobody in this entire room can say, he is my constituent. But I actually first met Jim when I came up here in the 117th and we were in the Majority and he was sort of packing up to go down to the other end. And I recall him saying, when his term was up, how he was going to miss his Senators. And he said, I don't care whether they're Democrats or they're Republicans; he didn't get an immediate chance to have an Independent. And he really had a great affinity, as has been said before, for this Institution. But particularly for each and every one of us. And I'm sure that is a deeply felt mutual feeling. Then came the 118th and the 119th and we got him back because we were in the Minority. And what's scary is it was almost worth it. Now I don't know what we're going to do next year. But, through

the Chair, I would like to say thank you Jim and welcome back to the constituency.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Madam President. Men and women of the Senate, I also wanted to say a few words. Others have already said so much, it seems that there would be little to add, but it's really just to say how much Jimmy Gormley's personal connection with each and every one of us, what it means to me. And I think that what the good Senator from Cumberland, Senator Abromson, just said about my Senators, I've always felt that way from the moment that I got elected. I was in the other Body over there and, in fact, during that time Jimmy Gormley was over there for two years. But I didn't feel the same as over here, where I just felt like this is the person that takes care of my needs. Like getting the little waste basket to fit under my desk because the big one wouldn't allow for my feet, or finding that chair and putting my name on it so that no other member of this Body would take off with it after he had adjusted it to my exact height requirements. It's still a horrible chair, but at least it doesn't send me off the edge onto the floor. And taking care of all those Pages. I know that I am in something of a competition with the Senator from York, Senator LaFountain, and also I believe she's catching up, the Senator from Lincoln, Senator Kilkelly, on the Page count. But I do have a lot of Pages. I represent a district that is close to Augusta and many young people come here and I'm frequently running around, late at meetings, trying to just come down and catch a word with them. And he has always got them under his wing, just taking care of them in a great way, making me feel like, no matter how bad things get, you know what's the frown about? Why aren't you smiling, that is the first time you haven't been smiling all year, what's going on? Just to have someone here to ask after you in a personal way, I think just means so much to me, and to all of us. And for that, I just want to thank Jimmy for all that he has done. And I truly can't imagine being here without him, and I'm going to miss him very, very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Madam President. I'm going to tell a little story about Jimmy, and how considerate he is. This was last term, I believe, and I sat over with the good Senator from Cumberland, where Senator O'Gara now sits. Being in the Minority we don't have offices or desks, so we do, at least I do anyway, come into the Chamber and I try to do a little work; push a little paper around. I was in here one day and a lady came in and I was trying to do a little work. She was talking to me for quite a period of time, maybe 15 or 20 minutes, and finally Jimmy came over and he said, Senator Ferguson, you have a telephone call in the Minority office. I knew precisely what it was. I got up and excused myself and left the Chamber. But Jimmy's that type of person. He knows that when people are in here harassing us and he observed what was going on, and he was considerate about that, and he saved me. And for that, through the Chair, I appreciated Jimmy and I wish you well in the future. Certainly come back and visit us. We will miss you. Thank you.

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

Senator **CASSIDY**: Thank you Madam President. Men and women of the Senate, I really wanted to rise this afternoon and speak a bit about Jimmy too. I could tell you some things, but the Sergeant-at-Arms might have to remove me from the Chamber. So I won't. And that's in a very kidding way obviously. I just want to say that I have really enjoyed getting to know Jim. We kid each other a lot about he and I and Senator O'Gara being Irishmen. I think one day Senator O'Gara and I spent so much time debating the last couple of months on highway issues and things, we spent a lot of time against the wall. Jimmy came up one day and said, you know when two Irishmen are together there's either a song or a fight. And I said Bill and I sang a lot. But I really enjoyed getting to know Jim, and we always had a little funny tale or something to tell each other. And just shortly, wasn't more than three weeks ago, and I know the good Secretary will attest to this, I said something to Jimmy, and Jim got to laughing, and I got to laughing, and I came back and sat down and Joy said, I thought I was going to have to have the Sergeant-at-Arms removed from the Chamber. So that is getting pretty bad. Jim I really enjoyed all your humor, and through the Chair, I want to wish you the very best of luck, and I know we will see you visit us again. Good luck and thanks a lot.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING**: Thank you Madam President. Men and women of the Senate, I know there has been a lot of well deserved compliments of Jimmy so far. But there is one thing, frankly, I'm not going to miss. I'm not exactly sure, well I have my hunch, that Jimmy didn't mind embarrassing us all just a little bit, when we used to walk down to the other Body, by how loud he would holler, Make Way. My parents were in here once last year, and that night I got home and finished my chores, and I got a phone call. The question was from my parents. They happened to be standing out in the Rotunda when we marched down. Their question was did he really have to holler that loud, Make Way? And my own answer back to them was, no I think he just enjoys embarrassing us a little bit. And I think he has done a great job and I want to wish him, through the Chair, all the best in the future. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY**: Thank you Madam President. Men and women of the Senate, Jimmy is certainly an Institution within this Institution. And while we have certainly benefited from his presence and all of his good work, we will be diminished when he is not with us. Jimmy has been a great friend, and the Legislature is certainly, as we all know as members and staff, a family. I just want to also comment on behalf of my daughter Sarah, who was Chamber Staff in the other Body for several years. She and Jimmy became very close friends, and she really depended on him as that great supportive uncle who can get you through difficult times and help you figure out what it is you need to do and be very supportive. And I know that she appreciated that greatly. But that is exactly the kind of process we have here. It's a process where the good works and the experiences are passed from one to another, whether it is members or staff. And that is what makes this Institution as strong as it is. All the good people

that have been part of it, who have been part of the work and web of the fabric that, in fact, make this place as wonderful as it is. And so while we have been enhanced by all the good works we will certainly miss you, but we know that you will be doing great, wonderful things, and that you will be back to visit. Thanks.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: I would like to pose a question through the Chair.

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **LONGLEY**: Can anyone think of anything that we can do to keep this wonderful person here? I'm presuming not, and I'm presuming it is in his best interest to go on and enjoy days outside the State House as well. I would just like to extend a wonderful thank you. On the bottom floor when we entered the State House we got to be greeted by Bob. And we would come in here and we got to be greeted by warm friendly Irish-eyes kind of smiling hello. And you reminded us that we wanted to be here even though we felt like we had the weight of the world on our shoulders. We are going to miss you, and we are going to probably find you wherever you are. Through the Chair I would like to say this, I look forward to those days too. Thank you very much for making these days really memorable. Thank you.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

On motion by President **LAWRENCE** of York, **ADOPTED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

The Following Communication: S.C. 346

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 569, L.D. 1636, "An Act to Renew Maine's Economy," which I am returning without my signature or approval.

I am a great admirer of the work being done by the Forum Francophone des Affaires (FFA). We have made great strides in our international trade efforts in recent years since the development of the Maine International Trade Center, a highly successful public/private partnership. Contributions of private sector organizations like FFA have certainly contributed to our success. Last year the Legislature appropriated \$100,000 for start-up funds to help establish FFA. An ongoing general fund subsidy for operating costs was not anticipated and is difficult to justify, given current fiscal circumstances.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 - 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Let's not raise expectations we can't deliver on—this does a disservice both to the program in question as well as the taxpayers.

Therefore, I am returning L.D. 1636 and respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Renew Maine's Economy

S.P. 569 L.D. 1636
(S "A" S-408 to C "A" S-190)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#232)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, NUTTING, PARADIS, RAND

14 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 8 Senators being absent, and 14 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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 Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

S.P. 748 L.D. 2107
(C "A" S-453)

In Senate, June 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-768), in NON-CONCURRENCE.**

Senator **PINGREE** of Knox moved the Senate **RECEDE** and **CONCUR**.

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

Senator **BENNETT:** Thank you Mr. President. I request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you Mr. President. I think it would be helpful, because of the many days since we last considered this and apparent action in the other Body that we're being asked to Concur with, that we have an explanation of House Amendment "A". Thank you very much.

THE PRESIDENT: The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President. In response to the question, my understanding is that this Amendment came out of the Appropriations Committee that met yesterday. As I understand it, not every member, including all the Senate members, were there and that this is their recommendation from a unanimous vote of those present in the Committee. What it does is it adds into the Bond Act, that we had earlier, some additional money for the solid waste facility closure. This was an issue that we had debated, in response to an Amendment that I had offered when we discussed this a couple of weeks ago. That money has been added in. It brings it up to \$3.5 million, which is the amount that was requested by the Administration in the original Bond Act. It also adds in \$.5 million for small Community Grants. This is matchable money with the Federal Government, that goes out in Grants to communities, for the repair and upgrade of their pollution control facilities and it adds in \$2 million to address the tire stockpile issue. Something that I would like to mention about that, and this is information that became available to me subsequent to the time that we discussed this last, is that it is my understanding that without this money on tires, the Department of Transportation will be unable to use tires in its road projects and will, in fact, have to import used ground-up tires from out of the state of Maine in order to incorporate them into their road projects. I have a letter from the Maine Turnpike Authority, dated June 14th of this year. It's a letter to Brooke Barnes, who is the Deputy Commissioner of the Department of Environmental Protection, and it states, the Maine Turnpike Authority has an upcoming project that will require 13,000 tons of tire shreds or 1.5 million scrap tires. That will, I believe, get rid of one entire tire dump that we have. They would use it for light-weight fill. In 1997, we successfully teamed with your department on our jetport interchange project to clean up 1.2 million tires from the Emerson Tire Dump in Durham. Our partnership allowed us to meet our project needs while cleaning up the State's environment and helping our local economy. That project was a win-win-win for the MTA, the Maine DEP, and citizens of Maine. A critical element to the success of our teamwork was the 1996 Bond Referendum, Question 5, which provided your department with \$5 million for the tire dump clean up. It goes on to say that if they do not get

the Bond money they will not be able to process all these tires that are hanging out in tire dumps here in Maine and they will seek tires from out-of-state to complete these projects, which seems to be rather foolish in my opinion. I think this Bond Issue is very much needed and it's going to be going for a very good purpose. It draws many millions of dollars in Federal monies. In addition, it will assist communities in closing out their solid waste facilities. We have a commitment, a Mandate, that the State pay 75% of the share. The original Bond Issue failed to allocate any money for that purpose what-so-ever. With the House Amendment, it does not provide \$3 million that was in the original Bond Issue that was supposed to address sprawl related things. It does not provide 1/2 million that was in the original Bond Issue to address run-off issues. That's the difference between the original Bill and what is in this House Amendment. It is more than what came out of the Committee originally but, as I understand it, it does have the approval of at least all the House members of that Committee meeting yesterday.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, I will not be supporting this motion. I want to make it clear that even though the Appropriations Committee met yesterday, there was no official vote. It might have been a straw vote. Actually they should not even be dealing with this issue because it was not properly before the Appropriations Committee. The only Bill that was properly before the Committee was the Cranberry Bill that we dealt with this morning. My concern with this package is the overall Bond indebtedness that we currently have with the Bonds that we have approved thus far. After the vetoes we dealt with today there's about \$3 million left over. If this Body and the other Body would rather use some of that money to pay for the solid waste landfill closure, that's totally appropriate. My only concern is the original Bill that came out of the Appropriations Committee, which was unanimous, was the \$9 million package for Environmental Bonds and this brings that up to a \$17 million package, which in my view is substantially higher than I'd like to have seen it. Thank you Mr. President.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#233)

YEAS: Senators: DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, MACKINNON, MURRAY, NUTTING, O'GARA, PINGREE, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY,

LONGLEY, MICHAUD, MILLS, PENDLETON,
RUHLIN, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT,
GOLDTHWAIT, MITCHELL, PARADIS, RAND

11 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 7 Senators being absent, the motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **FAILED**.

Senator **BENNETT** of Oxford moved the Senate **ADHERE**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford to **ADHERE**.

Off Record Remarks

The Following Communication: S.C. 347

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

I am returning without my signature or approval S.P. 656, L.D. 1878, "An Act to Make More Uniform the Training of Firefighters." This bill is an expansion of the existing firefighter training program at the Southern Maine Technical College. The program receives most of its current funding from the Fire Insurance Premium Tax. The long-term viability of this funding source does need to be looked at because, unfortunately, revenues decline as the state improves its ability to prevent fire losses. A new law also enacted during this session, LD 1428, creates a study commission to study the enhancement of fire protection services throughout the state, with a report back by January 14, 2000, to examine the need for the same purposes advanced by this program expansion.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be

available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 – 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002/2003.

Let's not raise expectations we can't deliver on—this does a disservice both to the program in question as well as the taxpayers.

I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Make More Uniform the Training of Firefighters
S.P. 656 L.D. 1878
(C "A" S-194)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, very briefly I wanted to just let you know that this is a very important issue with regard to firefighter training, and also, firefighter issues other than just training. But we also recognize that as far as the funding mechanism, the objection raised in the Governor's veto message is one that, quite frankly, is not going to be overcome today through this mechanism. However, there will be an opportunity, through another Bill that we will be dealing with later on in the day, to correct the concerns raised in the Governor's veto message with regard to the on-going nature of the funding. At the same time as addressing the language that is necessary from this Bill in a limited type of one-time funding that will, hopefully, address the issues raised in this veto message. So I will be sustaining the veto at this point, recognizing that, hopefully later on this afternoon, we will have an opportunity to address the language issues through an Amendment on another Bill that is forthcoming from the other Body. Thank you Mr. President.

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

Senator **DOUGLASS:** Thank you Mr. President. Men and women of the Senate, this is a municipal matter that I think is very important. The training that is slated to occur through L.D. 1878 will provide more uniformity to firefighters throughout our state. It is important to note that, even though we are improving on our ability to extinguish fires through sprinkler systems and so forth, there is still a need for firefighters at the municipal level and there will continue to be. One of the programs that the City of Auburn has gone through is to train those firefighters in emergency services. I think that there are a variety, in fact, a myriad of other services that could be attended to by firefighters. It is important that we progress as our Nation progresses. This training would be heading in that direction. I think it would put our state in a position to meet the future, as opposed to dealing with fires as we have in the past. Clearly we need to prepare for the future and I am going to be voting to override the Governor's veto. I hope you will also.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate the very wise comments of the good Senator from Androscoggin. There is a great need in this state to make more uniform the training of our firefighters. To recognize that most of them are volunteer in nature, that we are given the time we need to make more uniform their training, and bring forth those efforts. I understand the fact that there are concerns about funding this very, very critical and important program that involves State Mandates, frankly involves the premiums that you pay on your fire insurance. Yet there was a concern that this would be an on-going program and it was being funded with one-time money. There has been a discussion to cure that problem to relieve the anxieties that came about from that so that the program would become, in fact, a one-time funded Grant program. You'll have a chance to pass judgment on that later on this afternoon. In the meantime I would respectfully urge, so that we may move on to that issue at that time, that we do in fact uphold the veto at this point and time. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#234)

YEAS: Senators: BERUBE, DOUGLASS, KILKELLY, KONTOS, LONGLEY, MICHAUD, NUTTING, O'GARA, PENDLETON, PINGREE, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, MACKINNON, MILLS, MURRAY, RUHLIN, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

12 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 7 Senators being absent, and 12 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

The Following Communication: S.C. 348

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 664, L.D. 1886, "An Act to Appropriate Funds for Marketing to Promote Economic Development," which I am returning without my signature or approval.

The Manufacturing Extension Partnership (MEP) provides valuable services to small and medium-sized manufacturers throughout the State. Unfortunately, like many very worthy new or expanded programs proposed for funding, I was unable to include this particular request in my budget proposal and the Legislature ultimately decided not to include this request in the Part II budget enacted this month as an ongoing expenditure item.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Because of the objections noted above, I am returning L.D. 1886, and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Appropriate Funds for Marketing to Promote Economic Development

S.P. 664 L.D. 1886
(S "A" S-409 to C "A" S-120)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#235)

YEAS: Senators: DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, PENDLETON, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 7 Senators being absent, and 14 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

The Following Communication: S.C. 349

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 669, L.D. 1891, "An Act to Increase the Minimum Wage," which I am returning without my signature or approval.

L.D. 1891 increases the State minimum wage to \$5.65 per hour effective the date the bill becomes law and then would increase to \$6.15 effective November 1, 2000. As I indicated when I vetoed similar legislation in the 118th Legislature, I remain concerned that raising the Maine minimum wage above the Federal minimum of \$5.15 per hour will put Maine at a competitive disadvantage by making it more difficult to attract new jobs to the State, not because we are attempting to recruit minimum wage jobs (we're not), but because of the signal this action – along with others – sends to the business community.

Enacting the increase called for in L.D. 1891 will cause Maine to have one of the four highest minimum wage rates in the nation, and one of only nine states nationally to set the minimum wage above the federal level.

In Maine, the Department of Labor estimates that approximately 7,000 workers earn the minimum wage, of whom a substantial portion are teenagers. Another 12,000 workers earn below the minimum wage, the majority of whom are tipped employees. I am not only concerned about the wages of these workers but of all workers in the State. That is why my administration has devoted a huge effort to attract and grow good jobs in Maine. As a result of that effort we have learned that when making business location decisions, employers consider the cumulative effect of a number of factors including wages, workers' compensation costs and tax burden. I remain concerned that adding yet another factor to this list will discourage the job creation we all want and ultimately hurt the very workers this legislation is designed to help.

At the same time, I recognize that an increase in the minimum wage will improve wages for a small number of Maine workers. For this reason, my decision to veto this legislation is not an easy one. Nevertheless, I am unwilling to take the chance that the increase proposed by this legislation will have an adverse impact on all workers by discouraging the creation of new jobs in our State.

My interest is to ensure that all workers in Maine earn well more than the minimum wage. I do not believe that placing Maine fourth highest in the nation on minimum wage will help us to achieve that goal.

Because it would not put Maine at a competitive disadvantage, an increase at the Federal level would assist Maine workers without putting the growth of our economy at risk. I am convinced that to do otherwise will place Maine at a competitive disadvantage.

Because of the objections outlined above, I am in firm opposition to L.D. 1891 and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Increase the Minimum Wage

S.P. 669 L.D. 1891
(C "A" S-280)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 350

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 689, L.D. 1935, "An Act to Create a Staff Position at the Maine Commission on Domestic Abuse," which I am returning without my signature or approval.

My veto of this bill is not an indictment of the work or mission of the Maine Commission on Domestic Abuse. This funding request is legitimate and deserves consideration in the context of overall budget priorities. This veto is about spending and prudent fiscal policy, not about the merits of this program. I am being extremely cautious about signing any bill creating new permanent state positions outside of the Part I and Part II budget agreements.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 - 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that

this program expansion could successfully compete for continued funding in 2002/2003.

It is for these reasons that I must return L.D. 1935 and respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Create a Staff Position at the Maine Commission on Domestic Abuse

S.P. 689 L.D. 1935
(C "A" S-140)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **MURRAY** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **MITCHELL** of Penobscot who would have voted NAY.

ROLL CALL (#236)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, PARADIS, RAND

PAIRED: Senators: MITCHELL, MURRAY

14 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 6 Senators being absent, and 14 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 352

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 735, L.D. 2085, "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps," which I am returning without my signature or approval.

I know the Maine Conservation Corps (MCC) to be a vital resource to young people in Maine and appreciate the positive contributions it makes to the quality of the State's environment and quality of life.

However, I cannot approve funding for the two permanent positions the bill would create.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 – 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002/2003.

Let's not raise expectations we can't deliver on—this does a disservice both to the program in question as well as the taxpayers.

As such, I am returning L.D. 2085 and respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps

S.P. 735 L.D. 2085
(C "A" S-171)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I've prepared a handout for you that includes the major projects of Maine Conservation Corps sites where they have operated. I realize that the last time we debated this issue the locations were very minimal because it was based just on my immediate memory. But there are, in fact, projects all over the state for which the Maine Conservation Corps and the Ameri-Corps have provided services. And then the list of the people who have been supportive of this Bill, whether they testified or sent letters of support. I would remind you that this Bill came out of the Agriculture, Conservation and Forestry Committee with a unanimous Report. And significant in that Report was a concern that this program, which used to serve Maine students is not serving Maine students any longer because we don't have the staff capacity to, in fact, do the outreach to get in touch with Maine students to get them involved in these programs. We are basically depending right now on Ameri-Corps. And Ameri-Corps is doing its recruiting out-of-state, providing some wonderful hands-on outdoor work experiences for out-of-state people here in the state of Maine. And while that's admirable, and certainly something I think we should encourage, what concerns me is that, as we look at diversity in our economy, as we look at opportunities that we can have for rural people to have jobs that, in fact, are jobs that are outdoor based, we're not providing many opportunities for that to happen. As I mentioned before, my son was involved with this program several years ago. He spent two summers in the Maine Conservation Corps and I know that it was a life changing experience for him. When we heard testimony on the Bill, we heard that over and over again from parents and also from folks at schools, that these opportunities for students to be outside; to be working; to have work experience; to work with their hands was really a very positive experience for them. But I would also remind you of the farmer that spoke before the Agricultural Committee, who said, all of these computer jobs are great. But what about the folks who are here, who have lived here, who want

to be just outside; who want to work on farms, who want to work in the woods? I think we need to provide those opportunities.

On top of that, one of the things the Maine Conservation Corps does that I think is critically important, is to provide trail maintenance and trail building to much of the land that has been purchased by the State. Yesterday I was participating in the ceremony for signing a Bond Issue for \$50 million to purchase more land. As I walked away from the site where we witnessed the Bill signing, I was struck by the fact that I was walking from the boat launch to my truck and there weren't any trails. And as I had conversation with the person next to me, I said, as we purchase land and tell people we're providing access, that's a pretty hollow promise, unless we can provide trails for them. We can do that in one of two ways. We can hire State employees that can do that, we can depend entirely on volunteers to do that, or we can have a wonderful combination. Which is volunteers within the communities that are working on their projects and these opportunities for job experience and volunteer experience for young people that will allow them to give back to their community, to be part of their community, to be active in their community, and to provide that access that we say we're doing when we purchase tracts of land. I would urge you to support an override of this veto so that we can, in fact, expand this program and provide opportunities for Maine students to do this work. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I would like to just read two sentences from the Governor's veto message. Two sentences which will share my views perfectly. He says, I know the Maine Conservation Corps, MCC, to be a vital resource to young people in Maine and appreciate the positive contributions it makes to the quality of the State's environment and the quality of life. However, I cannot approve, he writes, funding for the two permanent positions the Bill would create. I would just say to the Senate in consideration of this veto, do not despair, it appears that on Supplement Number 3, there is a vehicle being sponsored by the good Senator from Lincoln, Senator Kilkelly, which provides an opportunity for the Senate to approve the many aspects of this Bill, except for the two new permanent positions. And for that reason, I will be voting to Sustain the veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, in response to the good Senator from Oxford, Senator Bennett, yes, in fact, there is a Bill before us that would include just the language and not the positions. And while that is a fall back position, it's one that I appreciate because the language changes in this Bill were critically important; as critically as the positions that they funded. I would also need to comment on the word permanent. And I go back to my statement earlier on a previous debate. There is no such thing as permanent within this Body. There is no such thing as permanent within this system. We make decisions and we deal with those decisions on a biennial basis in the Budget. And anything that is done today should not be considered permanent because, in the almost 14 years I've been here, there isn't anything that hasn't been

revisited in some way or another. Whether it's to expand it or whether it's to decrease it or to change it entirely or find some way to make modifications to it. So again, I would see this as an opportunity to do something for two years. And we would be back again two years from now to defend the work that had been done. Thank you very much.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 7 Senators being absent, and 17 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 353

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 15, 1999

To the Honorable Members of the 119th Legislature:

I am returning S.P. 829, L.D. 2230, "An Act to Promote Community Mental Health Services," without my signature or approval.

This bill attempts to restrict unduly the flexibility of the Department of Mental Health, Mental Retardation, and Substance Abuse Services in managing its contracts for the delivery of services within its available resources, and has the potential for a significant future fiscal impact.

The bill prohibits the Department from authorizing a service provider to use surplus funds intended to purchase non-Medicaid services to offset an unanticipated increase in the cost of Medicaid services that are delivered by that provider. This

restriction applies even when the provider does not have a need for the full amount of the non-Medicaid funding because demand does not meet estimated need. For example, if a provider serves fewer non-Medicaid clients than anticipated and more Medicaid clients than anticipated, this law would prohibit the Department from authorizing the provider to shift non-Medicaid funds to pay for the increased cost of the State's portion of the Medicaid funds. This takes away from the Department an important tool for managing the delivery of services within its available resources.

In addition, there is an increased potential for a significant fiscal impact. While the fiscal note indicates that the bill's "impact on the State share of Medicaid costs cannot be determined at this time," it is likely that the long-term impact of this bill would be to increase the overall cost of providing services to clients. I feel strongly that I have a public duty to object to the final passage of legislation such as this which, in my opinion, represents a future cost which is both unplanned and has a magnitude which is unpredictable and potentially very significant.

For these reasons, I respectfully request that you vote to sustain this veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Promote Community Mental Health Services
S.P. 829 L.D. 2230

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

YEAS: Senators: DAVIS, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 7 Senators being absent, and 17 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

ORDERS

Joint Orders

On motion by Senator AMERO of Cumberland, the following Joint Order: S.P. 857

ORDERED, the House concurring, that Bill, "An Act to Exempt Military Retirees from State Income Taxes," H.P. 360, L.D. 485, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlín.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would point out to you that this Bill is in the Legislative Files. That means it's one that that we have discussed before and decided not to go forward with. It addresses a problem. A problem that should be addressed. A problem we discussed earlier in this Session. A problem that I hope we can all work on together in harmony, and with resource in January. This particular Bill, however, is narrow in scope, addresses only veterans. L.D. 1268, one which we just dealt with, addressed Veterans, Public Pensions, and Federal Pensions. We should address the entire field of Public Pensions, not just veterans. Therefore, I hope that you will vote against this Order to remove this from the Legislative Files so that we may address the inequities that exist in our present tax system, but look at them as a whole. Thank you.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a Bill which had a lot of support in this Body. But because of military retirees, they're going to be covered under the other Bill that passed, and it is going to be funded with taxes on Social Security. We, as a Body, voted to kill this Bill at that time. Now that the other Bill has died, I would ask that you consider bringing this Bill back from the Dead Files so that when we reconvene in January the Committee on Taxation would have a chance, if there are revenues available, to take another look at giving military retirees an income tax break on their retirement. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. I just wanted to assure the good Senator from Cumberland that the Taxation Committee will have that opportunity. It will avail itself of the opportunity, I assure you, at that time in January. It does not need this for a vehicle. We have other ways of doing that and I assure you that we will look at it and hopefully bring something forward that the Senate can work on together. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, in my view it's entirely appropriate to use vehicles that were presented to us already. In fact, I would consider it a little disingenuous, and maybe against our Rules, to suggest that we could bring some other vehicle forward that would essentially do the same thing that a Bill that we've already killed would do. I know that the gray area that the Rules create is frequently tread upon, but in my view it is much better if we are going to make a commitment to deal with these issues that we do it with a vehicle that came before the Legislature, was debated, had a public hearing, was considered. And this Bill meets that purpose. And so I hope that we will go along with the pending motion by the good Senator from Cumberland, Senator Amero, and Recall this Bill so that the people will know when we leave sine die, hopefully today, that this issue is not dealt with entirely, but is before us, will be reconsidered by the next Session of the Legislature, and that we have heard the messages of the people of Maine in countless phone calls and letters that we all have received, that they do care about helping pensioners. They do care about providing some tax exemptions in this area. They just didn't happen to like the other Bill, L.D. 1268, that the Legislature passed earlier that attempted to do that. And so I encourage you to vote for passage and I ask for the yeas and nays.

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

Senator **LAFOUNTAIN:** Thank you Mr. President. May I pose a question through the Chair.?

THE PRESIDENT: The Senator may pose his question.

Senator **LAFOUNTAIN:** Thank you Mr. President. To anyone who can answer. I'm anticipating the next motion that will be made by the good Senator from Cumberland, Senator Amero, on L.D. 146 and I'm wondering if that Bill is generic enough in title that the issue of military retirees could be included in that?

THE PRESIDENT: The Senator from York, Senator LaFountain, poses a question through the Chair to anyone who may be able to answer.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#239)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MACKINNON, MILLS, PENDLETON, SMALL

NAYS: Senators: DOUGLASS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, O'GARA, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, NUTTING, PARADIS, RAND

Pursuant to Joint Rule 404, the affirmative vote of two-thirds of the members present and voting was required. 17 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 8 Senators being absent, and 17 being less than two-thirds of the members present and voting, **FAILED**.

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

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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Ensure Adequate Nutrition Services for Maine's Elderly
S.P. 518 L.D. 1552
(S "A" S-396 to C "B" S-142)

Tabled - June 18, 1999, by Senator **BENNETT** of Oxford.

Pending - **CONSIDERATION**

(In Senate, June 4, 1999, **PASSED TO BE ENACTED**, in concurrence)

(In Senate, June 18, 1999, Veto Communication (S.C. 345)
READ and ORDERED PLACED ON FILE.)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#240)

YEAS: Senators: ABROMSON, BERUBE, CASSIDY, DAVIS, DOUGLASS, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, BENOIT, FERGUSON, HARRIMAN, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

21 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 7 Senators being absent, and 21 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDEN**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 354

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 17, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find S.P. 409, L.D. 1198, "An Act to Expand Opportunities for Education, Training and Employment for

Displaced Homemakers," which I am returning without my signature or approval.

This legislation provides the funds to establish four new regional centers, two in Washington County and one each in Oxford and Waldo Counties.

During the past four years, my administration has worked to improve education, training and employment opportunities for the people of Maine. My continuing goal is to better organize and streamline these programs to provide more efficient and accessible statewide service. A major initiative has been to consolidate numerous programs into one statewide CareerCenter system. This consolidation will result in 22 CareerCenters statewide within the next year.

Women, Work and Community is an important part of this statewide network and contracts with several state and regional entities to assist women to enter or reenter the workforce. As an example, the Department of Human Services contracts with Women, Work and Community to assist women in the Temporary Assistance for Needy Families (TANF) program. Between July 1, 1997 and June 30, 1998 the Department of Human Services contracted for \$432,000 of employment services from Women, Work and Community.

During that same period, Women, Work and Community had an annual budget of approximately \$1.3 million. Of this amount, \$589,000 came from the General Fund and the balance came from other contracts for services. This indicates to me that state agencies and others value the work accomplished by this organization and are willing to purchase services from them.

The funds in L.D. 1198 would support expanded services through the Maine Centers for Women, Work and Community programs. This is in addition to the \$175,000 increase provided in FY 1998-99. While I recognize that these funds would be put to good use, I do not believe that we can, at this time, afford an additional General Fund appropriation.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002 - 2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures

and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002/2003.

Let's not raise expectations we can't deliver on—this does a disservice both to the program in question as well as the taxpayers.

As such, I am returning L.D. 1198 and respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

S.P. 409 L.D. 1198
(S "A" S-405)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#241)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, MITCHELL, PARADIS, RAND

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 7 Senators being absent, and 16 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

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

SENATE PAPERS

Bill "An Act to Update the Statutes of the Maine Conservation Corps"
S.P. 859 L.D. 2257

Sponsored by Senator KILKELLY of Lincoln.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"
S.P. 748 L.D. 2107
(C "A" S-453)

Tabled - June 18, 1999, by Senator **TREAT** of Kennebec.

Pending - motion by Senator **BENNETT** of Oxford to **ADHERE**

(In Senate, June 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453).**)

(In House, June 18, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-768)**, in **NON-CONCURRENCE.**)

(In Senate, June 18, 1999, motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **FAILED.**)

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 252

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 706 Legislative Document 973 "An Act to Amend the Illegal Transportation of Liquor Law" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Twenty-seven voted in favor and one hundred twenty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 253

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1314 Legislative Document 1897 "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-two voted in favor and seventy-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 254

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 163 Legislative Document 225 "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-three voted in favor and seventy-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

ORDERS OF THE DAY

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

An Act to Increase the Minimum Wage

S.P. 669 L.D. 1891
(C "A" S-280)

Tabled - June 18, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, June 3, 1999, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, June 18, 1999, Veto Communication (S.C. 349) **READ** and **ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Madam President. Men and women of the Senate, this is a matter that has been well debated before the Body, but I just want to talk for a few brief seconds about what this means for most Mainers. We're talking here about a relatively minor increase in the minimum wage for the State of Maine. Before everybody starts to think that the minimum wage is only a wage for people under the age of 20, I just want to remind you that two-thirds of the wage recipients are people 20 years of age or older and the vast majority of them are women, many of them trying to raise families. So as we move on from moving people from welfare to work, it's critical for us to provide a livable wage for people to earn as they move back into the economy. I urge you override the Governor's veto today. Thank you.

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

Senator **HARRIMAN:** Thank you very much Madam President. Good afternoon ladies and gentlemen of the Senate, I too share the hopes and dreams of my good friend from York, Senator Lawrence, that the goals of our public policy decision should enhance and encourage economic development and job creation, and better employment opportunities for all of Maine's citizens. And, in fact, we've done just that if you look back on where Maine's economy was, or unemployment rates and other indicators of the health of our economy. It wasn't but 7 or 8 years ago we were in a pretty bleak and dismal situation. Since then we've improved our regulatory attitude. Maine State Government is more business friendly. People who take the risk of creating jobs can get access to capital more readily, under more favorable terms. As our economy struggles to get into the globalization that is sweeping. literally around the world, I predict that more opportunities that we've seen come and replace some of our more traditional jobs will come here and flourish. All of them, I predict, will be at wages well above the intended amount in this legislation. Which brings me to a point. It seems to me that if Maine wants to be the State where you can earn a livable wage, and those who believe that Government's duty is to determine what that rate is, in essence Maine Government is saying, this is the lowest wage rate that anyone is worth in the State of Maine, then hadn't we really ought to be talking about a wage of about

\$10 or \$11 an hour? Isn't that really the wage, after taxes, that one would need to make to live on, based on so-called experts opinions of what it costs to live in Maine? Second, it seems to me that, if we really want to create a livable wage, Maine ought to be a place that is viewed from beyond our borders in a positive way. And as well meaning as this legislation is, along with many others, in fact, one that was vetoed today requiring an additional message on family leave for employers of 15 employees, one after the other just seems to me to be sending the wrong message beyond our borders, that Maine can be a difficult place to do business because they send these little tell-tale signs that we're different. When they get here and they see what our tax rate is, it becomes an even stronger message beyond our borders that this may not be the best place to come and create jobs. So I would like to respectfully suggest that we've already done a lot that we can be proud of to improve the opportunities for economic viability and financial independence. And, in fact, the wages in Maine have been going up steadily and we can all be very proud of it. So while I admire and respect the good Senator from York, Senator Lawrence, and his goals, I think they are the same and I hope that you will agree that the route that I've tried to suggest is one that will get us there quicker and raises wages faster. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Madam President. May It please the Senate, in this day and age of the global economy it's a truism that the more expensive your workforce the more unemployed it is. You have to ask yourself now, in relation to this issue, whether Maine is rich enough that we can stand a minimum wage higher than the Federal minimum wage and the fifth highest minimum wage in the Nation. Are we that rich a State? Franklin County, in my district, has the second highest unemployment in the State. Washington County, I believe, being ahead of us. My constituents who have businesses in my district plead with me not to support this legislation because the more expensive your workforce the more unemployed it becomes. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Madam President. Colleagues in the Senate, I suppose if you don't want to do it, you can find many reasons to not do something. I suppose if you want to be a nay-sayer about business in this State, you can be a nay-sayer until the cows come home. We went to an economic development conference on Monday and what did we hear time and again when we were hearing about how they do it in Ireland, was how Ireland acknowledged that they were going to invest in their people, and because they invested in their people, they are now leading many Nations in the world, maybe most Nations, in terms of watching their economic development curves go basically 90 degrees upwards. I guess I do tire of hearing reasons why we can't do things. I do really worry about the way we poorly market ourselves as a family-friendly business state. I think we have got to do a lot of hard thinking about what refrains we are sending out. I wouldn't stand up to change the refrain but I really think the refrain of we're a bad place for business does us no good whatsoever. I think it is high time we realize that our investments

in people are what are going to allow us to become as great as we can be. Thank you.

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

Senator **HARRIMAN:** Thank you Madam President. Ladies and gentlemen of the Senate, if I have lead one to believe that Maine is a bad place to do business then I stand to apologize and correct that notion. Maine can be, and should be, a great place to do business. The way we are going to do that, in my view, is to send positive messages beyond our borders. Not dissimilar to what Ireland did several years ago. They sent three positive messages; we are going to build a world class infrastructure, and they did it; we're going to build a world class education and training system, and they did it; and we're going to dramatically cut taxes, and they did it. Today they are the leading economy in Europe, if not in the world. Thank you Madam President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **MURRAY** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **MITCHELL** of Penobscot who would have voted NAY.

ROLL CALL (#242)

YEAS: Senators: BERUBE, DOUGLASS, KONTOS, LAFOUNTAIN, LAWRENCE, LONGLEY, MACKINNON, MICHAUD, MILLS, PENDLETON, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, LIBBY, NUTTING, O'GARA, SMALL

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, PARADIS, RAND

PAIRED: Senators: MITCHELL, MURRAY

13 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes and 6 Senators being absent, and 13 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **RUHLIN** of Penobscot, **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:

ORDERS

Joint Order

On motion by Senator **RUHLIN** of Penobscot, the following Joint Order: S.P. 860

ORDERED, the House concurring, that the Joint Standing Committee on Taxation study and report out to the Senate in the Second Regular Session of the 119th Legislature a bill on the issue of pension equity.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, as you know, we've discussed, off and on today, and it seems like quite a bit during our regular Session, the existing inequities within our Pension System. This Order that is before you directs the Committee on Taxation to take under advisement that inequity and to report back with pending legislation or proposed legislation to this Legislature for the Second Session of the 119th and to address pension equity. I think this is broad enough in its scope to give the Committee a chance to look at many of the alternatives involved in correcting the present and existing inequities within our Pension System and I look forward to a speedy passage. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I recall that during the original debate on L.D. 146, which was before the Senate a few weeks ago, that is an Act to Exempt Pension or Retirement Benefits from the Maine Income Tax, we were told at the time that we could easily dispense with that piece of legislation because there was another Bill coming that was better, it was more preferable. And as it turned out that L.D. turned out to be L.D. 1268, which is the one we just dealt

with on the Governors veto today. That Bill, as you may recall, received a tremendous outpouring of opposition across this State from citizens. My concern remains the same on this proposed Order. If this means to be a substitute for the two other Orders which exist on our printed calendar and were presented to us in the normal course of our business, those two having been presented by my colleague, the Senator from Cumberland, Senator Amero, I don't think this is a preferable alternative. And I think most damning of all are the words which are used in this Order. Because we are not necessarily talking about tax exemptions and tax relief. The words here are Pension equity, which is the same concept, the same words that were used in L.D. 1268, which the people of Maine, with their overwhelming response to us, have rejected. I do not think this is preferable. And I would certainly benefit from having some sense that we're not just talking about rehashing L.D. 1268 here and all of its imperfections. But we're talking about true, meaningful tax relief through our tax code, not just a reshuffling of existing wealth from one set of people to another in this State. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. I want to point out that the issue has been, and is, tax fairness. It always will be tax fairness. It should be tax fairness. A society is judged on how well and how fairly it places its burden, the cost of its existence, upon its citizens. A society that does not use fairness in that runs a risk of contempt of its citizens, and rightfully so. We presently deserve the contempt of many of our citizens. I take exception to the Senator from Oxford calling it a rehash. I want to point out that L.D. 1268, which is not before us but he did bring it up and I will respond, I normally wouldn't talk about anything that is not before us. However, seeing how it was brought out, the issue on fairness. This is an issue on fairness. We should be addressing fairness. Plain and simple. Fairness in pensioning. Fairness in taxation. I don't see any reason to reach a lot of extra words to explain. It takes a lot of extra phrases. The issue is fairness in taxation period. You have the Order before you.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, yes, tax fairness is very important. But also tax reduction for retirees is equally important. This Bill only wants to look at Pension Equity. I think it's more important to look at the broader picture of the retirees in this State and the amount of taxes that they are paying. We need to look at that whole issue. That is why I hope that we will bring back an issue that was before this Legislature so that we can, in the next Session, look at the possibility of giving some tax relief to our retirees as well as building some tax fairness into our code. Thank you Mr. President.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I put my earlier remarks more or less in the form of a question to insure that this Bill wasn't a restatement of a Bill which we have already considered because, as all of us know,

that would be in violation of our Rules. Which is why I think that it might be better, if we're going to deal with this issue, to use some of the Bills which we have already had before us and dispensed with for one reason or another. But I do recall that at the time that L.D. 146 was brought up it was, in fact, the Senator from Penobscot, Senator Ruhlin, who suggested another measure was coming. Unfortunately, today I'm given no solace that this issue is going to be any different. I was hopeful to get a response from the Senator from Penobscot, or some other member on that issue, but unfortunately it was not provided. So therefore, I'll be voting against this motion. Thank you.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 11 Senators having voted in the negative,
PASSED.

Sent down for concurrence.

Under suspension of the Rules, 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:

ORDERS

Joint Order

On motion by Senator AMERO of Cumberland, the following Joint Order: S.P. 858

ORDERED, the House concurring, that Bill, "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax," H.P. 115, L.D. 146, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

The Chair ordered a Division.

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator RUHLIN: Thank you Mr. President. I would point out two things to the Senate, if I may Senators. One, you just passed an Order which will, in fact, give the Taxation Committee its instructions and the means by which it can report to you a fair, equitable, far reaching hopefully, pension taxation plan which will adequately, I hope, reduce taxes on the pensions. I had neglected to mention that. Fairness being the overriding issue. And bring in a new proposal. I assure you one proposal that probably won't be there is tax relief for multi-millionaires while the poor people, who get very little pensions, get no exemptions where they do in L.D. 146. This is a proposal to give tax breaks

to the rich while the poor receive none in many instances. That's my first problem with this. My second problem with it is that I remember it had an appropriations cost, a fiscal note, of between \$40 and \$60 million. I'm sorry I don't recall precisely now what it was, but somewhere between \$40 and \$60 million. If anybody could come up with the money, I'm more than willing to give as much relief as we can to pensions. I'd like to see the money first. I think you owe that to this Chamber if you want to go forward with the \$40 to \$60 million Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator SMALL: To anyone that's willing to answer, on the item that we are dealing with now, the Joint Order, could I just pose a question? Does that deal with only pension retirement benefits or does that deal with all other retirement benefits such as money that you've put away and invested for your retirement and are living on? Does yours also only deal with pension benefits?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator RUHLIN: Thank you Mr. President. I'm going to make an attempt to answer the good Senator's question. I'm not really sure I understand. That's why I say an attempt. When we worked on the Bill, and going from my recollection, the Bill involved retirement from investments, private investments, as well as 401Ks, IRAs, or private investment schemes or pensions. So if that is what your question is addressed to, it does in fact give tax relief on those pensions.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you Mr. President. Men and women of the Senate, I appreciate the good gentleman from Penobscot, Senator Ruhlin, for clarifying that for me because I really did have a question about that issue. I hope that we will vote to bring this Bill back so that we can, hopefully, put it back in the Taxation Committee for them to deal with that issue as well. The reason for that is because of the title that does include a broader category of people receiving retirement benefits. We've all talked about millionaires out there that supposedly would be benefiting from this, but there are a lot of people out there that do not live off pensions, but are retired and have modest incomes because, for whatever reason, they were self-employed or they invested their money and now are living off that, but are earning modest incomes. While we talk about the retired teacher, who I agree we should be trying to help, there are a lot of other retirees that are living on relatively low incomes who don't have the benefit of the State plan that they can pay in to that pays for prescription drugs. When I heard about the thousand dollar a year payment that a retired teacher had to make for their Blue Cross/Blue Shield supplement I thought that would be a very small price for

someone like my mother to pay who's on a fixed income and who's medical costs for prescription drugs are \$400 a month. A thousand dollars would be very modest compared to what she's putting out in a monthly payment for her prescriptions. She's one of these people who's on a fixed retirement income and it's not a pension. But I can guarantee you she's not a millionaire, or if she is she's hiding it well. Maybe I'll see it someday. For that reason, I hope that we will expand this by putting in Senator Amero's title as well. As we all know, the Bill that we're talking about now, should it be brought back and then sent down, Recommended, to the Taxation Committee for their consideration, can take many different forms when it comes out. We've already seen an example of that in the original Bill that we just sustained the veto, the Social Security Tax Bill. That was not that Bill when it was down in Taxation, but it became a whole different creature when it came out. I would envision that if we sent this Bill back to Taxation they would have the same opportunity to look at that Bill in depth and make whatever changes they need. But I think the importance is the title. It's not just restricted to pensions because if we're really looking at equity in taxation for our retirees, not just our pensioners but our retirees, I think we need to include the entire category. Then we can look at income levels and that sort of thing when we're dealing with it. But I think we need to have a broad enough title so that everyone's included and we're not just taking care of, again, one category of people and excluding a whole different sector. So I hope you will vote with the pending motion and support bringing that Bill back for another opportunity. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage of the Joint Order. 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 (#243)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MACKINNON, MILLS, PENDLETON, SMALL

NAYS: Senators: BERUBE, DOUGLASS, LONGLEY, MICHAUD, NUTTING, O'GARA, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, LAFOUNTAIN, MITCHELL, MURRAY, PARADIS, RAND

Pursuant to Joint Rule 404, the affirmative vote of two-thirds of the members present and voting was required. 16 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 9 Senators being absent, and 16 being less than two-thirds of the members present and voting, **FAILED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **LIBBY** of York, **RECESSED** until 6:45 in the evening.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 323

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	97
Unanimous reports	72
Ought to Pass	6
Ought to Pass as Amended	30
Ought Not to Pass	35
Referred to Another Committee	1
Divided reports	16
Carry Overs	9

Respectfully submitted,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 324

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	135
Unanimous reports	94
Ought to Pass	4
Ought to Pass as Amended	31
Ought Not to Pass	59
Referred to Another Committee	1
Divided reports	15
Carry Overs	23
Committee Bills & Papers	2
Pursuant to Joint Order	2

Second named Committee on 3 jointly referred bills.

Respectfully submitted,

S/Michael H. Michaud S/Elizabeth Townsend
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 325

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	118
Unanimous reports	80
Ought to Pass	6
Ought to Pass as Amended	20
Ought Not to Pass	53
Referred to Another Committee	1
Divided reports	25
Carry Overs	12
Committee Bills & Papers	1
Pursuant to Joint Order	1

Respectfully submitted,

S/Lloyd P. LaFountain III S/Jane W. Saxl
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 326

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	111
Unanimous reports	76
Ought to Pass	10
Ought to Pass as Amended	28
Ought Not to Pass	33
Referred to Another Committee	5
Divided reports	6
Carry Overs	29

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Carol A. Kontos
Senate Chair

S/Gary O'Neal
House Chair

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

READ and ORDERED PLACED ON FILE.

March 18, 2005

The Following Communication: S.C. 338

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	151
Unanimous reports	117
Ought to Pass	15
Ought to Pass as Amended	51
Ought Not to Pass	50
Referred to Another Committee	1
Divided reports	11
Carry Overs	23

Respectfully submitted,

S/Robert E. Murray, Jr.
Senate Chair

S/Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 327

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	137
Unanimous reports	110
Ought to Pass	6
Ought to Pass as Amended	28
Ought Not to Pass	75
Referred to Another Committee	1

Divided reports 13
 Carry Overs 12
 Committee Bills & Papers 2
 Pursuant to Joint Order 2

Second named Committee on 12 jointly referred bills.

Respectfully submitted,

S/Georgette B. Berube Senate Chair
 S/Michael F. Brennan House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 328

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON HEALTH AND HUMAN SERVICES**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 168
 Unanimous reports 125
 Ought to Pass 6
 Ought to Pass as Amended 51
 Ought Not to Pass 61
 Referred to Another Committee 7
 Divided reports 12
 Carry Overs 28
 Committee Bills & Papers 3
 Joint Resolution 1
 Pursuant to Joint Order (1 divided) 2

Second named Committee on 2 jointly referred bills.

Respectfully submitted,

S/Judy Paradis Senate Chair
 S/Thomas J. Kane House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 329

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 126
 Unanimous reports 88
 Ought to Pass 8
 Ought to Pass as Amended 25
 Ought Not to Pass 54
 Referred to Another Committee 1
 Divided reports 16
 Carry Overs 21
 Committee Bills & Papers 1
 Pursuant to Joint Order 1

Respectfully submitted,

S/Marge L. Kilkelly Senate Chair
 S/Matthew Dunlap House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 330

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON JUDICIARY**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Judiciary during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 158
 Unanimous reports 95
 Ought to Pass 6

Ought to Pass as Amended	37
Ought Not to Pass	51
Referred to Another Committee	1
Divided reports	32
Carry Overs	29
Committee Bills & Papers	2
Pursuant to Joint Order	2

Respectfully submitted,

Susan W. Longley
S/Senate Chair

S/Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 331

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	136
Unanimous reports	59
Ought to Pass	4
Ought to Pass as Amended	15
Ought Not to Pass	40
Divided reports	45
Carry Overs	32

Respectfully submitted,

S/Neria R. Douglass
Senate Chair

S/Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 332

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	156
Unanimous reports	93
Ought to Pass	7
Ought to Pass as Amended	27
Ought Not to Pass	58
Referred to Another Committee	1
Divided reports	35
Carry Overs	27
Committee Bills & Papers	1
Pursuant to Joint Order	1

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 333

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	71
Unanimous reports	55
Ought to Pass	4
Ought to Pass as Amended	23
Ought Not to Pass	28

Divided reports	9
Carry Overs	6
Committee Bills & Papers	1
Pursuant to Joint Order	1

JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT

June 4, 1999

Second named Committee on 2 jointly referred bills.

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Respectfully submitted,

S/Jill M. Goldthwait Senate Chair	S/David Etnier House Chair
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Dear President Lawrence and Speaker Rowe:

READ and ORDERED PLACED ON FILE.

We are pleased to report that all business which was placed before the Joint Select Committee on Research and Development during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

The Following Communication: S.C. 334

Total number of bills	15
Unanimous reports	14
Ought to Pass	0
Ought to Pass as Amended	1
Ought Not to Pass	12
Referred to Another Committee	1
Divided reports	0
Carry Overs	1

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON NATURAL RESOURCES**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Respectfully submitted,

Dear President Lawrence and Speaker Rowe:

S/Carol A. Kontos Senate Chair	S/Scott W. Cowger House Chair
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We are pleased to report that all business which was placed before the Committee on Natural Resources during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

READ and ORDERED PLACED ON FILE.

Total number of bills	78
Unanimous reports	62
Ought to Pass	2
Ought to Pass as Amended	25
Ought Not to Pass	34
Referred to Another Committee	1
Divided reports	3
Carry Overs	11
Committee Bills & Papers	2
Pursuant to Joint Order	2

The Following Communication: S.C. 340

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Respectfully submitted,

Dear President Lawrence and Speaker Rowe:

S/Sharon Anglin Treat Senate Chair	S/John L. Martin House Chair
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READ and ORDERED PLACED ON FILE.

We are pleased to report that all business which was placed before the Committee on State and Local Government during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

The Following Communication: S.C. 335

Total number of bills	141
Unanimous reports	78
Ought to Pass	6
Ought to Pass as Amended	23
Ought Not to Pass	47

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE**

Referred to Another Committee	2	
Divided reports		43
Carry Overs		13
Committee Bills & Papers		7
Pursuant to Joint Order	7	

COMMITTEE ON TRANSPORTATION

June 4, 1999

Respectfully submitted,

S/Peggy A. Pendleton
Senate Chair

S/Douglas J. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 336

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		253
Unanimous reports		196
Ought to Pass	4	
Ought to Pass as Amended	35	
Ought Not to Pass	156	
Referred to Another Committee	1	
Divided reports		37
Carry Overs		19
Committee Bills & Papers		1
Pursuant to Joint Order	1	

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Richard P. Ruhlman
Senate Chair

S/Kenneth T. Gagnon
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 337

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE**

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Respectfully submitted,

S/Richard J. Carey
 Senate Chair

S/Thomas M. Davidson
 House Chair

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	145
Unanimous reports	109
Ought to Pass	6
Ought to Pass as Amended	31
Ought Not to Pass	70
Referred to Another Committee	2
Divided reports	22
Carry Overs	12
Committee Bills & Papers	2
Pursuant to Joint Order	2

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/William B. O'Gara
 Senate Chair

S/Joseph M. Jabar, Sr.
 House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1611

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation amending the Agricultural Marketing Loan Fund to assist the cranberry industry.

Comes from the House, **READ and PASSED.**

READ and PASSED, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature" (GOVERNOR'S BILL) (EMERGENCY)
 H.P. 1612 L.D. 2255

Committee on **JUDICIARY** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-769)**, without reference to a Committee.

READ ONCE, without reference to a Committee.

House Amendment "A" (H-769) **READ and ADOPTED**, in concurrence.

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

On motion by Senator **O'GARA** of Cumberland, under unanimous consent on behalf of Senator **MURRAY** of Penobscot, Senate Amendment "B" (S-469) **READ and ADOPTED.**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	81
Unanimous reports	73
Ought to Pass	5
Ought to Pass as Amended	47
Ought Not to Pass	21
Divided reports	1
Carry Overs	7

On motion by Senator **RUHLIN** of Penobscot, under unanimous consent on behalf of Senator **MURRAY** of Penobscot, Senate Amendment "A" (S-468) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. Request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you Mr. President. I was wondering, I just now have taken a look at this Amendment and I'm wondering if a better informed member could explain to the Senate the purpose and reasoning behind the proposed Amendment.

THE PRESIDENT: The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Mr. President, when he said better informed member, I just couldn't help myself. In fact, the Senator from Penobscot, the honorable Senate Chair, did go over it with me briefly before he left. It deals with technical changes brought about through the Enactment of Public Law of 1999. These are technical corrections to adjust the problems in the technical language of that particular Bill. If there is any specific language questions that a Senator has, I would be glad to address those. But the technical changes in the language only.

On motion by Senator **RUHLIN** of Penobscot, under unanimous consent on behalf of Senator **MURRAY** of Penobscot, Senate Amendment "A" (S-468) **ADOPTED**.

On further motion by same Senator, under unanimous consent on behalf of Senator **MURRAY** of Penobscot, Senate Amendment "C" (S-470) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, basically what this Amendment attempts to do is it takes the old L.D. 1878, which was the Governor's veto that was sustained this afternoon, and it takes the objection that the Executive Branch had with that particular piece of Legislation, which was that it seemed to force on-going expenses and that was the reason for the veto. This takes that particular piece of Legislation and gives it a sunset, if you will, or makes it a one-time expenditure to be treated as a grant and then added it to this particular Bill so that the principal of uniform firefighter training could go forward but it would go forward as a one-time expense only, and not require on-going sustainable monies.

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

Senator **BENNETT:** Thank you Mr. President. I thank the good Senator from Penobscot, Senator Ruhlin, for preempting my question. I would like to address the Senate. It strikes me that this Bill, An Act To Make Corrections To Laws Recently Enacted By The 119th Legislature, is not the appropriate vehicle to put such an Amendment onto. I would, therefore, be voting against the pending motion and ask my fellow members here to consider to do likewise. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. I, frankly, do not have a copy of that Amendment with me. I gave the original to the presiding Officer and the Secretary. However, I believe, it's my understanding if you look at that you will see that it does, in fact, change the title. It does, I have it here in front of me. It says to amend the Bill by striking out the title and substituting the following. I think that is what the good Senator from Oxford has mentioned is, in fact, necessary. It should, in fact, have a new title and this Amendment does give it that title so it more accurately identifies the content of the Bill itself. Thank you.

The Chair ordered a Division.

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

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

Senator **BENNETT:** Thank you Mr. President. Again, I have to say to the Senate that this Bill, or some incarnation of it, is frequently before the Legislature. I think it is a dangerous precedent to set, to start using the corrections Bill, the technical corrections of law etc. Bill, to start adding on substantive issues which fail through the other processes around here. My quarrel with the idea is not so much the title but because of the long standing precedent that this may set. And that the substance of this Bill is not to, as I suggest, take all of the flotsam and jetsam of Legislative work that doesn't happen to make it through some other process and stick it on to this omnibus Bill. If we're to pursue this, frankly, we could be here all night with Amendment after Amendment of everybody's initiative that didn't get funded. Frankly, I question whether it's appropriate even to have this Amendment before us in this form since we have already dealt with this subject in another vehicle. So I again encourage you, for the sake of precedence and for the sake of this Institution, to vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. My good Senators of Maine, I would like to explain a couple of things to you. First of all, the veto. It's my understanding, from reading the veto message, that the veto is to add one major objective to the Training Bill. The Training Bill, by the way, went through overwhelmingly. It was a Criminal Justice Bill to start with. It had nothing to do with Taxation. I'm here because I sponsored the Bill and because the Chair of the Committee has gone home. But

it's my understanding it came out with a very strong, maybe unanimous, Committee Report. Certainly a strong Committee Report. It went on through and the merits of the Bill had strong Legislative support in both Chambers. It went on to be funded and then went for signature. It was vetoed at that time. The veto message was that it was a very worthy Bill, but that it required on-going revenues and the on-going revenues just weren't there. Contact was made with the Governor's staff. This is nothing that has been pulled out of thin air. It was made with Governor's staff and there was a discussion held. That discussion addressed the point of a one-time only with a sunset. As a matter of fact, it is my interpretation that that suggestion came from the Executive Branch, of which I was asked about and I said we should go along with that. That was at, let's say, the Executive Branch's suggestion; the one-time spending. So this is nothing that someone used a little slight of hand to get a Bill that didn't make it some other way and slip it in to some other thing. The only real way to do it at that point, when you look at the procedures, is to go ahead and sustain the veto, which in fact kills the instrument that you have in front of you for that very necessary training, and then transfer it over and put it into another Bill, an omnibus type Bill, which is exactly what this Technical Changes Bill is. So I think it surely passes full muster. I don't think it offers anymore of a precedence than anything else would. I say it's nothing that's been done on the whim of one Legislator or two or three Legislators. It's after thorough discussion between two branches, the Legislative and Executive branches, to come up and resolve a problem that exists in the State of Maine and to resolve it in a way that it will benefit the people of the State of Maine, overall. With both Branches working together, I think it sets a good example. Thank you.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I'm not at all sure whether the re-wording of this Bill makes any difference or not. The Amendment before us simply says that there shall be created a centralized resource center for firefighters statewide. It has an appropriation in it of a quarter of a million dollars or more. Obviously it contemplates people being hired, the program being established, and simply goes on to say, and then we will end this program at the end of the biennium. If I were a betting person, I'd say there would be a Bill in later to perpetuate the program since I can't understand why this is a one-time phenomenon. This is either a program or it is not. So what we have here is an effort to do an end run around the veto, the Governor's veto, of an appropriation, to use the Errors Bill to tack something on to it that doesn't belong in the Corrections Bill at all. This is in no sense a correction. This is not an error, it was a deliberate act not to override the Governor's veto, at least in one Chamber. So we're having an Errors Bill being used as a plenary vehicle to pick anybody's disappointments over the outcome of the veto process. In order to bootstrap the appropriation into germaneness, the Amendment proposes to change the title of the Errors Bill to make it something that it is not, namely an Appropriations Bill. I think, I have to assume, that the concept of germaneness arises from the Bill as it's first worded and first entitled. I have to ask as a matter of parliamentary inquiry whether this Appropriations Bill can properly be regarded as germane to the relatively routine Errors and

Corrections Bill that is the intended substance of the Bill. Thank you.

Senator **MILLS** of Somerset inquired if Senate Amendment "C" (S-470) was **GERMANE**.

TABLED pending **RULING OF THE CHAIR**.

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

COMMUNICATIONS

The Following Communication: S.C. 367

**SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Please be advised that I have appointed the following Senators to the Committee of Conference on L.D. 2107 "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements":

Senator Michael H. Michaud of Penobscot
Senator Susan W. Longley of Waldo
Senator Philip E. Harriman of Cumberland

If you have any questions, please see me.

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and **ORDERED PLACED ON FILE**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

Bill "An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature" (GOVERNOR'S BILL) (EMERGENCY)
H.P. 1612 L.D. 2255
(H "A" H-769; S "B" S-469; S "A" S-468)

Tabled - June 18, 1999.

Pending - **RULING OF THE CHAIR**

(In House, June 18, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-769)**, without reference to a Committee.)

(In Senate, June 18, 1999, **READ ONCE**, without reference to a Committee. House Amendment "A" (H-769) **READ** and **ADOPTED**, in concurrence. Under suspension of the Rules, **READ A SECOND TIME**. Senate Amendment "B" (S-469) **READ** and **ADOPTED**. Senate Amendment "A" (S-468) **READ** and **ADOPTED**. Senate Amendment "C" (S-470) **READ**. Senator **MILLS** of Somerset inquired if Senate Amendment "C" (S-470) was **GERMANE**.)

THE CHAIR MADE THE FOLLOWING RULING:

"On May 19th the Chair was asked a similar question to a Resolution proposing an Amendment on the Constitution of Maine to Revoke Voting Rights of Convicted Felons While They Are In Prison, S.P. 545, L.D. 1607 and at that time the Chair Ruled that since that Bill had gone to Committee and had a public hearing and the amendment being offered had not had a public hearing, it therefore was not germane. This question presents a different question since this Bill has not been to Committee and was not referred by either Body to Committee. So, the Chair must go directly and Rule on whether a Bill that hasn't gone to Committee and an amendment is offered changing the title to change the subject matter, whether that is germane. The original subject matter of the original Bill was to make corrections to laws recently enacted by the 119th Legislature. This amendment seeks to make more uniform the training of firefighters. That is not a Bill that has been enacted by the 119th Legislature. The Chair will rule that this amendment is not Germane."

THE CHAIR RULED SENATE AMENDMENT "C" (S-470) NOT GERMANE.

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-769) AND SENATE AMENDMENTS "A" (S-468); "B" (S-469), in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code"

H.P. 1613 L.D. 2256

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Senator **RUHLIN** of Penobscot moved the Bill be **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

Senator **MILLS:** Mr. President, I would ask for a Roll Call, and wish to speak to my motion. Mr. President, my understanding is that if this matter is referred to Committee at this late hour, or at this juncture it will mean that the taxpayers of Maine will, for tax returns filed next spring, find themselves out of conformity with the Federal Internal Revenue Code. I think the consequences of that are not fully appreciated, perhaps, by those who would simply refer this matter to the Taxation Committee and let it lie. The consequence to the Tax Bureau is that we will be generating a separate portion of our tax return to accommodate this lack of conformity. This is out of step with the history of Maine's Income Tax Code. We have, since 1969, taxed revenue in this State on the theory that we should look at adjusted gross income on the Federal return and rely on the Federal Audit people to audit everything down through adjusted gross income for us. We get an administrative free ride on adjusted gross income. When we start stepping out of conformity to the Federal Tax Code, we wind up imposing a real burden on the Bureau of Revenue Services. And that is without addressing the issue of the tax burden that we are imposing on self-employed people who should have the right to deduct 60% of the health insurance premiums that they pay, rather than 45%, which would be the law if we left it unamended. And for a host of reasons that have to do with the complexity of the tax returns that we will be creating if we fail to Enact this Bill. Having to deal with the failure to conform to Federal Policy in this important area, and the failure to give help to small businesses that are starting up. It seems to me that we should reject the pending motion so that we can go on to address the merits of the Bill that lies before us.

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

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate. This Bill, as you may well be aware, did go before the Taxation Committee and ended up on the Appropriations Committee's Table because it had a fiscal impact to the State Budget. So I would submit to you that we've looked at this issue thoroughly and accurately in the Taxation Committee, and indeed this Legislature agreed that we

should stay in conformity with the Federal Tax Code. Well as some of you may recall, somewhere between midnight and four in the morning this Bill came off the Appropriations Committee Table, and because it had a fiscal impact on the State Budget the motion was quickly Ought Not To Pass. The Commissioner of Revenue Services begged for reconsideration to ask the Committee to take a second fresh look at this because, in fact, the major cost component of this Bill was the deductibility of health insurance premiums for self-employed individuals. Parenthetically I would add that for most new businesses starting here in Maine, one of the most difficult issues they face is health insurance costs. One-third of all new businesses being started in Maine are being started by women. And further I would note that the deductibility of the premiums wasn't the full 100% of the premiums, it was only 65%. Yet if you're covered by the State's Health Insurance Program, here you don't claim any of that premium as income. If you work in the private sector and your employer provides you your health insurance, you don't claim any of that as premium. Clearly, at least in my view and hopefully you would agree, that if we're anxious to start creating positive images for Maine's business climate, we ought to at least help small businesses who make an effort to provide health insurance to at least conform with the Federal Tax Code, and allow 65% of that premium to be deducted. As I was mentioning, the Commissioner on Revenue Services was discussing this with the Appropriations Committee and he said two very poignant things. First, if you don't pass this Bill, Maine's Tax Laws and its implications on our tax forms will be out of compliance in about 10 to 12 different areas. And second, if it's really a matter of cost, if you take the deductibility of health insurance premiums out, it's actually a positive fiscal note to the State. Low and behold, the motion Passed. And the positive fiscal note was spent on other things. So now we have before us a Bill that, if we pass it, will assure that we will remain in conformity with Maine's Tax Codes. The forms that will be printed for the 1999 tax returns, which I suppose will happen in the next four to five months, will adopt the Federal conformity, but not if we put this Bill on the Taxation Committee's Table for next Session. And this is what will happen, I predict. The Commissioner of Revenue Services will produce the form that will be sent all over the State of Maine and to taxpayers, literally across the country and perhaps around the world, who will file their Maine Income Tax form and, if they happen to be self-employed, many of them will forget to add back into their Maine income and the tax on that income equal to the difference between the 45% and the 65%. And then you know what will happen? Audits will go up. Compliance issues will go up. Tax penalties and interest will go up. And your phone will ring off the hook. So why wouldn't we demonstrate the courage now to do what's right for Maine's small business people, particularly Maine's small business women who are creating more and more new jobs, and pass this legislation and give them a break and encourage them to continue to grow their businesses here. I hope you will join me in rejecting the pending motion so that we can go on to pass this piece of legislation. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. I rise to support the motion to Recede and Concur, and go along and send this Bill back to the Committee, and want to speak briefly to that. I don't

want to argue the merits of this Bill, which I happen to think are good. I think the merits of this Bill are good, but in fact, I think that this is not the year for us to be passing this Bill and that is a very good reason to send it back to the Committee. And I appreciate the Committee's willingness to consider this in another year. And I guess the reason I want to talk about this, and I know the hour is late and I don't want to go on forever, but I want to say briefly that this is the very issue with which our whole day has been framed. And that is about fiscal prudence and timeliness. We've spent the entire day looking at veto messages about whether or not this was the year to do more on-going spending. To use this one-time money that we have all been talking about, and turning it over to purposes that would be on-going spending. And I think that we all know that a tax cut is something we have to promise the taxpayers we're not going to just do for one year, but we're going to make sure we do it every year. We have to do it with the firmest of backbone. I would just like to quote a couple of things from the pages that I've been looking at all day long, if I may, Mr. President. My comments on this Bill are based on fiscal prudence, not on the merits or purposes of the program. You can turn to the pages and read on. We have only to return to the late 1980's to learn that we cannot spend every penny during good times. It goes on and the next paragraph starts by saying the situation facing us the next biennium is even more precarious because the money being used to invest in these program expansions, or I would argue tax credits and tax cuts, come from a one-time phenomenon, the sale of CMP's electrical generation assets. Again, if you go on to read any one of those messages that we've seen time after time today, you will be reminded that we were forced to make many tough decisions today. There were many times that we could not override vetoes whether or it was funding for the deaf, foster parents, all kinds of issues that we would have considered good investments in our economy, good investments in social services, taking care of the needy, we had economic development expansions. We had all kinds of things that anyone of us would have argued were good ideas. But we were told, and many people in the room voted to agree, that this was not the year. This year was not the year to spend anymore on-going money than we had done in the Part 1 and Part 2 Budget. So I would argue that, while there may be merits to this issue, I won't be discussing them because that would not be appropriate right now. But the fact is, on fiscal grounds the best thing for us to do is to do what the Committee has suggested and that is to refer it, take it up next year, and let us decide in the coming year what the best thing to do is.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, my understanding is that what happened in the Appropriations Committee, conformity with the Federal Tax laws, was pushed off into the next biennium. So in fact, by funding in this biennium compliance with Federal Tax Code would be, in fact, one-time expenditures. Just for this biennium. So I would hope that you would vote against the Recede and Concur so that we could go on and Pass this Bill tonight. Thank you Mr. President.

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

Senator **DOUGLASS:** May I pose a question? Did this Bill have a Hearing before any Committee, a Public Hearing and work the normal Work Sessions?

THE PRESIDENT: The Senator from Androscoggin, Senator Douglass, poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. The Bill, by the number, did not because that's a new number. The subject matter of the Bill, under a totally different Bill number, as I recall is L.D. 968, did have a complete full Hearing, a full two or three Work Sessions by the Committee, and did receive a unanimous Ought To Pass Report out of Committee.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, just listening to the debate here, it is getting a little confusing, and I just want to suggest what my understanding, or present disposition and posture with respect to this Bill and the other issues that it relates to. This Bill is newly introduced. It is a new document. It has not had a Public Hearing, it's never been referred to Committee and the question now is, shall we refer it. The question is not one of concurrence, it is one of reference. Shall the Senate send this Bill to the Legislative Committee? This issue has been dealt with. It deals with a small part of the L.D. that the good Senator from Penobscot, Senator Ruhlin, just referred to. It deals with the question of health insurance exemptions and the level thereof to be conformed with the Federal law. That piece, as the good Senator just suggested, did have a Public Hearing, as well as the rest of the Bill. On the Appropriations Table that piece was taken out of the Bill, which created more money to spend. And now the Governor, I believe, has reintroduced this so that this Legislature can consider that piece of the Bill which was taken out earlier. This deals with just that issue. The issue has had a Public Hearing, although the Bill hasn't. In my view we should therefore vote against referring the Bill to Committee so that we can go on and have first Reading and hopefully Engross this Bill and move it toward Enactment. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, it seems like we have heard two or three different viewpoints. First of all we've heard those who would speak to the merits of the Bill, which I enjoyed immensely. Then we heard about those who are concerned about the title of this particular Bill, which I found very enlightening. And now we've heard about referencing, which I also found enlightening. I would like to go back and say to you why I think it would be wise at this point to Refer to Committee. First of all, I think you overlooked the fact that it was the unanimous Committee Report. As Senate Chair for that Committee, I fought for that Report, I believe in it very greatly. I have the notes here for a speech I was going to give in support of going forward with this. I ask you to look at the process. To use your good common sense and look what possibly could happen here. This is a bicameral Legislature.

You must maintain concurrence to keep a Bill alive. I want this Bill. I want this policy to happen within the State of Maine. It's a policy we need too. I could stand here and talk for 10 minutes, I won't, don't worry. I could talk for 10 minutes on the benefits of conformity and why we must be in conformity. That's not the issue here. The issue here is the process in keeping this particular piece of legislation alive and healthy so we can do something with it. Should we give this a Second Reading and take certain actions, we may find ourselves in non-concurrence.

THE PRESIDENT: The Chair would inform members that we cannot debate perspective actions of the other Body in influencing members in the way they vote.

Senator **RUHLIN:** I was just a bit concerned about being in non-concurrence of this Body. Anyway, I think it's important that we try to save this piece of legislation so that we can go forward with some policy of conformity in this State at the first opportunity. I look at the opportunity that is being presented tonight and I find it fraught with danger for the future of this particular piece of legislation. I would, therefore, be on the side of caution, and move forward with a Reference. I do assure every member of this Chamber that should this Bill pass overwhelmingly here, of my continuing support and a support that will reach out into the future of the policy and the principal of conformity. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the motion by Senator Ruhlin of Penobscot to Refer to the Committee on Taxation. 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 (#244)

YEAS: Senators: BERUBE, DOUGLASS, FERGUSON, KONTOS, LONGLEY, MICHAUD, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS

ABSENT: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, LAFOUNTAIN, MITCHELL, MURRAY, PARADIS, RAND, SMALL

13 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 10 Senators being absent, the motion by Senator **RUHLIN** of Penobscot to **REFER** to the Committee on **TAXATION**, in concurrence, **PREVAILED**.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1614

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 119th Legislature.

Agriculture, Conservation and Forestry

H.P. 333, L.D. 449 - An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land.

S.P. 157, L.D. 477 - An Act Requiring Legislative Approval of Ecological Reserves.

H.P. 615, L.D. 855 - An Act to Improve the Management of the Allagash Wilderness Waterway.

S.P. 490, L.D. 1475 - An Act to Clarify the Tree Growth Tax Law.

H.P. 1108, L.D. 1567 - An Act to Help Farmers to Protect the Quality of Milk.

H.P. 1163, L.D. 1674 - An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines.

H.P. 1378, L.D. 1985 - An Act to Require the Labeling of Irradiated Food Sold at Retail.

H.P. 1400, L.D. 2005 - Resolve, to Establish the Maine Forest Policy Round Table Study Commission.

S.P. 736, L.D. 2086 - An Act to Preserve the State's Farm Economy and Heritage.

Appropriations and Financial Affairs

H.P. 25, L.D. 35 - An Act to Authorize a General Fund Bond Issue to Create Affordable Housing.

H.P. 90, L.D. 103 - An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit.

S.P. 62, L.D. 132 - An Act to Increase the Cap on the Maine Rainy Day Fund.

H.P. 104, L.D. 135 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Help Increase Fish Production at the State Hatcheries.

H.P. 123, L.D. 154 - An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired.

S.P. 88, L.D. 191 - An Act to Provide Equitable Treatment of Visitor Information Centers.

H.P. 191, L.D. 269 - An Act to Authorize a General Fund Bond Issue for the Repair and Renovation of Schools.

H.P. 193, L.D. 271 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build or Rehabilitate Regional Psychiatric Facilities.

H.P. 346, L.D. 462 - An Act to Require That All Fines Collected by State Agencies Be Deposited in the General Fund.

H.P. 385, L.D. 516 - An Act to Restore and Improve Family Planning and Pregnancy Prevention Services.

S.P. 289, L.D. 807 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing a Rainy Day Fund.

H.P. 624, L.D. 864 - An Act to Establish the Expenditure Forecasting Committee.

H.P. 681, L.D. 937 - An Act to Improve Access to Health Care for School-age Children.

H.P. 881, L.D. 1238 - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Historic Preservation.

H.P. 962, L.D. 1360 - An Act to Implement the Recommendations of the Joint Committee on Substance Abuse.

H.P. 1031, L.D. 1453 - An Act to Expand the Homestead Exemption Program Based Upon the Level of Funds in a Homestead Tax Relief Fund.

H.P. 1131, L.D. 1590 - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Support the Construction of the Gulf of Maine Aquarium.

S.P. 582, L.D. 1662 - An Act to Protect the Public's Health through State-funded Rabies Testing.

S.P. 659, L.D. 1881 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Debt Issued by the Maine Governmental Facilities Authority.

H.P. 1328, L.D. 1911 - An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act.

S.P. 688, L.D. 1934 - Resolve, to Reinstate Emergency Assistance for Dependents of Veterans.

H.P. 1511, L.D. 2159 - An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs.

S.P. 790, L.D. 2203 - An Act to Appropriate Funds for the Welfare-to-work Program.

H.P. 1553, L.D. 2210 - An Act to Encourage Expanded Use of Maine's Port Facilities.

Banking and Insurance

H.P. 543, L.D. 750 - An Act to Establish a Patient's Bill of Rights.

S.P. 346, L.D. 1000 - An Act to Provide Insurance Parity for Substance Abuse Treatment.

H.P. 835, L.D. 1158 - An Act to Ensure Equality in Mental Health Coverage for Children and Adults.

H.P. 1062, L.D. 1493 - An Act Regarding Private Long-term Disability Insurance for Mental Illnesses.

S.P. 557, L.D. 1619 - An Act to Create a Patients' Bill of Rights.

S.P. 573, L.D. 1640 - An Act Regarding Service Contracts.

S.P. 622, L.D. 1787 - An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program.

H.P. 1422, L.D. 2029 - An Act to Update and Amend the Preferred Provider Arrangement Act.

S.P. 723, L.D. 2043 - An Act to Clarify Underinsured Motor Vehicle Coverage.

H.P. 1435, L.D. 2058 - An Act Relative to Insurance Compliance Self-audit.

H.P. 1494, L.D. 2138 - An Act to Permit the Transfer of Liabilities by a Member of a Workers' Compensation Group Self-insurer.

H.P. 1578, L.D. 2225 - An Act to Permit Certain Referrals by Health Care Practitioners.

Business and Economic Development

S.P. 65, L.D. 168 - An Act to License Home Inspectors.

H.P. 348, L.D. 464 - An Act Concerning Notification by Oil Burner Technicians of Inadequate Chimneys.

H.P. 395, L.D. 526 - Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

S.P. 253, L.D. 675 - An Act to Amend Consumer Protection Laws with Respect to Internet Service.

S.P. 318, L.D. 952 - An Act to Reduce Unsolicited Communications from the Internet.

H.P. 771, L.D. 1094 - An Act to Promote Economic Development in Northern Maine.

H.P. 824, L.D. 1147 - An Act to Decriminalize Resource Protection Violations by Seafood Dealers.

H.P. 842, L.D. 1176 - An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure.

H.P. 848, L.D. 1182 - An Act to Amend the Qualifications of Weighmasters.

H.P. 896, L.D. 1253 - An Act to Create the Board of Cemetery and Crematory Services.

S.P. 476, L.D. 1414 - Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding.

S.P. 585, L.D. 1665 - Resolve, to Promote Natural Resource-based Industries.

S.P. 603, L.D. 1726 - An Act to Ensure Fair Competition within the Motor Fuels Industry.

S.P. 624, L.D. 1789 - An Act to Improve the Licensing Procedures for Veterinarians.

H.P. 1285, L.D. 1846 - An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures.

H.P. 1312, L.D. 1895 - An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment.

H.P. 1327, L.D. 1910 - An Act to Promote Economic Development in Central Maine.

H.P. 1334, L.D. 1917 - An Act to Encourage Growth and Development in Cumberland County.

H.P. 1336, L.D. 1919 - An Act to Promote Economic Development in Eastern Maine.

H.P. 1339, L.D. 1922 - An Act to Establish the Maine Internet Policy Act.

S.P. 681, L.D. 1931 - An Act to Amend the Franchise Law.

H.P. 1364, L.D. 1962 - An Act to Establish the State Revolving Loan Fund for Small Business Initiatives.

H.P. 1434, L.D. 2057 - An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia.

H.P. 1437, L.D. 2060 - An Act to License Home Building Contractors.

S.P. 746, L.D. 2105 - An Act to Improve the Maine Economy Through Small Businesses.

H.P. 1475, L.D. 2115 - An Act to Promote Economic Development in Western Maine.

H.P. 1498, L.D. 2142 - An Act to Change Laws Pertaining to the Loring Development Authority of Maine.

H.P. 1515, L.D. 2163 - An Act to Require Contractor Registration.

H.P. 1566, L.D. 2217 - An Act to Promote Economic Development in Androscoggin County.

Criminal Justice

H.P. 188, L.D. 266 - An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of

Mental Health, Mental Retardation and Substance Abuse Services.

S.P. 111, L.D. 308 - An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators.

H.P. 249, L.D. 353 - An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel.

H.P. 250, L.D. 354 - An Act to Establish Certain Crimes of Domestic Violence.

H.P. 338, L.D. 454 - An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident.

S.P. 154, L.D. 474 - An Act Relating to the Crime of Murder and to the Murder of Children.

H.P. 404, L.D. 546 - An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy.

H.P. 466, L.D. 629 - An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems.

S.P. 215, L.D. 637 - An Act to Amend the Law Enforcement Officer Certification Standards.

H.P. 471, L.D. 678 - An Act to Require Completion of an Ambulance Operator Course.

H.P. 653, L.D. 903 - An Act to Amend the Concealed Weapons Permit Laws.

H.P. 772, L.D. 1095 - An Act to Expand the Geographic Availability of the Supervised Community Confinement Program.

S.P. 413, L.D. 1202 - An Act to Ensure Just Sentences.

H.P. 902, L.D. 1280 - An Act to Provide Funding for School Drug Awareness and Education Programs.

H.P. 971, L.D. 1369 - An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services.

H.P. 1124, L.D. 1583 - An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification.

S.P. 636, L.D. 1803 - An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse.

H.P. 1297, L.D. 1858 - An Act to Amend the Possession of Firearms by Felons.

H.P. 1316, L.D. 1899 - Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees.

S.P. 687, L.D. 1933 - An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies.

H.P. 1448, L.D. 2069 - An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person.

S.P. 775, L.D. 2174 - An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods.

H.P. 1542, L.D. 2196 - An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center.

Education and Cultural Affairs

H.P. 365, L.D. 490 - An Act to Assist Students with Disabilities.

S.P. 298, L.D. 870 - An Act to Improve School Safety and Learning Environments.

H.P. 677, L.D. 933 - An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts.

S.P. 424, L.D. 1261 - An Act to Require the Training of School Personnel Who Administer Medications.

H.P. 928, L.D. 1305 - An Act to Establish and Fund Conflict Resolution Programs in the Public Schools.

H.P. 949, L.D. 1346 - An Act to Amend the Laws Regarding the School Administrative District Budget Approval Process.

S.P. 528, L.D. 1561 - An Act to Require High School Students to Earn a Certificate of Mastery Before Graduating.

S.P. 602, L.D. 1725 - An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District.

H.P. 1251, L.D. 1799 - An Act Regarding the School Funding Formula.

H.P. 1366, L.D. 1964 - An Act to Establish the Charter School Authority.

H.P. 1420, L.D. 2027 - An Act to Enable the Formation of Public Charter Schools.

H.P. 1431, L.D. 2054 - An Act to Extend New Teachers' Probationary Periods.

Health and Human Services

S.P. 403 - Joint Order to Establish a Study Commission to Assess the Health Care Delivery System for the Elderly.

H.P. 33, L.D. 42 - An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities.

H.P. 101, L.D. 114 - An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the

Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Human Services.

H.P. 178, L.D. 256 - An Act to Enhance the Health of Maine Citizens by Improving Community Health Programs.

H.P. 397, L.D. 528 - An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

H.P. 708, L.D. 975 - An Act to Establish a Mental Health, Human Services and Corrections Ombudsman.

H.P. 912, L.D. 1290 - An Act to Create the Position of Ombudsman in the Department of Human Services.

S.P. 447, L.D. 1322 - An Act to Ensure the Availability of Home-based Care.

H.P. 980, L.D. 1378 - An Act to Ensure Access to Long-term Care Services for Persons with Dementia.

H.P. 1021, L.D. 1432 - An Act to Improve Care to Nursing Home Residents by Requiring Adequate Staff to Provide Hands-on Care.

S.P. 492, L.D. 1477 - An Act to Promote Healthy Maine Families.

H.P. 1138, L.D. 1623 - An Act to Provide Services for Children in Need of Supervision.

S.P. 588, L.D. 1668 - An Act to Create the Drive ME Wheels-to-work Program.

S.P. 610, L.D. 1733 - An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease.

H.P. 1253, L.D. 1807 - Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities.

H.P. 1260, L.D. 1814 - An Act Establishing the Newborn Hearing Program.

H.P. 1277, L.D. 1838 - An Act to Include Mental Retardation, Developmental Disability and Substance Abuse Services in the Community Service System of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to Consolidate Those Advisory Bodies to the Department.

H.P. 1278, L.D. 1839 - An Act to Maintain High-quality Services in Long-term Care in Maine.

H.P. 1352, L.D. 1952 - An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for General Assistance.

H.P. 1365, L.D. 1963 - An Act to Establish the Maine Council on Aging.

H.P. 1377, L.D. 1984 - An Act to Establish Department of Human Services Review Panels.

S.P. 726, L.D. 2046 - An Act to Amend the Powers of Hospital Administrative District No. 1.

H.P. 1479, L.D. 2119 - An Act to Enhance Competition and Public Health.

H.P. 1490, L.D. 2128 - An Act to Amend the Laws Governing the Licensure of Dental Hygienists.

H.P. 1507, L.D. 2150 - An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism.

H.P. 1532, L.D. 2185 - An Act to Promote Workplace Safety.

H.P. 1534, L.D. 2187 - Resolve, to Implement the Study and Report on the Problems of Homeless Youth.

H.P. 1555, L.D. 2212 - An Act to Revise Laws Regarding Persons with Mental Retardation.

Inland Fisheries and Wildlife

S.P. 16, L.D. 8 - An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk.

S.P. 56, L.D. 126 - An Act to Expand Maine's Moose Hunt.

S.P. 113, L.D. 310 - An Act to Allow Children to Fish from the Banks of Rivers Designated as Quality Fishing Rivers.

H.P. 239, L.D. 343 - An Act to Protect Deer in Wintering Areas.

H.P. 267, L.D. 371 - An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season.

S.P. 161, L.D. 481 - An Act to Keep Public Lands Open to Hunting, Fishing and Trapping.

H.P. 523, L.D. 730 - An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels.

H.P. 606, L.D. 846 - An Act to Allow Elderly License Holders and Children to Fish by Any Method.

H.P. 704, L.D. 971 - An Act to Allow Three Hunters to Hunt Deer Together.

H.P. 736, L.D. 1026 - An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand.

S.P. 348, L.D. 1052 - An Act to Assist Disabled Fly-fishing Anglers.

H.P. 868, L.D. 1225 - Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act.

H.P. 936, L.D. 1313 - An Act to Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches.

S.P. 457, L.D. 1332 - An Act to Prohibit Hunting Animals in Enclosed Areas.

H.P. 941, L.D. 1338 - An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm.

H.P. 972, L.D. 1370 - An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel.

H.P. 992, L.D. 1390 - An Act to Expand Hunting Options for Disabled Military Veterans.

H.P. 1024, L.D. 1435 - An Act to Promote Equitable and Professional Management of Moose.

H.P. 1266, L.D. 1820 - An Act to Decriminalize Certain Fish and Wildlife Statutes.

H.P. 1269, L.D. 1830 - An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families.

H.P. 1321, L.D. 1904 - Resolve, to Study Issues Related to the Muzzle-loading Season.

Judiciary

H.P. 182, L.D. 260 - An Act to Enhance the Enforcement of Civil and Criminal Violations.

H.P. 243, L.D. 347 - An Act to Amend the Installment Payment Order Capability of the Disclosure Court.

H.P. 354, L.D. 470 - An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation.

H.P. 480, L.D. 687 - An Act Regarding Wrongful Death Actions.

H.P. 720, L.D. 1010 - An Act Regarding the Family Court.

H.P. 894, L.D. 1251 - An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court.

H.P. 916, L.D. 1294 - An Act to Provide for a Limited Waiver of Immunity.

H.P. 926, L.D. 1303 - An Act to Amend the Statute of Limitations for Medical Malpractice.

H.P. 1049, L.D. 1471 - An Act to Amend the Laws Governing Wrongful Death.

S.P. 523, L.D. 1557 - An Act to Expand a Judge's Powers for Contemptuous Failure to Pay.

S.P. 541, L.D. 1603 - An Act to Amend the Wrongful Death Laws.

H.P. 1135, L.D. 1620 - Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf.

S.P. 593, L.D. 1717 - An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient.

H.P. 1242, L.D. 1771 - An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions.

S.P. 630, L.D. 1795 - An Act to Validate Pierring Releases and Reform Procedures in Multiparty Lawsuits.

S.P. 695, L.D. 1941 - An Act Regarding Involuntary Commitment for Substance Abuse.

H.P. 1363, L.D. 1961 - An Act to Amend the Right of Entry Clauses.

S.P. 696, L.D. 1971 - An Act Regarding Property Tax Liens.

H.P. 1383, L.D. 1990 - An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights.

H.P. 1409, L.D. 2014 - An Act to Institutionalize Substance Abuse Treatment Courts in Maine.

H.P. 1428, L.D. 2051 - An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders.

H.P. 1446, L.D. 2067 - An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide.

H.P. 1451, L.D. 2072 - An Act to Clarify the Admissibility of Electronic Records and Signatures.

H.P. 1481, L.D. 2121 - An Act Regarding Regulations and Compensation to Property Owners.

H.P. 1525, L.D. 2178 - An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians.

H.P. 1557, L.D. 2213 - An Act to Create and Regulate the Profession of Legal Document Technician.

H.P. 1579, L.D. 2226 - An Act Relating to Remedies for Unlawful Housing Discrimination.

S.P. 840, L.D. 2239 - An Act to Ensure Civil Rights and Prevent Discrimination.

H.P. 1601, L.D. 2245 - An Act to Adopt the Model Revised Article 9 Secured Transactions.

Labor

H.P. 105, L.D. 136 - An Act to Forbid Hiring Replacement Workers during a Strike.

H.P. 253, L.D. 357 - An Act Raising the Minimum Wage.

S.P. 197, L.D. 586 - An Act to Abolish Apportionment in Workers' Compensation Claims.

S.P. 292, L.D. 810 - An Act to Encourage Responsible Employment Practices.

H.P. 595, L.D. 835 - Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts.

S.P. 333, L.D. 987 - An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies.

H.P. 729, L.D. 1019 - An Act to Limit Mandatory Overtime.

H.P. 768, L.D. 1091 - An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit.

S.P. 386, L.D. 1165 - An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park.

S.P. 387, L.D. 1166 - An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals.

H.P. 889, L.D. 1246 - An Act to Protect the Rights of Judicial Employees.

S.P. 425, L.D. 1262 - An Act to Increase the Minimum Wage in Maine.

H.P. 959, L.D. 1357 - Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board.

H.P. 960, L.D. 1358 - An Act to Promote Stability in Labor Management Relations in the Public Sector.

H.P. 979, L.D. 1377 - Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings.

S.P. 607, L.D. 1730 - An Act to Increase Health Insurance Benefits for Retired Educators.

H.P. 1238, L.D. 1767 - An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans.

S.P. 625, L.D. 1790 - An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits.

H.P. 1303, L.D. 1864 - An Act Concerning the Political Use of Union Dues.

H.P. 1325, L.D. 1908 - An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value.

S.P. 677, L.D. 1927 - An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law.

H.P. 1381, L.D. 1988 - An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries.

H.P. 1382, L.D. 1989 - An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected.

H.P. 1390, L.D. 1995 - An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption.

H.P. 1454, L.D. 2075 - An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health.

H.P. 1455, L.D. 2076 - An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance.

S.P. 745, L.D. 2104 - An Act to Provide Equity for Unemployment Compensation.

H.P. 1484, L.D. 2124 - An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan.

H.P. 1503, L.D. 2147 - An Act to Ensure Just Cause Termination in Employment.

S.P. 778, L.D. 2177 - An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits.

S.P. 783, L.D. 2194 - An Act Regarding Doing Business with Burma.

S.P. 852, L.D. 2251 - An Act to Provide Health Insurance Benefits to Dwight Parsons.

Legal and Veterans Affairs

H.P. 120, L.D. 151 - An Act to Prohibit Mandatory Maine National Guard Membership.

S.P. 302, L.D. 873 - An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites.

H.P. 745, L.D. 1035 - An Act to Require Maine's Off-track Betting Facilities to Promote Maine Racing.

H.P. 826, L.D. 1149 - An Act to Require the Municipal Clerk to Attend at Least One Training Session that is Approved by the Secretary of State Every 2 Years Regarding the Conduct of Elections.

S.P. 412, L.D. 1201 - An Act to Require Licensing Fees of Tobacco Products Manufacturers.

S.P. 420, L.D. 1257 - An Act to Regulate Push Polling.

S.P. 478, L.D. 1438 - An Act to Allow for Expedious Improvements to Commercial Tracks.

S.P. 479, L.D. 1439 - An Act to Ensure the Preservation of Maine's Commercial Racetracks.

S.P. 503, L.D. 1504 - An Act to Amend the Lobbyist Registration Fee Provisions.

H.P. 1097, L.D. 1544 - An Act to Study the Effectiveness of Harness Racing Promotions.

H.P. 1147, L.D. 1644 - An Act to Clarify Laws Governing Simulcasting.

H.P. 1205, L.D. 1715 - An Act to Allow Charitable Nonprofit Organizations to Conduct Limited Video Gaming.

S.P. 605, L.D. 1728 - Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State.

H.P. 1214, L.D. 1743 - An Act to Preserve Live Harness Racing in the State.

S.P. 631, L.D. 1796 - An Act to Improve the Absentee Voting Process.

H.P. 1318, L.D. 1901 - An Act to Prohibit the Scalping of Entertainment Tickets.

S.P. 682, L.D. 1932 - An Act to Create the Beano and Games of Chance Commission.

H.P. 1413, L.D. 2020 - Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou.

S.P. 710, L.D. 2032 - An Act to Clarify Maine's Campaign Finance Laws.

S.P. 757, L.D. 2133 - Resolve, Directing the Commission on Governmental Ethics and Election Practices to Simplify the Reporting Form for Candidates.

H.P. 1497, L.D. 2141 - An Act to Remove the Limit on the Amount of Complimentary Wine that a Wine Retailer may Receive Annually.

H.P. 1505, L.D. 2148 - An Act to Improve Harness Racing in the State.

H.P. 1508, L.D. 2153 - An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office.

H.P. 1514, L.D. 2162 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote.

H.P. 1530, L.D. 2183 - An Act to Clarify Provisions of the Laws Administered by the Commission on Governmental Ethics and Election Practices.

H.P. 1541, L.D. 2195 - An Act to Allow a Specialty Wine Store to Provide Free Wine Samples.

S.P. 785, L.D. 2200 - An Act to Permit Persons Out-of-state to Ship Malt Liquor and Wine to Maine Residents.

Marine Resources

S.P. 59, L.D. 129 - An Act to Prohibit the Harvesting of Elvers.

S.P. 70, L.D. 173 - An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers.

S.P. 299, L.D. 871 - An Act to Amend the Process for Granting Aquaculture Leases.

S.P. 304, L.D. 906 - An Act to Improve Elver Fishery Management.

S.P. 567, L.D. 1634 - An Act to Allow Certain Aquaculture Activities by Rule.

S.P. 647, L.D. 1827 - An Act to Establish the North Atlantic Cold Water Observatory.

Natural Resources

H.P. 1591 - JOINT RESOLUTION SUPPORTING THE EFFORTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN PROTECTING THE PEOPLE AND RESOURCES OF MAINE FROM OIL SPILLS.

H.P. 11, L.D. 21 - An Act to Eliminate the Use of MTBE in Maine.

S.P. 379, L.D. 1080 - An Act to Direct State Capital Investments to Locally Designated Growth Areas.

H.P. 852, L.D. 1209 - An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill.

H.P. 934, L.D. 1311 - An Act to Repeal the Emissions Testing Program in Cumberland County.

H.P. 1035, L.D. 1457 - An Act to Decrease Restrictions on the Sale of Land.

S.P. 505, L.D. 1506 - Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems.

H.P. 1072, L.D. 1519 - An Act to Encourage Environmental Management Systems.

S.P. 529, L.D. 1562 - An Act to Establish the Environmental Leadership Program.

S.P. 734, L.D. 2084 - An Act to Reduce the Release of Mercury into the Environment from Consumer Products.

H.P. 1529, L.D. 2182 - An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles.

S.P. 825, L.D. 2228 - An Act to Provide for Alternative Treatment of Biomedical Waste.

State and Local Government

H.P. 73, L.D. 86 - An Act to Establish a Children's Bureau within the Executive Department to Serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education and the Department of Corrections.

H.P. 175, L.D. 253 - Resolve, to Cable Televisize the Proceedings of the Legislature.

H.P. 221, L.D. 299 - An Act to Create a Governance System for Unorganized Towns.

H.P. 283, L.D. 391 - An Act to Develop a Department of Children.

H.P. 332, L.D. 448 - An Act Regarding the Maintenance of Private Roads.

S.P. 173, L.D. 529 - An Act Regarding Retainage on Major State and School Construction Projects.

S.P. 179, L.D. 533 - An Act to Prohibit the State from Competing with Private Industry.

H.P. 612, L.D. 852 - Resolve, to Study Outdated, Contradictory and Unenforced Laws.

H.P. 711, L.D. 1001 - An Act to Repeal Term Limits.

H.P. 1288, L.D. 1849 - An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways.

S.P. 654, L.D. 1876 - An Act to Reform County Governance.

S.P. 737, L.D. 2087 - An Act to Establish the Public Resources and Information for Maine Foundation.

S.P. 777, L.D. 2176 - An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours.

Taxation

S.P. 63, L.D. 166 - An Act to Amend the Public Property Tax Exemption.

H.P. 219, L.D. 297 - An Act to Exempt Capital Gains from the Maine Income Tax.

H.P. 402, L.D. 544 - An Act to Value Homestead Exemption Farm Land at Current Use.

S.P. 291, L.D. 809 - An Act to Create a Local Option Sales and Use Tax.

S.P. 360, L.D. 1064 - An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula.

H.P. 799, L.D. 1122 - An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which Those Taxes were Levied.

H.P. 1128, L.D. 1587 - An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption.

S.P. 532, L.D. 1594 - An Act to Promote Equity Among Health Care Clinics.

S.P. 642, L.D. 1824 - An Act to Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions.

S.P. 661, L.D. 1883 - An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax.

H.P. 1338, L.D. 1921 - An Act to Promote Land Conservation at the Local Level.

S.P. 694, L.D. 1940 - An Act to Create Standards of Eligibility Governing Certain Tax-exempt Organizations and to Phase in a Reduction of the Rate of Exemption to Reflect the Cost of Providing Essential Municipal Services.

H.P. 1416, L.D. 2023 - An Act to Authorize a Local Option Tax on Wages Earned in a Municipality.

H.P. 1417, L.D. 2024 - An Act to Establish the Local Option Tax on Liquor, Meals and Lodging.

S.P. 713, L.D. 2035 - An Act to Clarify That Sales Catalogs and Fliers are Exempt from Sales Tax when Purchased for Redistribution at No Charge.

S.P. 742, L.D. 2101 - An Act to Enhance the Maine State College Savings Program.

H.P. 1482, L.D. 2122 - An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State.

H.P. 1550, L.D. 2207 - An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws.

Transportation

H.P. 160, L.D. 222 - An Act to Alter the Firefighter License Plate.

H.P. 187, L.D. 265 - An Act to Provide for License Plates in Support of Domestic Violence Prevention Programs.

S.P. 114, L.D. 311 - An Act to Create a Registration Plate for Members of the Maine Snowmobile Association.

S.P. 122, L.D. 319 - An Act to Require Commercial Vehicle Operators Involved in Fatal Motor Vehicle Accidents to Submit to Drug Testing.

S.P. 124, L.D. 321 - An Act to Create a License Plate for Veterans Who Served in Iwo Jima, Normandy or Desert Storm.

H.P. 845, L.D. 1179 - An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products.

H.P. 940, L.D. 1337 - An Act Regarding Taxation of Clean Vehicle Fuels.

Senate called to order by the President.

H.P. 1117, L.D. 1576 - An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles.

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

H.P. 1120, L.D. 1579 - An Act to Evaluate the Compensation of Members of the Maine Turnpike Authority.

COMMUNICATIONS

S.P. 566, L.D. 1633 - An Act to Create a Transporter License Plate for Light Trailers.

The Following Communication: H.C. 255

H.P. 1506, L.D. 2149 - An Act to Amend Motor Vehicle Title Laws.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

H.P. 1521, L.D. 2171 - Resolve, to Require the Department of Transportation to Build a Truck Escape Ramp on Route 16 in Bingham.

June 18, 1999

H.P. 1551, L.D. 2208 - An Act to Remove Restrictions on Changeable Signs.

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Utilities and Energy

Dear Madam Secretary:

S.P. 709 - Joint Order to Establish a Task Force to Study the E-911 System.

House Paper 692 Legislative Document 959 "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

H.P. 92, L.D. 105 - An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity.

Eighty voted in favor and sixty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

H.P. 411, L.D. 553 - An Act to Amend the Charter of the Kennebec Water District.

Sincerely,

H.P. 1042, L.D. 1464 - An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District.

S/Joseph W. Mayo
Clerk of the House

H.P. 1069, L.D. 1500 - An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers.

READ and with accompanying papers **ORDERED PLACED ON FILE.**

H.P. 1256, L.D. 1810 - An Act to Protect the Drinking Water Supply of the Portland Water District.

H.P. 1496, L.D. 2140 - An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service.

Joint Select Committee on Research and Development

H.P. 1081, L.D. 1528 - An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy.

The Following Communication: H.C. 256

Comes from the House, **READ** and **PASSED**.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

READ and **PASSED**, in concurrence.

June 18, 1999

Off Record Remarks

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Senate at Ease.

Dear Madam Secretary:

House Paper 406 Legislative Document 548 "An Act to Appropriate Funds for Conservation at the Local Level" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Eighty-three voted in favor and sixty-three against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 257

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 676 Legislative Document 932 "An Act to Establish the Position of School Nurse Consultant" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Eighty-six voted in favor and sixty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 258

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 291 Legislative Document 399 "An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-six voted in favor and seventy against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 259

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 871 Legislative Document 1228 "An Act to Increase Payments to Foster Parents" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Eighty-two voted in favor and sixty-three against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 260

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

June 18, 1999

The Honorable Joy J. O'Brien
Secretary of the Senate
119th Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 914 Legislative Document 1292 "An Act to Enhance Tourism Promotion and Provide Additional State Revenue" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Ninety-one voted in favor and fifty-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Financing Opportunities for the Cranberry Industry" (EMERGENCY)

H.P. 1615 L.D. 2258

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1611).

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

Report **READ** and **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, ordered sent down forthwith to the Engrossing Division.

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 Update the Statutes of the Maine Conservation Corps
S.P. 859 L.D. 2257

PASSED TO BE ENACTED 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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1616

JOINT RESOLUTION RECOGNIZING SHIRRIAN L. BLAISDELL ON THE OCCASION OF HER RETIREMENT

WHEREAS, Shirrin L. Blaisdell, of Manchester, is in her 25th year of state service, the last 9 years of which she has served as a Legislative Analyst in the Office of Fiscal and Program Review; and

WHEREAS, Shirrin is a dedicated individual who has labored behind the scenes of State Government; and

WHEREAS, Shirrin has earned the respect and admiration of her colleagues and Legislators with her professionalism; and

WHEREAS, Shirrin has endeared herself to her legislative coworkers and to all of the legislative staff with the cheerfulness with which she performed her work; and

WHEREAS, Shirrin also will be greatly missed for her expertise in the financial workings of State Government; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, pause in our deliberations to express our appreciation to Shirrin L. Blaisdell for her years of dedicated legislative service; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Shirrin as a lasting token of our gratitude and affection.

Comes from the House, **READ** and **ADOPTED**.

READ.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I am very pleased to be the Senator who represents Shirrin in the Legislature and I must say I was shocked to learn that she was old enough to retire. I didn't think that was at all possible, looking at Shirrin. She doesn't seem like she could possibly be that old. Shirrin is someone who has put in a lot of time and effort into making this Legislature work well and in particular the Appropriations Committee. Having sat down there watching those folks, I know what a tough job that is and it's really the staff that makes the whole operation tick. I just want to express my own appreciation for the really wonderful work Shirrin has done in that office and in support of the Appropriations Committee as well as the rest of the Legislature. I just want to join in this Resolution and encouraging her in whatever she goes on to do from now on.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, I'd be remiss if I didn't say anything about Shirrin Blaisdell. Shirrin is too young to retire, she's taking an early retirement. She's a very hard working, dedicated person, as is everyone else in the office downstairs. I've known Shirrin for many years. I started back in 1980 and I've really gotten to know her over the last few years. Any time you go in that office, whether it's one, two or three o'clock in the morning, and you need information as we put the Budget together, Shirrin is always smiling. She's very easy to get along with. She's a hard, dedicated individual and she truly will be missed I know, especially by those of us who serve on the Appropriations Committee. I want to wish her the best of luck in her future as she moves on from retiring from the Legislature. Thank you Mr. President.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear in the Chamber Shirrin L. Blaisdell. Would she please rise and receive the greetings of the Senate.

Senate at Ease.

Senate called to order by the President.

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 to Make Corrections to Laws Recently Enacted by the 119th Legislature

H.P. 1612 L.D. 2255
(H "A" H-769; S "A" S-468; S "B" S-469)

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with no Senators having voted in the negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1617

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 119th Legislature.

Appropriations and Financial Affairs

S.P. 400, L.D. 1191 - An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry.

Taxation

H.P. 1613, L.D. 2256 - An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code.

Comes from the House, **READ and PASSED.**

READ and PASSED, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Emergency Measure

An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature

H.P. 1612 L.D. 2255
(H "A" H-769; S "A" S-468; S "B" S-469)

In House, June 18, 1999, **PASSED TO BE ENACTED.**

In Senate, June 18, 1999, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

Senator **PINGREE** of Knox moved the Senate **RECEDE** and **CONCUR**. This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, the Senate **RECEDED** and **CONCURRED** and the Bill was **PASSED TO BE ENACTED** 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:

Emergency Measure

An Act to Improve Financing Opportunities for the Cranberry Industry

H.P. 1615 L.D. 2258

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being 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.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-471), in NON-CONCURRENCE.

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

ENACTORS

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

S.P. 748 L.D. 2107

Had the same under consideration and asked leave to report:

That the Senate **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (S-453)**; **Recede** from **Adoption of Committee Amendment "A" (S-453)** and **Indefinitely Postpone** the same. **Read** and **Adopt** Committee of Conference Amendment "A" (S-471) and **Pass to be Engrossed as Amended by Committee of Conference Amendment "A" (S-471), in Non-concurrence.**

That the House **Recede** and **Concur** with the Senate.

On the Part of the Senate:

Senator MICHAUD of Penobscot
Senator LONGLEY of Waldo
Senator HARRIMAN of Cumberland

On the part of the House:

Representative TOWNSEND of Portland
Representative MARTIN of Eagle Lake
Representative DAIGLE of Arundel

Report **READ** and **ACCEPTED**.

RECEDED from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453).**

RECEDED from **ADOPTION** of Committee Amendment "A" (S-453).

Committee Amendment "A" (S-453) **INDEFINITELY POSTPONED**.

Committee of Conference Amendment "A" (S-471) **READ** and **ADOPTED**.

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

Act

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements

S.P. 748 L.D. 2107
(CC "A" S-471)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#245)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, DOUGLASS, FERGUSON, HARRIMAN, KILKELLY, KONTOS, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: BENOIT, BERUBE, CAREY, CATHCART, DAGGETT, GOLDTHWAIT, KIEFFER, LAFOUNTAIN, MITCHELL, MURRAY, PARADIS, RAND, SMALL

22 Senators having voted in the affirmative and no Senator having voted in the negative, with 13 Senators 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.

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

ORDERS

Senate Orders

On motion by Senator O'GARA of Cumberland, the following Senate Order:

S.O. 17

ORDERED, that a message be sent to the House of Representatives, informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **O'GARA**, to deliver the message to the House of Representatives. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **O'GARA**, reported that he had delivered the message with which he was charged.

On motion by Senator PINGREE of Knox, the following Senate Order:

S.O. 18

ORDERED, that a message be sent to Governor Angus S. King, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Knox, Senator **PINGREE**, to deliver the message to the Governor. The Sergeant-at-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Knox, Senator **PINGREE**, reported that she had delivered the message with which she was charged.

The following proceedings were conducted after 12:01 a.m., Saturday, June 19, 1999.

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate off the Record.

At this point, a message was received from the House of Representatives, borne by Representative **SAXL** of Portland, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

Off Record Remarks

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

On motion by Senator **O'GARA** of Cumberland, the Honorable **MARK W. LAWRENCE**, President of the Senate, declared the First Regular Session of the 119th Legislature, **ADJOURNED SINE DIE** on June 19, 1999 at 12:06 in the morning.