

# MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature  
State of Maine

Volume 2

First Regular Session (Continued)  
May 24, 2001 to June 22, 2001

First Confirmation Session  
October 24, 2001

Second Confirmation Session  
December 6, 2001

Second Regular Session  
January 2, 2002 to April 1, 2002

Pages 912 - 1844

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 1574 L.D. 2080

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-968)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - March 25, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 22, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968) AS AMENDED BY HOUSE AMENDMENT "K" (H-986)** thereto.)

(In Senate, March 25, 2002, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-968) **READ**.

House Amendment "K" (H-986) to Committee Amendment "A" (H-968) **READ** and **ADOPTED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "C" (S-494) to Committee Amendment "A" (H-968) **READ**.

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

Senator **DOUGLASS:** Mr. President, I urge this body to adopt this amendment. What it does is add some language to our budget document to assure that the Maine Clean Elections fund will be solvent in the year 2006. This amendment has an effective date of 2005 and it is written to allow or require the Committee on Ethics and Elections, in the event that committee sees that it will not have enough funds to supply those who are running under the Clean Election Act within 120 days, require or allow them to certify that fact and then that goes to the controller and funds would be withdrawn up to the amount that the committee certifies as needed up to the amount of \$4 million, the amount that this budget transfers, and no more. Only until the end of that election cycle, at which time the money would automatically go back to the Rainy Day Fund, where it is now, in order to balance the budget. What this is, basically, is a verification that the Maine Clean Election Act will still be solvent in the year 2006. We believe that to be so, but this is a guarantee. I hope you will adopt it.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "C" (S-494) to Committee Amendment "A" (H-968) be **INDEFINITELY POSTPONED**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. It is a pleasure to finally have this budget before you and I do want to speak to the amendment that the good Senator from Androscoggin, Senator Douglass, has presented and specifically to the issue of the Clean Election Fund. There is a very elaborate mechanism set up now so that the Rainy Day Fund can cover the cost of tax conformity. That is, in essence, making that money unavailable for other purposes. My concern with this amendment is that a number of years out, without any knowledge of what the economic situation in the state is going to be, where we are going to stand with revenue forecasting, etcetera, this is committing money in that fund, which is generally not a healthy trend. Those of you who have served on the Appropriations Committee, and there are a number of you here who have, understand that limiting flexibility in terms of out years is a very difficult situation to reconcile when you are then in those out years looking at requests for money but various options are not available due to actions taken earlier. The budget, before you in Committee Amendment "A", on page 191, part OO, does include language recognizing the fact that it was certainly not the intention of the Appropriations Committee not to have sufficient money in the Clean Elections Fund. That provides, similar to this amendment, that by September 1<sup>st</sup> preceding each election year the commission shall publish an estimate of revenue in the fund available for distribution to certified candidates and an estimate of the likely demand for Clean Elections funding. The commission may submit legislation to request additional funding. I would submit that it is more appropriate for the commission to submit that legislation at the time than to tie up, 5 years from now, the Rainy Day Fund, not knowing what the economic climate will be. It may well be needed for other purposes. So I would urge you to support the Indefinite Postponement motion.

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

Senator **DOUGLASS**: Mr. President, men and women of the Senate, I urge you to vote against the pending motion. This is the reason: the budget document permits legislation to be placed by the Committee on Ethics and Elections, however this shortfall will not occur in the time period when we are in session. It's most likely to occur in September and October, as we are in the midst and thick of elections. The possible results of this will be that there is no way to fund that effort, that law that was passed as a referendum by the people of Maine. So it's my hope that you will defeat the pending motion so we can go on to add Amendment "C" to the budget.

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

Senator **GOLDTHWAIT**: Mr. President, ladies and gentlemen of the Senate, I would just point out that the language states, 'by September 1<sup>st</sup> preceding each election year.' So that would happen if 2006 was an election year, this would be in September of 2005. There would be ample time for that legislation to be submitted to the upcoming session and passed prior to the election in the following year.

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

Senator **MILLS**: Thank you, Mr. President, men and women of the Senate. I need to weigh in as well because I was the one in committee who raised the issue most vigorously that we should leave the Clean Election Fund alone. I was not in favor of removing \$4 million from it in order to balance the present budget. I lost that discussion, but we did put in the language that the good Senator from Hancock, Senator Goldthwait, has alluded to which authorizes the Ethics Commission to introduce legislation in a timely fashion to generate more funds for the Clean Election Fund in case they need it or they anticipate that they will need it. The projections that we received from the administrator of that fund are that it will be very, very difficult for the gubernatorial candidates that are presently seeking to use that option, to qualify. We've already had a couple of them drop out. There are only about two weeks left before folks can qualify for the current round of gubernatorial uses of the fund and I will be greatly surprised if even one or two of the candidates are able to qualify. In any case, there is ample money in the fund to fund the current election cycle, even if several gubernatorial candidates qualified and became eligible for distribution in something of a \$1 million apiece. There is ample money in the fund to fund the elections two years from now, in 2004. The first time that there is any projection for a challenge to the adequacy of this fund is in the anticipated gubernatorial contest in the year 2006, which is a good 4 years from now. Frankly, the only issue is whether we store money in a reserve account that is allocated specifically to the Clean Election progress, or whether we store that same money in the Rainy Day Fund, or in other reserve accounts that are important to the management of state government. Even though I was a vigorous advocate for leaving this money in the Clean Election Fund, on the theory that it belongs there as much as anywhere else, frankly, we're talking about form over substance. We have, as a legislature, an obligation to fund the Clean Election Fund, regardless of whether it comes from the fund itself or comes from the Rainy Day Fund in the year 2005. I think that the interest of the people who advocate for the Clean Election Fund are reasonably well

protected in spite of what we do as a committee. I would urge you to vote for the pending motion so that we may indefinitely Postpone this amendment and go on to enact the budget. Thank you for your attention.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-494) to Committee Amendment "A" (H-968) **PREVAILED**.

On motion by President Pro Tem **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-968) as Amended by House Amendment "K" (H-986) thereto, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/5/02) Assigned matter:

**SENATE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Appropriate Public Notice of a State Building Project"

S.P. 742 L.D. 2067

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-448)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 5, 2002, by Senator **PENDLETON** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 5, 2002, Reports **READ**.)

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-448) **READ**.

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-497) to Committee Amendment "A" (S-448) **READ**.

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

Senator **MARTIN**: Thank you, Mr. President. May I pose a question through the chair?

**THE PRESIDENT**: The Senator may pose his question.

Senator **MARTIN**: What is the purpose of the amendment?