

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 3

Second Regular Session (Continued)
April 2, 2002 to April 24, 2002

Third Confirmation Session
October 3, 2002

First Special Session
November 13, 2002

Interim Communications Appendix

Senate Legislative Sentiments

Index

Pages 1845 - 2234

have gotten through in the style that we did without Jack behind us every step of the way. It's our heartfelt thanks to him for being there for us. Thank you.

On motion by Senator **GOLDTHWAIT** of Hancock, **ADOPTED**.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber John 'Jack' R. Nicholas. Would he please rise and receive the greetings of the Senate.

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. 941

STATE OF MAINE

November 12, 2002

Hon. Pamela Cahill
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Cahill:

Pursuant to our authority under P.L. 2001 Ch. 677 we are pleased to appoint the following members of the public to serve as members of the Maine Small Business Health Coverage Plan Board:

Robert Hardison of Sanford
Jacqueline Wardell of Bristol
John Kelly of Portland
Ellen Jane Schneiter of Portland
Gordon Smith of Manchester

If you have any questions regarding these appointments, please contact us.

Sincerely,

S/Angus S. King, Jr. S/Senator Richard A. Bennett
S/Representative Michael V. Saxl

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

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 Year Ending June 30, 2003" (EMERGENCY)

H.P. 1746 L.D. 2220

Tabled - November 13, 2002, by Senator **DAGGETT** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1126)**, in concurrence

(In House, November 13, 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-1126)**.)

(In Senate, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence. Committee Amendment "A" (H-1126) **READ**.)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. First I want to thank you, my colleagues, Mr. President, and President Pro Tem Michaud for the extraordinary opportunity of sharing this most amazing and challenging Committee. In case there was any doubt: I loved every minute of it. There is evidence, I think, by our record, that that we can get together and perform not only well, but admirably under some very difficult circumstances.

Once again, the Appropriations Committee, all 13 members, worked their hearts out over the last 6 weeks to get a report in front of you that would be positioned in a way that was as easy to deal with as we could. Until well into the afternoon on Friday, it looked like we could bring that effort to a conclusion with very, very few areas of disagreement; the biggest of those being the Business Equipment Property Tax issue. Unfortunately, though we felt that we would probably end up agreeing to disagree on that item but agreeing on almost everything else, the business community indicated their lack of interest in one of the two options before us, and frankly, that left some of my colleagues on the Committee really without a place to go. This was regrettable because we had done a lot of work to bridge the gap on so many of the difficult items within the budget and I would have liked to be able to present a stronger report for you today. But here we are and I want to talk very briefly about the importance of passing a budget today.

November 15th, just a few days from now, is the deadline for when we need to provide the information for printing the tax forms, including the electronic filing software. We had 160,000 electronic filers last year. If we don't get the information on what we're doing to the people who prepare those forms soon enough, they will not be able to get them out to the taxpayers. And in turn, refunds will go out in a way that is not timely. I am willing to bet that you would hear from your constituents if that were to be the case. Another problem is that at some point in the very near future, in the next couple of weeks, we begin to lose some of the savings opportunities in this proposal. The next legislature would clearly have to go back to the drawing board and start looking for even more money. The final, and probably most important reason why the 120th legislature should pass a budget today, is

that the 121st will have big trouble of their own. They are looking at a shortfall far greater than the one that we are contemplating now. They are looking at it in a context where everything is gone. There is no Rainy Day Fund. There are no reserves left anywhere. They are starting from zero. It is going to be an enormous challenge to them, many of who are in this room today, to carry on with that work.

It has been said that by simply controlling the growth in expenditures, we can solve perhaps half of this gap. But let me tell you why that is not true. Fully one-third of the budget coming up is devoted to healthcare. Most of that is entitlements. You cannot control that 18% growth and keep that at cost of living without either eliminating programs or drastically reducing eligibility. Retired teachers' health insurance and retirement makes up a smaller proportion of our budget; it's growing at 27%. There has been a lot of testimony in this building when there were proposals to reduce those things. Are you going to control that to cost of living, say at 3%? I don't think so. It's going to be very difficult to accomplish those things. So this is not a gap that's going to go away easily. To hand them, in addition to the work they have to do, a \$300 million shortfall that is rightly the responsibility of this legislature would be to position a new legislature and a new chief administrator in a very unfortunate way. It would be regardless of your affiliation, if you have one. It would be an unfortunate thing to do at time when people ought to be breaking new ground at the beginning of a new legislature.

I feel a bit like I'm at a gas station and I've got the pump out and I've just stuck the nozzle in my truck when I look up, and next to me is somebody with an unlit cigarette in their mouth pulling a match out of their pocket. My plea is, 'can we talk about this before you light that match?' I'm not exaggerating when I say that. To me, the situation is that serious. There are a lot of people out there watching what we are doing this afternoon. Including, I'm certain, the Governor-elect and transition staff, but most importantly the public, and incoming legislators. They are looking at us to see how we're going to solve this. Two years ago we had an interesting, and perhaps unique, problem in this chamber and we solved it in a way that became something we could point to with pride because we solved it quickly and efficiently and we did it in a way that didn't cause repercussions afterwards in the whole two years in which we served in this strangely divided chamber. This is the time to rise to the occasion again and pass a budget with a strong vote. A unanimous vote wouldn't be a bad thing because if you vote simply ought not to pass, you're saying it's not important that we balance this budget. If you favor cuts in government, you should be voting for this budget. It may not make all the cuts you want. It may not make the breath of cuts that you were hoping for. It does cut government. To walk out of here without voting for a plan that balances the budget indicates to me that perhaps you don't want to cut the budget. I don't think that is true of anybody in this chamber.

The lesson to incoming legislators is paramount in my mind because when United States Senators Cohen and Mitchell left public service at this level I remember the editorials in Maine newspapers that said part of why they were leaving was that nobody wanted to compromise any more. Nobody wanted to govern. People wanted to hold onto their last little issue until they turned blue. It's time for us to make that statement again that we have made repeatedly in Maine; that we can govern and that we will govern. We are beyond the point of elegance. We are beyond the point of policy debate. We are at the point of balancing this budget and clearing the way for the 121st

legislature. It's time to make lemonade and I hope you will join me in doing that. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I don't rise in opposition to the idea of passing the budget, by any means. There was a great deal of work done in the Appropriations Committee leading up to the document that is now in front of you. There was considerable discussion among the minority members of the committee about what our posture should be. Most were convinced that the document that is now before you would be passed in some form or another. The question before us was whether we produced our own minority report and cut down as many trees as were necessary to photocopy it 186 times or whether we simply make our points in oral floor debate. That is the route that we have chosen, or at least that I have chosen. My major criticism of the document that lies before you is that it does not take into account the needs of the next biennium. There is too much stuff in it that is labeled, frankly, as a one-time measure or a one-time gesture. It does succeed in draining practically every last vestige of reserve funds that are available to this administration and to the legislature. On those occasions within this budget where there was the opportunity to do something on a on-going basis that would give some relief, some further relief, to those who must assemble the budget document for the next biennium, it stops short for reasons that are beyond my ken.

A small example, last year we passed a bill that gave certain economic concessions to the nursing home industry. Even though we have 1,000 empty beds in Maine in the nursing home industry, there was a bill passed last spring to say that we should help to compensate the industry for maintaining those beds as open beds, even though we need, in this state, desperately to reduce the number of those beds that are available. The Governor, in his wisdom, proposed a budget to us that would have repealed that provision of law that was in last spring's budget on the basis that we couldn't afford to subsidize 1,000 empty beds in this state, among the 7,700 that are authorized presently. I see, to my chagrin, that in this budget the subsidy is postponed until the end of this fiscal year. But then beginning on July 1, 2003, this economic concession, at least in language, is again made and it will contribute significantly to the structural gap that must be filled by those who succeed us in these chambers.

Another such example is the broadcaster tax exemption, which was passed against my better judgment certainly, last spring. The Governor proposed a bill this fall to repeal that exemption and to go back to the law as it has stood because we simply can't afford to grant sales tax exemptions to this industry, no matter what kind of a case they may be able to make for it. I see that in this budget document that lies before you we have postponed the exemption through June 30, 2003. Low and behold, it springs up again to cost us millions of dollars in the next biennium and the biennia that will ensue.

The Governor's proposal this fall was to put in a tax and match proposal for hospitals. When you look at the large line items in the major departments of our government and when you look for areas where you can cut a budget, you necessarily get to a point of looking carefully at the Department of Human Services which is where a great deal of the money is spent. Within the Department of Human Services, if look at the hospital reimbursement line you see that it is a large number, a significant

number, and you say, 'all right, let's cut that line by say, \$3.5 million,' which was the policy decision made by the Governor. But if you cut that line by \$3.5 million, if you simply cut it, you are costing all 39 hospitals something like \$10.5 million because you lose the Medicaid federal match when you seek to save state money. So no matter how badly you may want to cut the state budget, you can't do so in the Medicaid line very easily without converting your thinking into a tax situation. This is the genesis of the impetus of the movement to impose a tax on hospitals. If you put a tax on them for \$3.5 million, that is all that it costs them; but if you take it away from them in Medicaid reimbursements, it costs them 3 times as much. The Governor looked carefully at what the federal government is currently authorizing for tax and match - call them schemes if you wish - and put forth a tax and match plan for hospitals that would have taxed them a lot more than \$3.5 million, but would have at least refunded to them a large share of the new federal money generated and it would have enabled us to go further and provide a much needed reimbursement for some of the medical specialties that are dropping out of the Medicaid system because the reimbursement rates are so far below their actual cost of doing business. On top of all of that, the plan would have generated \$3.5 million to the general fund. The figures differed on this, but most of us felt that it would have held most of the hospitals harmless; in fact most of the hospitals would have gained under this arrangement. For whatever reason, largely because of disagreements between the Hospital Association and the Department of Human Services, we as a legislature fell through the cracks and decided to tax them. The majority budget seeks to tax the hospitals without generating the corresponding match from federal sources and without getting us all of the beneficent goals that had been generated by the Department's plan. Not the least of which was to re-base completely the hospital reimbursement system under Medicaid. Right now we reimburse them based on costs that were generated in 1983. Things are sadly out of whack.

We missed out here, frankly, on an opportunity to reform the entire method by which hospitals are reimbursed under Medicaid. We did not adopt any measures, although I had suggested them in Committee, to do some tax reform to enhance the circuit breaker program, perhaps at the expense of the homestead exemption, which I think might have gone a long way towards fending off the tax revolts that we are going to see and that we did see, frankly, at the polling places this last week.

Finally, the personal property tax that this majority budget proposes to push off by 8 or 10 months; reimbursements under the BETR program. It perpetuates a very unstable situation in regards to the personal property tax. Everyone involved in it agrees that our current system is politically unstable, economically unstable, and inappropriate. In my view, we have overlooked in this budget, the opportunity to make some long term changes to how personal property, business equipment, and machinery is taxed in this state. I think we could have come to an interesting new proposal, a resting point that would have cost the state less money in the long run and would have given a more stable form of relief to the businesses and the industries who have been lobbying to make these changes. For these reasons, I intend to vote no on the budget and would hope that you would respect my decision.

Off Record Remarks

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "B" (S-630) to Committee Amendment "A" (H-1126) **READ.**

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

Senator **ROTUNDO:** Thank you, Mr. President, men and women of the Senate. There has been a great deal of publicity in past months about the stresses and challenges that my city, Lewiston, has faced as a result of a sudden increase in the population of immigrants that have come into our community over the past year. I'm very proud of the fact that we have been so welcoming, but there have been significant financial challenges involved with the immigration. I'm not aware of any community in this country that has experienced such a large immigration in such a short period of time. State agencies, for the most part, have been very helpful in terms of helping us to deal with this situation. But there is still some work that can be done.

The amendment that is before you right now is simply one that directs DHS to go after existing federal dollars that could be brought back to this state to help all communities, not just Lewiston, that are dealing with immigration issues at this point in time. There are no matching dollars that would be required by the state as we try to capture these federal dollars. It is simply money that we can bring back to Maine to help communities throughout the state, dollars that would otherwise go to other states in this country. So I urge adoption of this particular amendment. Thank you very much.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "B" (S-630) to Committee Amendment "A" (H-1126) 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. You will no doubt become familiar with this little speech in the next half hour. As Senate chair of the Appropriations Committee and a signer on the majority report, I will be opposing all amendments except my own, which is a technical amendment. I will say that there may be a case or two, and this maybe one of them, where a rather benign amendment is swept into the vortex of my opposition based on my position as chair of the Committee. Nevertheless, I will be opposing them all and this is one of them. Thank you.

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

Senator **SMALL:** Thank you, Mr. President. As a non-signer of the bill, I'm up for grabs here on this. My question would be, can the Department do this already or do they need to be instructed or authorized by the legislature in order for them to do this, to apply for this?

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 Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you. The Department could do this on their own. We felt, in this instance, a little pushing might be helpful.

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

Senator **DOUGLASS:** Mr. President, ladies and gentlemen of the Senate. I rise to ask members of the Senate to vote against the motion for indefinite postponement for the reason that I also represent the City of Lewiston and the City of Auburn, which have experienced a substantial influx of immigrants who are using certain services that should be reimbursed through these federal grants that are available and for which we, in the State of Maine, ought to apply. It's true that we don't need to demand that the Commissioner apply for these; he could do it on his own. Nevertheless, we're here to set policy. This is the right policy for Maine, to ask for those services that we are entitled to. I ask you to vote against the pending motion.

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 heard from several of my constituents in regards to this matter and most of them are opposed to any additional funding for the City of Lewiston or any other city in the state. I just wanted to relay that to the body. I believe the motion is indefinite postponement and I would urge everyone to vote for that motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Indefinitely Postpone Senate Amendment "B" (S-630) to Committee Amendment "A" (H-1126). Is the Senate ready for the question?

The Chair ordered a Division. 11 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-630) to Committee Amendment "A" (H-1126), **FAILED**.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "B" (S-630) to Committee Amendment "A" (H-1126) **ADOPTED**.

On motion by Senator **MARTIN** of Aroostook, under unanimous consent on behalf of Senator **KNEELAND** of Aroostook, Senate Amendment "C" (S-631) to Committee Amendment "A" (H-1126) **READ**.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. I am presenting this amendment on behalf of the

Senator from Aroostook, Senator Kneeland, who is ill and could not be here today. It was his intention to present the amendment, but as a result of that, I request unanimous consent to present the amendment. It is his name that is on the amendment. It is obviously clear, by reading the amendment, that it involves Aroostook County. Which plays a role in part of the reason why I'm speaking. There is, by the way, before you a letter that the Senator from Aroostook, Senator Kneeland, has written to you, asking for your consideration.

When the budget cuts were being prepared, the Governor's office asked, obviously, every department to put together monies that they could give up or whatever. Part of the money which was given up by FAME turned out to be money that would have gone to the Northern Maine Regional Planning Commission or the Northern Maine Commission, as it's now called, for part of a study that would be done in order to take a look at what takes place, or could take place, with the pipeline that presently exists from Searsport to the Loring Air Force Base. That pipeline was used during the existence of the Loring Air Force Base for the transmission of jet fuel. Since that time, of course, it has been left vacant and not being used. There have been a number of attempts to try to figure out what might be done with the pipeline, since obviously it is now and continues to be owned, by the Air Force.

Recently there has been an agreement by the Air Force to transfer the pipeline to the Loring Development Authority. That development could potentially lead to a benefit to Aroostook County and to the rest of the state. Based on that, there was money that was put into the budget last time that then would have gone to the Loring Development Authority to fund part of a study to take a look at the feasibility of using the pipeline for natural gas, and for the development of a natural gas facility at the former Loring Air Force Base. Part of the agreement that was made was that some of the funding would come from this process, from the state budget, and the rest of it would come from the developer, which happens to be Stone and Webster. They have already put up the money. They have already started the process. In the middle of it, the state, basically, is now pulling out that portion of the budget and their portion of that study. The purpose of the study, obviously, is to determine the feasibility of being able to use the pipeline for that very purpose. The reason why it cannot wait until next year, quite frankly, is because the study has to be done now because the time period is soon to expire in early spring in terms of the period that the agreement was for. Keep in mind that the study has to be conducted before the ground is frozen. In Aroostook County, we've already had 4 snowstorms, we've had frost, and we've already had a couple of inches of frost downward. There isn't much time left. I hope I can make my point that way. Frankly, the money is a necessity in order to complete the study and it is needed now.

There are some who suggested that perhaps the money should be put up entirely by Stone and Webster. Let me tell you what the danger of that is. If, in fact, that were to happen, then it is quite clear that the study would be owned by that company and the state would have absolutely nothing to say about it, would not have access to the study, and we would be at a loss. That's why we are in the position that we are in now. Those are the facts. But let's look at where we are right now. I fully appreciate the work of the Appropriations Committee and I'm not here to try to cut it apart. It is clear that to put this \$235,000 back into the budget creates another hole of \$235,000 that then would be added with the \$40 million yet to be found. I understand that. Nor am I trying to say that this is better than some of the cuts that

have been made in the budget. I'm not trying to make those comparisons and I hope that you don't either. I also know that the various committees who made recommendations, including the Public Utilities Committee, including some other committees that were involved, accepted the cut. But part of it, I think, is in part because not all of the facts were available at that point. That's where we are right now.

I guess I just want to say that I'm a late player to this because I don't represent Limestone. That is part of the Senator from Aroostook, Senator Kneeland's district and that is why he was so involved with it. So I would simply urge you, after the motion to indefinitely postpone is made, to vote against the motion to indefinitely postpone.

Off Record Remarks

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "C" (S-631) to Committee Amendment "A" (H-1126) 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. This is an awkward thing to do in the absence of the Senator from Aroostook, Senator Kneeland. I apologize for speaking against what is his proposal when he is not here to defend it. By the way, I wish him well and hope that he has a speedy recovery in strength and will soon be joining you in the next legislature.

But I do have some serious reservations about both parts of this amendment. The first part proposes striking out part 'M' of the committee amendment, which would restore, as the other Senator from Aroostook, Senator Martin referenced; the \$235,000 with no other provision for funding. The budget before you has an ending balance of .3. That's not big. That means two things, one is that if we had a bigger balance, we could be applying that against the number we're going to get next week, be it \$40 million or \$50 million or whatever, and it wouldn't go very far, but it would be something. The other issue is, because of the way that we inevitably seem to come together at the end of the budget process, the Fiscal Office was doing their best overnight, over the weekend, to get a document ready for you, and in the event, the very unlikely event, that there were any errors in computation, as they worked at that speed through the night, it is helpful, to say the least, to have a small cushion to adjust if one needed to and .3 is already way too small. This would eat up .235 of that .3 and for that reason I think it is not advisable.

As the Senator from Aroostook, Senator Martin, mentioned, this proposal was jointly heard by the Business and Economic Development Committee, who recommended that we take this revision. We offered it to the Utilities Committee, since it seemed to fall partially within their jurisdiction, who proposed on a 4 to 1 vote, with only 5 of their members present, that we take it. In the Appropriations Committee we actually had someone there to provide us with all the information we could ask for on the proposal, so I think we had all of it. The Appropriations Committee voted unanimously to take it. So that's reason

number one why I will be voting to indefinitely postpone. Number two is, and this is kind of a funny thing and I hate to say this in the absence of the Senator from Aroostook, Senator Kneeland, and I don't know how we would have voted on this budget, but to try to amend a budget which you are then going to vote against seems peculiar to me. I liken it to taking your Thanksgiving turkey and putting some lipstick on it before you chopped its head off. In which case, you would be wasting your time if the decapitation was successful, and if you missed you'd just have a prettier turkey. So I don't quite follow the logic of amending a budget that you are going to vote against. The second part of the amendment proposes something else that I think is curious. That is an increase in a debt ceiling by \$100 million. We have heard many speeches in this chamber about how our debt level is too high already. It surprises me to see a proposal that would raise this particular debt another \$100 million. It is not general obligation debt; it is moral obligation debt. But that does not necessarily get the state out from under any risk in this regard. If we were to have a default situation here, there is the potential for risk to the state with this proposal, a risk that we can ill afford right now. So I hope you will join me in voting for indefinite postponement of this amendment.

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

Senator **FERGUSON:** Thank you very much, Mr. President. This money came from an original study to study the electrical grid in Northern Maine. This is surplus funds. After the study was concluded, there was \$235 million left over. The Utilities and Energy Committee took this under advisement and our recommendation was to let the funds lapse to the General Fund and compete with any other programs that were going to come up in the 121st. This is the first I knew about this amendment. I haven't had any contact with the Senator from Aroostook, Senator Kneeland, in this regard. It seems to me that we should be here trying to reduce our spending rather than increasing it. This is, as the good Senator from Hancock, Senator Goldthwait, alluded to, we're going to be sailing pretty close to the wind. If we add another \$235,000 into this spending, it's not going to be good, although it's a small amount. I would urge everyone in this body to join me and vote for the pending motion of indefinite postponement. Thank you.

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

Senator **MARTIN:** Thank you very much, Mr. President, members of the Senate. First of all to the Senator from Hancock, Senator Goldthwait; I'm sure that if we were to vote for this amendment and the Senator were to do that, I'm sure that the Senator from Aroostook, Senator Kneeland, would be happy to buy her a turkey. Because I think it means that much to him, and it means that much to Aroostook County.

Let me just say this; what we are talking about here is a potential development of \$55 to \$65 million. That's the potential impact if this were to happen. The number of jobs would be obviously substantial. The income to the state would be substantial. So I think, frankly, that it is a good investment and I urge you to vote for the amendment and against the motion to indefinitely postpone.

On motion by Senator **MARTIN** of Aroostook, 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.

The Chair noted the absence of the Senator from Aroostook, Senator **KNEELAND** and further excused the same Senator from today's Roll Call votes.

ROLL CALL (#418)

YEAS: Senators: BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, LAFOUNTAIN, LEMONT, LONGLEY, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: DAVIS, KILKELLY, MARTIN, MCALEVEY, SAVAGE, SAWYER, SHOREY, SMALL, YOUNGBLOOD

ABSENT: Senators: MICHAUD, MITCHELL

EXCUSED: Senator: KNEELAND

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-631) to Committee Amendment "A" (H-1126), **PREVAILED**.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "F" (S-634) to Committee Amendment "A" (H-1126) **READ**.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I've been having a little bit of fun with this amendment today because this is the only vehicle in which we could accomplish what we wanted to do.

The President Pro Tem presented a bill last session that created a commission for veterans of World War II and the Korean War to have a memorial plaque placed in the Hall of Flags down stairs, similar to what was done for Vietnam vets and of course other vets from years past. I was fortunate enough to be appointed by the President to this commission, to co-chair it with Representative Fisher. The appointments were made very late, and unfortunately the legislation, which is typical in legislation such as this, would allow the legislative council to allow the commission to continue meeting beyond whatever is

called for in the legislation, in which case there was only one meeting that was authorized. There was not proper language that would allow the legislative council to consider allowing the commission to meet longer. Even though this may seem like a relatively small matter to some of you, veterans, of course, find this very important. We're talking about World War II veterans and Korean War veterans. In that first meeting we actually accomplished quite a bit in terms of where the plaques will be located, how they would be situated, and where they would be placed on the walls as well as what the structure would be for raising the funds for these plaques. It is going to be a very expensive endeavor. In the past the money has been raised from outside sources, primarily through the various veterans groups.

So what I would like to do, since this group has been meeting and so that their work isn't erased, and so this commission can continue to meet and not just be dissolved. The commission had asked that we submit an amendment to this budget that would allow them to at least ask the legislative council to allow them to continue meeting. That's what we're doing. That is what this amendment does and I would appreciate your support. I'm sure the veterans' organizations throughout the state would appreciate your support also. Thank you.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "F" (S-634) to Committee Amendment "A" (H-1126) 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. I would only point out that I'm not sure how the good Senator was fortunate enough to not have a fiscal impact because if the study is expanded, and there are legislative members, there will be a cost to that. At any rate, in keeping with my principle, I am supporting an indefinite postponement motion. Thank you.

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

Senator **GAGNON:** Thank you, Mr. President. Yes, in response to the good Senator, I believe there is about a \$500 fiscal note. I think that has to be the case, even though I would be willing to not be paid to be there and I think other legislators would also because it is vitally important to these veterans' groups. In fact, I think if there were a way, they would be willing to commit the money if that is what was necessary.

They are small amounts. This is \$500. If in fact the legislative council allows them to continue meeting, and they might chose not to do that. Leave it in the hands of the legislative council is what I ask.

On motion by Senator **GAGNON** 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 (#419)

YEAS: Senators: GOLDTHWAIT, LEMONT, LONGLEY, MILLS

NAYS: Senators: BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, MARTIN, MCALEVEY, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: MICHAUD, MITCHELL

EXCUSED: Senator: KNEELAND

4 Senators having voted in the affirmative and 28 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator GOLDTHWAIT of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-634) to Committee Amendment "A" (H-1126), **FAILED**.

On motion by Senator GAGNON of Kennebec, Senate Amendment "F" (S-634) to Committee Amendment "A" (H-1126) **ADOPTED**.

Senator MARTIN of Aroostook moved to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1126) as Amended by Senate Amendment "B" (S-630) and Senate Amendment "F" (S-634) thereto, in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

Senator MARTIN of Aroostook requested and received leave to withdraw his motion to **TABLE** pending **ADOPTION** of Committee Amendment "A" (H-1126) as Amended by Senate Amendments "B" (S-630) and "F" (S-634) thereto, in **NON-CONCURRENCE**.

On motion by Senator GOLDTHWAIT of Hancock, Senate Amendment "D" (S-632) to Committee Amendment "A" (H-1126) **READ**.

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

Senator GOLDTHWAIT: Thank you, Mr. President, ladies and gentlemen of the Senate. This is a technical amendment supported by the chairs of the Committee for the purpose of removing the emergency preamble, and also there were two other changes that we made when we took the majority vote on Friday night relative to nursing facilities which made ongoing changes; either one-time or simply delayed. So those are the

three technical changes that conform to the motions taken in the Committee on Friday. I hope you will support the motion. Thank you.

On motion by Senator GOLDTHWAIT of Hancock, Senate Amendment "D" (S-632) to Committee Amendment "A" (H-1126) **ADOPTED**.

Off Record Remarks

On motion by Senator MARTIN of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1126) as Amended by Senate Amendments "B" (S-630); "D" (S-623) and "F" (S-634) thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.C. 943

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT**

November 13, 2002

The Honorable Richard A. Bennett
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Business and Economic Development has had under consideration the nomination of George A. Finch of Eastport, for appointment to the Washington County Development Authority, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators	2	Shorey of Washington, Youngblood of Penobscot
---------------	---	--