

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

Volume III

Second Special Session (Continued)
March 22, 2004 to April 30, 2004

Second Confirmation Session
August 25, 2004

Interim Appendix

Senate Legislative Sentiments

Index

Pages 1416 - 1812

ABSENT: Senator: YOUNGBLOOD

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAMON** of Hancock to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED, PREVAILED.**

Subsequently, **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/27/04) Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 94, on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1418 L.D. 1916

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-907)**

Tabled - April 27, 2004, by Senator **TREAT** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 16, 2004, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923); "B" (H-946); "C" (H-947); "D" (H-950); "E" (H-952) AND "F" (H-953)** thereto.)

(In Senate, April 27, 2004, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-907) **READ.**

House Amendment "A" (H-923) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-946) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-947) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

House Amendment "D" (H-950) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

House Amendment "E" (H-952) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

House Amendment "F" (H-953) to Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **PENDLETON** of Cumberland, Senate Amendment "A" (S-552) to Committee Amendment "A" (H-907) **READ** and **ADOPTED.**

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

On further motion by same Senator, Senate Amendment "B" (S-555) to Committee Amendment "A" (H-907) **READ** and **ADOPTED.**

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

On further motion by same Senator, Senate Amendment "C" (S-559) to Committee Amendment "A" (H-907) **READ** and **ADOPTED.**

Committee Amendment "A" (H-907) as Amended by House Amendments "A" (H-923); "B" (H-946); "C" (H-947); "D" (H-950); "E" (H-952); "F" (H-953) AND Senate Amendments "A" (S-552); "B" (S-555); "C" (S-559) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923); "B" (H-946); "C" (H-947); "D" (H-950); "E" (H-952); "F" (H-953) AND SENATE AMENDMENTS "A" (S-552); "B" (S-555); "C" (S-559)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/16/04) 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 Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1420 L.D. 1919
(H "Q" H-932; H "T" H-935; H "V" H-937;
S "A" S-518; S "P" S-543 to C "A" H-904)

Tabled - April 16, 2004, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543)** thereto, in **NON-CONCURRENCE**

(In House, April 15, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935) AND "V" (H-937)** thereto.)

(In Senate, April 16, 2004, **READ ONCE**. Committee Amendment "A" (H-904) **READ**. House Amendment "Q" (H-932) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**, in concurrence. House Amendment "T" (H-935) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**, in concurrence. House Amendment "V" (H-937) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**, in concurrence. On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "A" (S-518) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**. On motion by Senator **CATHCART** of Penobscot, Senate Amendment "P" (S-543) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**. Committee Amendment "A" (H-904) as Amended by House Amendments "Q" (H-932); "T" (H-935); "V" (H-937) AND Senate Amendments "A" (S-518); "P" (S-543) thereto, **ADOPTED**, in **NON-CONCURRENCE**. Subsequently, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543)** thereto, in **NON-CONCURRENCE**.

Senator **CATHCART** of Penobscot moved the Senate **SUSPENDED THE RULES**.

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 (#419)

YEAS: Senators: **BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT**

NAYS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK**

ABSENT: Senator: **YOUNGBLOOD**

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 18 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **CATHCART** of Penobscot to **SUSPEND THE RULES, FAILED**.

Senator **WOODCOCK** of Franklin requested a Roll Call.

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

Senator **MARTIN:** Thank you, Madame President. Let me first thank those of you who supported me when I offered my amendment, I guess it was a week ago or so. I want to just relay to you, in part, some of the things that have transpired since that time. Some of you obviously read the paper and probably are aware of the 650 people or so that showed up in Fort Kent for the hearing that took place at the University of Maine at Fort Kent. Following that, I had a discussion with the Chancellor in terms of my concern, as I obviously expressed to you in this body. We had a discussion on whether or not the plan would be in effect before the legislature was to return this coming year. Obviously, that was my concern. Interwoven with that was the fact that the Governor has created a taskforce which has yet to be named but will be. It will report, as I recall, in the middle of January of 2005. At that point, I asked the Chancellor if he was prepared, knowing those factors, to inform the legislature regarding the final draft prior to implementation of whatever might come from the Board of Trustees. As a result of that, yesterday the Chancellor indicated to me that implementation, from his knowledge, if and when it takes place, will take a long time because of the long-term process. He stated he would report to the final draft and how it would be interwoven with the Governor's report to the legislature in January, based on the Governor's K-16 taskforce recommendations. That was the whole issue behind the amendment that I offered last week. I am satisfied with the commitment that the Chancellor and some members of the board have made to me to work with the legislature and the Governor on a coordinated effort to improve the quality of the educational system in Maine. I am not going to offer another amendment because I am satisfied that the goal that I wanted has been accomplished and I am pleased to work cooperatively with the Chancellor and the board. I will be voting for enactment of the budget.

On motion by Senator **WOODCOCK** of Franklin, 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 (#420)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK

ABSENT: Senator: YOUNGBLOOD

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, was Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932); "T" (H-935); "V" (H-937) AND SENATE AMENDMENTS "A" (S-518); "P" (S-543) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/27/04) Assigned matter:

HOUSE REPORTS - from the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** on Bill "An Act To Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings"

H.P. 1422 L.D. 1921

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-888)** (12 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 27, 2004, by Senator **DAMON** of Hancock

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

(In House April 16, 2004, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 27, 2004, Reports **READ**.)

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-888) **READ**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "C" (S-558) to Committee Amendment "A" (H-888) **READ**.

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

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. This bill came out of the Committee on Regionalization and Community Cooperation. Initially when it came to us it was a bill that was very unpalatable to the members of the committee. Thus, the committee changed it. Apparently the committee didn't change it sufficiently enough to have the members of the other Body vote for its passage. This amendment changes it further still. There were some areas that were of considerable concern to members of the legislature. Those areas included the amount of money that was to come from the GPA to fund this initiative. In this amendment that I am offering today, that money has been stripped away but for two payments, one in the first year of \$1 million and one in the second year of \$2 million. There will be no further monies committed to this effort until such time as a report is given to the legislature. That report, which was originally scheduled to be reported in 2007, has been stepped up to be reported in 2005. At that time, the legislature will determine whether or not to continue funding this effort. This particular amendment also has resulted in the consulting schools are removed from the bill and some of the other requirements that were initially in the committee bill, such as requiring 300 students in a high school, have also been removed. It is the first step in what I see as an opportunity to control some spending and control of spending is an issue that we are hearing frequently. Here is an opportunity to do it, to get the best bang for our spending dollar, and to look at providing those efficiencies. I would urge the members of the Body to adopt Senate Amendment "C" (S-558). Thank you, Madame President.

On further motion by same Senator, Senate Amendment "C" (S-558) to Committee Amendment "A" (H-888) **ADOPTED**.

Committee Amendment "A" (H-888) as Amended by Senate Amendment "C" (S-558) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **BLAIS** 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.