

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session  
December 3, 2008 to June 12, 2009

Pages 1 - 1159

NAYS: Senators: BRANNIGAN, GOOLEY, HASTINGS, MILLS, NASS, ROSEN, SCHNEIDER, SMITH, WESTON

ABSENT: Senator: DAVIS

EXCUSED: Senator: SHERMAN

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Emergency Measure**

An Act Regarding Maine's Energy Future  
H.P. 1038 L.D. 1485  
(H "A" H-540)

Tabled - June 10, 2009, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540)**, in concurrence.)

(In House, June 10, 2009, **PASSED TO BE ENACTED**.)

On motion by Senator **RAYE** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **ROSEN:** Thank you, Madame President. Members of the Senate, just a couple of brief comments. I will be voting in opposition to the bill and I just simply want to explain why. I understand the historic and comprehensive nature of this piece of legislation. It creates a major new entity. It has huge resources. It has an ambitious goal and object ahead. However it does have one component that I just simply cannot support and that is the expansion of the new borrowing that will be taking place under the guidance of the Maine State Housing Authority. The authorization of \$200 million of new borrowing with an initial roll out of \$30 million and an obligation of \$300 million of real estate transfer tax funds in the next year. Those of us that are on the Appropriations Committee who will soon be starting our Summer work in July to look for savings are clearly looking ahead to the next biennium. This presents us with an immediate challenge in the next biennium of approximately \$7 million of diverted General Fund revenue that otherwise I think we will sorely need. At this time of diminishing revenues and a weakening economy I simply cannot support the future diversion of \$7 million from the General

Fund to support this level of borrowing that has not gone before the voters of Maine. Thank you.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, I just want to add my voice to those last few sentiments expressed by the Senator who represents us on the Appropriations Committee. We have, in addition to this form of revenue borrowing that is proposed in this comprehensive energy bill, in the budget increased the Government Facilities Authority borrowing by some \$61 million and added to it the authority to borrow another \$6.5 million of existing authority. We really have a \$67.5 million revenue bond in the budget for the Government Facilities Authority for various courthouse projects. We have GARVEE bonds of \$100 million outstanding and another \$50 million proposed in the highway budget. We have \$50 million outstanding in TransCap revenue bonds already with another \$105 million going out in a week and \$55 million more authorized. We have an aggregate revenue bond package outstanding and authorized of I would say \$400 million to \$500 million when you add up TransCap, GARVEE, and the Government Facilities Authority. It's quite a bit and it seems to me that at the very least we should hold this bill until we arrive at a general obligation bond package, which we have not yet done in this session. It seems to me all of this is of a piece and the passage of this bill will have eminent implications for the 125<sup>th</sup> Legislature and how it meets its obligations. For that reason I wish to support the Senator from Hancock, Senator Rosen, and his sentiments about voting against this bill at this time.

**THE PRESIDENT:** The pending question before the Senate is Enactment. 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 (#201)**

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, RAYE, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, ROSEN, SMITH, WESTON

ABSENT: Senator: DAVIS

EXCUSED: Senator: SHERMAN

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with 10 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.**

Ordered sent down forthwith for concurrence.

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

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature  
H.P. 123 L.D. 144  
(H "A" H-252 to C "A" H-135)

Tabled - June 4, 2009, by Senator **CRAVEN** of Androscoggin

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto, in concurrence.)

(In House, June 3, 2009, **FAILED FINAL PASSAGE.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-135) as Amended by House Amendment "A" (H-252) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-252) to Committee Amendment "A" (H-135) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-322) to Committee Amendment "A" (H-135) **READ** and **ADOPTED.**

Committee Amendment "A" (H-135) as Amended by Senate Amendment "A" (S-322) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135) AS AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Laws Governing Tournament Games  
H.P. 158 L.D. 193  
(C "A" H-84)

Tabled - May 5, 2009, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**, in concurrence.)

(In House, April 30, 2009, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-84), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-323) to Committee Amendment "A" (H-84) **READ** and **ADOPTED.**

Committee Amendment "A" (H-84) as Amended by Senate Amendment "A" (S-323) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84) AS AMENDED BY SENATE AMENDMENT "A" (S-323)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.