

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

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**August 29, 1985**

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STATE OF MAINE  
One Hundred and Twelfth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
In Senate Chamber  
Monday  
June 10, 1985  
Senate called to Order by the President.

Prayer by The Honorable Michael E. Carpenter of Aroostook.

SENATOR CARPENTER: Good morning. I thought it was appropriate this morning that before I read a little prayer from the prayer book put out by the First Radio Parish Church of America that we pause for just a moment and reflect on what kind of week it's going to be and hope that the Lord will grant us the serenity to survive this week. Let us pray.

"May the Lord set us on fire with his spirit, strengthen us with his power, illumine us with his splendor, abundantly fill us with his grace and beckon us to go forth with his aid. So may we have a stout faith, brave patience, discerning wisdom, a sensitive conscience and willing serving hands. Having manfully finished our course may we be enabled happily to enter into his Kingdom through Jesus Christ our Lord. Amen."

Reading of the Journal of Friday, June 7, 1985.

#### Off Record Remarks

#### PAPERS FROM THE HOUSE House Papers

Bill "An Act to Authorize Franklin County to Raise \$1,432,085 for Renovations and Additions to the Franklin County Court House" (Emergency) (H.P. 1140) (L.D. 1648)

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

#### COMMITTEE REPORTS HOUSE

##### Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Create a Competitive State Fund for Workers' Compensation Insurance" (H.P. 713) (L.D. 1023)

Bill "An Act to Provide Financing for Rail Transportation" (H.P. 1112) (L.D. 1622)

##### Ought to Pass

The Committee on TRANSPORTATION on Bill "An Act to Protect Railroad Rights-of-way" (H.P. 414) (L.D. 581)

Reported that the same Ought to Pass. Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

##### SECOND READERS

The Committee on Bills in the Second Reading reported the following:

##### House

Bill "An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime" (H.P. 1008) (L.D. 1456)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

##### House As Amended

Bill "An Act to Allow the New Spouse of a

Remarried Retirement System Member to be covered After the Member's Death" (H.P. 1020) (L.D. 1473) (H "A" H-347 to C "A" H-343)

Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" (H.P. 212) (L.D. 246) (C "A" H-342)

Bill "An Act to Appropriate Funds for Emergency Medical Services in Maine" (H.P. 692) (L.D. 987) (C "A" H-349)

Bill "An Act Concerning Access to Medical Care for Persons without Adequate Health Insurance" (H.P. 552) (L.D. 824) (C "A" H-341)

Resolve, Creating a Joint Select Committee on Economic Development (Emergency) (H.P. 74) (L.D. 95) (C "A" H-344)

Bill "An Act to Clarify Taxpayer Information on Local Property Tax Bills" (H.P. 1070) (L.D. 1551) (H "B" H-270)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 673) (L.D. 956) (C "A" H-353)

Bill "An Act Relating to a Grievance Procedure Concerning Discrimination on the Basis of Handicap" (Emergency) (H.P. 925) (L.D. 1327) (C "A" H-354)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575) (C "A" H-348)

Which was READ A SECOND TIME. On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending PASSAGE TO BE ENGROSSED.

#### Senate

Bill "An Act to Amend Certain Provisions of the Maine Criminal Code" (S.P. 499) (L.D. 1360)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

#### Senate As Amended

Bill "An Act Affecting the Statutes of Agencies within the Department of Business, Occupational and Professional Regulation" (S.P. 556) (L.D. 1502) (C "A" S-232)

Bill "An Act to Amend Judicial Certification Procedures" (S.P. 500) (L.D. 1361) (C "A" S-239)

Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) (L.D. 1629) (C "A" S-237)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended. Sent down for concurrence.

Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D. 1467) (C "A" S-242)

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

#### ORDERS OF THE DAY

The President laid before the Senate the Tabled and Specially Assigned matter:

An Act to Protect Shareholders in Maine Corporations (H.P. 678) (L.D. 965) (C "A" H-280)

Tabled — June 6, 1985, by Senator TRAF-TON of Androscoggin.

Pending — ENACTMENT

(In House June 5, 1985, PASSED TO BE ENACTED.)

(In Senate June 5, 1985, PASSED TO BE

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280), in concurrence.)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The President laid before the Senate the Tabled and Specially Assigned matter:

SENATE REPORT — from the Committee on JUDICIARY on Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" (S.P. 536) (L.D. 1437)

Report — Ought to Pass Amended by Committee Amendment "A" (S-238)

Tabled — June 7, 1985, by Senator VIOLETTE of Aroostook.

Pending — ACCEPTANCE OF COMMITTEE REPORT

(In Senate June 7, 1985, Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE. Committee Amendment "A" (S-238) ACCEPTED.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The President laid before the Senate the Tabled and Specially Assigned matter:

#### Emergency

An Act to Amend the Wood Measurement Laws (H.P. 960) (L.D. 1381) (C "A" H-272)

Tabled — June 7, 1985, by Senator VIOLETTE of Aroostook.

Pending — Motion of Senator CARPENTER to RECONSIDER whereby the Bill FAILED OF ENACTMENT

(In Senate June 5, 1985, FAILED OF ENACTMENT IN NON-CONCURRENCE.)

(In House June 4, 1985, PASSED TO BE ENACTED.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending the motion of Senator CARPENTER of Aroostook to RECONSIDER whereby the Bill FAILED OF ENACTMENT.

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

#### COMMITTEE REPORTS

##### Senate

##### Ought to Pass As Amended

Senator BERUBE for the Committee on HUMAN RESOURCES on Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (L.D. 1198)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-244)

Which Report was READ and ACCEPTED. The Bill READ ONCE.

Committee Amendment "A" (S-244) READ and ADOPTED.

The Bill as Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

#### Off Record Remarks

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

#### COMMUNICATIONS

The Following Communication:  
COMMITTEE ON LABOR  
112th LEGISLATURE

June 7, 1985

The Honorable Charles P. Pray  
President of the Senate  
112th Legislature  
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	59
Unanimous reports	55
Leave to Withdraw	18
Ought to Pass	2
Ought Not to Pass	21
Ought to Pass as Amended	9
Ought to Pass in New Draft	5
Divided reports	1
Carry Over Bills	
(Approved by the Legislative Council)	3
Respectfully submitted,	

S/ DENNIS L. DUTREMBLE  
Senate Chair

S/ EDITH S. BEAULIEU  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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

**RECALLED FROM THE GOVERNOR'S DESK**

An Act to Establish a Medicaid Report (S.P. 592) (L.D. 1555)

In Senate May 30, 1985, **PASSED TO BE ENACTED**, in concurrence.

**RECALLED** from the Governor's Desk pursuant to Joint Order: (S.P. 634)

On motion by Senator **GILL** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

**COMMITTEE REPORTS**

**Senate Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect Works of Art" (S.P. 415) (L.D. 1145)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245)**.

Signed:

Senators:

CHALMERS of Knox  
CARPENTER of Aroostook  
SEWALL of Lincoln

Representatives:

COOPER of Windham  
PRIEST of Brunswick  
DRINKWATER of Belfast  
PARADIS of Augusta  
ALLEN of Washington  
KANE of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

CARRIER of Westbrook  
STETSON of Damariscotta

(Representative MacBRIDE of Presque Isle **ABSTAINED**)

(Representative LEBOWITZ of Bangor **ABSTAINED**)

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-245) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **BUSTIN** for the Committee on **HUMAN RESOURCES** on Bill "An Act to En-

sure Adequate Services for Head Injured Persons in Maine" (S.P. 572) (L.D. 1507)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-246)**

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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

Senator **GAUVREAU**: Thank you, Mr. President, Men and Women of the Senate. I move that the Senate Reconsider its actions whereby L.D. 246, Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System," was Passed to be Engrossed.

**THE PRESIDENT**: The Chair would advise the Senator that the matter is no longer before us, having been sent forthwith to the Engrossing Department.

**Senate At Ease**

Senate called to Order by the President

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate Off the Record.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **PERKINS** of Hancock, **RECESSED** until 10:30 a.m. this morning.

**After Recess**

Senate called to Order by the President

**ORDERS OF THE DAY**

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

Bill "An Act Concerning the Court Mediation Service and the Conduct of Mediation" (S.P. 597) (L.D. 1566)

Tabled—May 24, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate May 24, 1985, **RECONSIDERED ENGROSSMENT**.)

Which was **PASSED TO BE ENGROSSED**. Sent down for concurrence.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

**JOINT RESOLUTION PRAISING THE GOVERNMENT OF THE REPUBLIC OF IRELAND FOR ITS EFFORTS TO HELP THE MINORITY AND MAJORITY POPULATIONS IN NORTHERN IRELAND ACHIEVE PEACE** (H.P. 1083)

Tabled—May 24, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ADOPTION** (In Senate May 24, 1985, **READ**.) (In House May 23, 1985, **READ** and **ADOPTED**.)

**THE PRESIDENT**: The pending question is **ADOPTION**. Is it now the pleasure of the Senate that this Joint Resolution be **ADOPTED**?

The Chair recognizes the Senator from Penobscot, Senator **Baldacci**. Senator **BALDACCI**: Mr. President, I request a Division.

**THE PRESIDENT**: The Senator from Penobscot, Senator **Baldacci**, has requested a Division.

Will those those Senators in favor of **ADOP-**

**TION**, please rise in their places until counted. Will all those Senators opposed, please rise in their places until counted.

No Senators having voted in the affirmative, and 30 Senators having voted in the negative, the motion to **ADOPT** the Joint Resolution **FAILS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, there being no objections, all matter previously acted upon were ordered sent down forthwith.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

**Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators** (S.P. 394) (L.D. 1093) Tabled — May 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **FURTHER CONSIDERATION** (In Senate May 20, 1985, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In House May 28, 1985, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

On motion by Senator **VIOLETTE** of Aroostook, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REEXAMINE CERTAIN REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATING TO SOLID WASTE** (H.P. 1118)

Tabled — May 29, 1985 by Senator **VIOLETTE** of Aroostook.

Pending — **ADOPTION** (In Senate May 29, 1985, **READ** and **RECONSIDERED ADOPTION**.)

(In House May 28, 1985, **READ** and **ADOPTED**.)

Which was **ADOPTED**, in concurrence.

Under suspension of the Rules, there being no objections, all matters previously acted upon were ordered sent down forthwith.

**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**

Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289) (C "A" S-214)

In Senate June 6, 1985, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214)**.

Comes from the House, the Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

**COMMITTEE REPORTS**

**House**

**Leave to Withdraw**

The following **Leave to Withdraw** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, Appropriating Funds for the Chester Dental Clinic" (H.P. 553) (L.D. 825)

Senator **MATTHEWS** of Kennebec was granted unanimous consent to address the Senate On the Record.

Senator **MATTHEWS**: Mr. President and Members of the Senate, I will just take a brief moment.

With the Session winding up this week and the pace getting very, very hard, fast and furious, I think I should bring to your attention a problem that has been happening, I think, to all of us down here in the Senate.

My good colleague, the Senator from York, was put in a very bad position of having to ask a lobbyist to please get up and allow him to sit down at his desk. I think that that is a situation which should not happen to any member of this Body.

We've had a problem of trying to come down and do our work on many of the issues that are coming up in Workers' Comp and find a place to sit and think with a little bit of privacy, and, being attacked from all sides by lobbyist from all different sides. I believe that they should have their right to lobby on any issue, but, I think there has to be some kind of decorum on this Senate Floor, and especially during a Recess. I sincerely hope that the Chair will see fit to make that decorum understood by everyone.

I'm sorry to have to bring this problem to your attention but I think it merited discussion on this Floor.

#### Off Record Remarks

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

Senator **TUTTLE** of York was granted unanimous consent to address the Senate On the Record.

Senator **TUTTLE**: Mr. President and Members of the Senate. I think I would be remiss if I didn't bring this issue up before this Body today.

Over the weekend and over the past couple of weeks I have received a number of communications from one of my communities in South Berwick pertaining to a case that I would like to share with you. It is a letter from the local police chief and I think it has concerns to many of us.

He was writing to Governor Brennan and he says, "Dear Governor Brennan: I am enclosing a copy of a letter that I have directed to Justice Carolyn Glassman requesting some relief from her decision on May 9, 1985, freeing Linwood Peter Reeves on bail pending a hearing by the Lower Court."

"Reeves was convicted in March, after a lengthy trial, for burglary, kidnapping and rape of a nine-year old South Berwick girl. During this hearing, council for Reeves openly admitted the offense and claimed an insanity defense. After a jury found him guilty, Reeves was sentenced to fifteen years in Thomaston and Judge Carl Bradford revoked his bail and remanded him to the Department of Corrections."

"Whether or not Reeves was criminally responsible or was, in fact, insane, it is clear he does not belong on the street presently. The decision has so inflamed the community that I am in fear that some violence may occur."

"I am asking that you use whatever means you have at your disposal to correct this grave injustice or to expedite the hearing before the full Court."

"Thank you in advance for any help you may be able to give us. If you have any questions, you can call."

That's from Paul Hunter, the Chief of Police. He also sent a letter to the Honorable Carolyn Glassman, Cumberland County Court House in

Portland. He said, "Dear Justice Glassman: I have spent the past twenty-five years as a police officer; the last seven as Chief of Police in South Berwick. I have always been a law and order type of person and have tried to live with the various decisions rendered by many different levels of the courts."

"This is true even when I did not always agree with the particular decision. I was raised with a healthy respect for the court, the judiciary and have always conducted myself in that fashion.

"With that background, let me now state that your recent decision to free Mr. Reeves on bail pending appeal defies any possible explanation. For those who sat through the trial for many days of testimony, it is particularly hard as Mr. Reeves never said once that he did not kidnap and rape a nine-year old victim, rather his council and Reeves relied heavily on the insanity defense.

"As the trial progressed it became more and more apparent that Mr. Reeves was, in fact, a very dangerous individual. It matters not in the interest of public safety whether or not he is mentally unstable or criminally at fault. What does matter is that he is removed from the street and kept in a safe place so that he will not have the opportunity to repeat these acts to another victim.

"If this rationale is not ample reason to get him off the streets then I prevail on you good conscience to expedite this hearing and give the parents of this good town some peace of mind. Children are being held prisoner in their homes for fear that something will happen again.

"In view of all that came to light in the trial, everyone now knows that this is a man who could hurt some youngsters again. I ask you, put yourself in their position and try to understand how inflammatory this release was in this particular instance.

"Lastly, as a father of three daughters, I plead with you to correct this grave oversight. From all that I have seen and heard, you are a scholarly and respected member of the Judiciary. And, I also feel that you may respond to some very disappointed and frightened people who have lost faith in our criminal justice system in this State."

#### Off Record Remarks

On motion by Senator **GILL** of Cumberland, **RECESSED** until 4 o'clock today.

After Recess

Senate called to Order by the President

**THE PRESIDENT**: Reference is made to L.D. 1093, Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators

In reference to the action of the Senate on June 6, 1985 whereby it **INSISTED** and asked for a **COMMITTEE OF CONFERENCE**, the Chair appoints the following Members on the part of the Senate as Conferees:

Senator **KANY** of Kennebec  
Senator **VIOLETTE** of Aroostook  
Senator **PERKINS** of Hancock

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. 1142) **ORDERED**, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill entitled "AN ACT Authorizing Bond Issue in the Amount of \$3,000,000 for the Clean-up and Restoration of Oil Contaminated Ground Water and Well Water" to the House.

Comes from the House, **READ** and **PASSED**. Which was **READ** and **PASSED**, in concurrence.

#### COMMUNICATIONS

The Following Communication:

#### STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA 04333

June 10, 1985

Honorable Joy J. O'Brien  
Secretary of the Senate  
112th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Include the Term "Sexual Orientation" in the Maine Human Rights Act" (S.P. 446) (L.D. 1249).

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

#### STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA 04333

June 10, 1985

Honorable Joy J. O'Brien  
Secretary of the Senate  
112th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators" (S.P. 394) (L.D. 1093)

The Speaker appointed the following members of the House to the Committee:

Representative **GWADOSKY** of Fairfield  
Representative **MARTIN** of Eagle Lake  
Representative **MURPHY** of Kennebec

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

#### SENATE PAPERS

Bill "An Act Converting Caswell Plantation into the Town of Caswell" (Emergency) (S.P. 636) Presented by Senator **VIOLETTE** of Aroostook Cosponsored by: Representative **H. MARTIN** of Van Buren Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on **LOCAL AND COUNTY GOVERNMENT**.

Sent down for concurrence.

#### COMMITTEE REPORTS

##### House

#### Ought to Pass As Amended

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Regulate Membership Camping" (H.P. 773) (L.D. 1094)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-356).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-356).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-356) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED as Amended**, in concurrence.

#### Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217)

Have had the same under consideration and ask leave to report that they are unable to agree

Signed on the part of the House:  
Representative SMITH of Island Falls  
Representative DUFFY of Bangor  
Representative CONNERS of Franklin  
Signed on the part of the Senate:  
Senator MATTHEWS of Kennebec  
Senator USHER of Cumberland  
Senator PRAY of Penobscot

Comes from the House with the Conference Report **READ** and **REJECTED** and **ASKED FOR A SECOND COMMITTEE OF CONFERENCE**.

Which Report was **READ** and **REJECTED**, in concurrence

On motion by Senator MATTHEWS of Kennebec, the Senate **INSISTED** and **JOINED IN A SECOND COMMITTEE OF CONFERENCE**, in concurrence.

#### ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:  
An Act to Clarify Recoverable Costs in Civil Actions (S.P. 277) (L.D. 735) (C "A" S-223)

An Act to Establish an Information and Referral Service for Medically Indigent Victims of Rape, Gross Sexual Misconduct, Incest or Sexual Abuse (S.P. 427) (L.D. 1184) (C "A" S-225)

An Act to Establish the State Employee Assistance Program (S.P. 501) (L.D. 1362) (S "A" S-224) to C "A" S-173)

An Act to Adopt the Uniform Conservation Easement Act (S.P. 626) (L.D. 1640)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (S "A" S-234 to C "A" S-182)

On motion by Senator DOW of Kennebec, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

An Act to Control Acid Rain (H.P. 263) (L.D. 317) (H "B" H-350 to C "A" H-273)

On motion by Senator DOW of Kennebec, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

An Act Concerning the Forest Resources of Maine (H.P. 1069) (L.D. 1550) (S "A" S-231 to C "A" H-318; S "B" S-240)

On motion by Senator DOW of Kennebec, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

An Act to Make Additional Allocations from the Alcohol Premium Fund (S.P. 505) (L.D. 1365) (C "A" S-226)

On motion by Senator VIOLETTE of Aroostook, placed on the Unassigned Table, pending **PASSAGE TO BE ENACTED**.

An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax (H.P. 736) (L.D. 1045) (H "A" H-345)

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, a question, if I may, with regard to this Bill and it's funding.

If the Bill, as I read it, says that the "funds shall be for the transfer of real estate." Would this be a casual sale of say 50 acres of woodland or 50 acres of any other land without buildings, and if so, is this single sale first sale or each sale?

**THE PRESIDENT:** The Senator from Hancock, Senator Perkins, has posed a question through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President and Members of the Senate. To my knowledge this would be in all real estate transfers or transactions.

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

Senator WEBSTER: Mr. President, I request a Roll Call.

**THE PRESIDENT:** The Senator from Franklin, Senator Webster, has requested a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will All those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a Roll Call is in order.

The pending question before the Senate is **ENACTMENT**.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President, Members of the Senate, after voting for this issue the first time, I'm planning to vote on it again, but I honestly feel that if the Legislature should have learned anything from bitter experience in recent years it is that dedicated revenue programs don't work.

The financial woes of the Department of Transportation and presently the Fish and Game Department are abundantly clear. But has the lesson been learned? I guess apparently not. We are proposing yet another dedicated tax program. This one to finance the State's H.O.M.E Program, which assists low and middle income home buyers. I feel that it is a good program. It is like voting, I think, for motherhood and apple pie as the good Senator from Oxford, Senator Twitchell said, but I believe we ought to know better.

I'm right now in this income bracket. I'm low or middle income. I just got married eight months ago and I can't afford a new home, nor do I think I will be able to afford a new home in the near future. The H.O.M.E. program which has assisted 11,000 Maine people in buying homes, has been financed out of the General Fund cash, but the Administration has decided to eliminate that program unless we keep it alive by approving a new dedicated tax on real estate transfers that would earmark about \$2,000,000 for the Maine State Housing Authority.

I guess my question is, can't we recall that just a few years ago the Transportation Department, which is financed largely by gasoline taxes, was wallowing in red ink because of reduced fuel consumption, and don't we realize that the Inland Fishery and Wildlife Department has gone broke because dedicated money from its license sales can't meet the Department needs.

If we want to double the real estate transfer tax, let's talk about that, so that the proceeds go into the General Fund where the Maine State Housing Authority would have to compete directly and on the basis of demonstrative need for its fair share of the available funds. I think they could win. This is an important program, this is something that should be done through the General Fund.

Given the State's experience with dedicated fund financing, I feel that proposing yet another special slush fund is an exercise in financial lunacy. As I said before, the good Senator from Androscoggin, Senator Berube, spoke on her concerns of this issue, I speak of mine. I will vote for this Bill, but I do so with much reservation.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I won't take much time on this today, but I think it's impor-

tant that at least I get on the record the fact that I've some concern about this tax.

I think I said that the other day, and I won't spend much time, but I think it's ironic that there's a lot of concern out there on the street with the people, the average citizen, about child abuse and a bunch of other things that we should be funding this year and I guess I wonder what's going to come up tomorrow or next week, since there's not much money in the pot to fund child abuse. Maybe we ought to be raising another tax to do that. Maybe we ought to raise, a few years ago we attempted to raise the marriage tax, the marriage license fee, and we were going to use that money for child abuse.

Well, it seems to be that history seems to continue to repeat itself here. Every year we keep raising some new tax that only affects a few people that aren't up in arms and we end up funding something. I guess I feel as I have before, and I think that the majority of us feel very strongly, that at some point we have to have priorities. These are the things I said last week, I live on a budget at my house, I think most of you do, and I think it's time State Government does the same thing.

As far as I'm concerned this is another tax we don't need. If this program is worthy, as everyone seems to think it is, then it ought to compete on the table with child abuse, and with every other program.

I spent some time looking at the tabled items. It's amazing what sits on the Appropriations Table. It's amazing what issues that we're going to be funding, face to be funded, in the next few days that are more important than this program. And it's ironic that we're raising this tax today to fund a program and then later, when there's no money left, other things much more worthy are going to be defeated. Thank you.

**THE PRESIDENT:** The pending question is **ENACTMENT**.

A Yes vote will be in favor of **ENACTMENT**.  
A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEAS:—Senators, Baldacci, Berube, Brown, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Matthews, Najarian, Tuttle, Twitchell, Usher, Violette, The President — Charles P. Pray.

NAYS:—Senators, Black, Emerson, Gill, Hichens, Maybury, McBreairty, Perkins, Sewall, Shute, Stover, Webster

ABSENT:—Senators, Andrews, Bustin, Pearson, Trafton

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being absent, 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.

#### Resolve

Resolve, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802) (H "A" H-346 to C "A" S-186)

On motion by Senator DOW of Kennebec, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

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

#### ORDERS

#### Joint Order

On motion by Senator GAUVREAU of Androscoggin, the following Joint Order: (S.P. 635) ORDERED, the House concurring, that Bill, "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" H.P. 212, L.D. 246, be recalled from

Engrossing to the Senate.

Which was **READ** and **PASSED**.

Sent down forthwith for concurrence.

Senate At Ease

Senate called to Order by the President

## COMMITTEE REPORTS

### Senate

#### Ought to Pass As Amended

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987" (Emergency) (S.P. 222) (L.D. 585)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-250)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

The Bill as Amended **TOMORROW ASSIGNED FOR SECOND READING**.

### ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Establish the Maine Vocational-technical Institutes Administration (H.P. 1132) (L.D. 1639) (S "A" S-206; S "B" S-220)

On motion by Senator **DOW** of Kennebec, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

### SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

#### House

Bill "An Act to Protect Railroad Rights-of-way" (H.P. 414) (L.D. 581)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

### Senate As Amended

Bill "An Act to Protect Works of Art" (S.P. 415) (L.D. 1145) (C "A" S-245)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**. Sent down for concurrence.

Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" (S.P. 536) (L.D. 1437) (C "A" S-238)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**

Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (L.D. 1198) (C "A" S-244)

Which was **READ A SECOND TIME**.

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

Senator **SEWALL:** Thank you, Mr. President, Members of the Senate, I move the Indefinite Postponement of this Bill, all it's accompanying Papers, request a Division, and would speak briefly.

Senator **SEWALL:** Thank you, Mr. President, Members of the Senate, in order to keep my debate quite brief on this Bill, I'd like to first quote to you from Dr. George W. Hallett, M.D., Chief of the Department of Pediatrics, Maine Medical Center, and his feelings about this Bill if you're not familiar with it.

Two excerpts from his letter: "During the past five years that the problem has been known, we have been able to identify one or two children with this condition at the Maine Medical Center." And point number two in his

last paragraph of the letter: "I have absolutely no objections with worthwhile cause preventing alcohol ingestion during pregnancy, but I do not like to see the act presented with grossly exaggerated, scary, nonfacts."

What this Bill does, I feel, first it disseminates medical information which is not appropriate because it is the job of doctors not store clerks to educate women in the area of maternal health and secondly, there has been no evidence that a moderate amount of consumption of alcohol has anything to do with the occurrence of F.A.S. which is the fetal alcohol syndrome. So we are talking about, the proponents of this bill, we are talking about abuse, rather than use, we are talking about alcohol abuse and that is a totally separate subject.

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

Senator **BUSTIN:** Could I inquire as to the motion?

**THE PRESIDENT:** The pending question is the motion of the Senator from Lincoln, Senator **SEWALL** that this Bill and all accompanying Papers be **INDEFINITELY POSTPONED**.

Senator **BUSTIN:** Could I ask the Secretary to read the Report, Please .

Which Report was **READ**.

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

Senator **BERUBE:** Thank you, Mr. President and Members of the Senate. The Report is quite accurate, it was the unanimous Report.

However, some of us were a little apprehensive at this Bill. We had heard, at least I had heard, there were 1,500 or so cases of babies born with this syndrome. From what I have just heard a minute ago, that has not been the case. If what we have heard from Senator Sewall is correct, there might have been just one or two cases of this alcohol related problem and so at this point I don't know if I can go along with the unanimous Report.

Thank you. I had been lead to believe that it was far, far greater than that. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would ask for a Division when the motion is voted upon.

I wasn't in the Chamber when the statistics were read so I do not know where they came from, but everything I have ever known about fetal alcohol syndrome or anything I have ever read tells me there are a number of cases and the report that was done by Dr. Al Anderson and it is in that report where those statistics originate, the 1,500.

As you all know, I have a sister who is mentally retarded who used to reside in Pineland and now lives in a group home in Sanford, Maine. I do not know whether she is a fetal alcohol syndrome baby. My mother did not drink, I know that. We don't know whether than can be caused and transmitted through the man yet, we do not know that. If that were the case than that might be some of the problem. I do not know.

But I do know when you go into Pineland or when you go into some of those group homes, if you knew what to look for, when you saw the effects on those children's faces you would be as concerned as I am and I don't mean to imply that your not concerned not even seeing them, but if you have ever visited one of those places, if you have ever looked in those faces, and if you have ever thought how did this happen, I am here to tell you that it is documented that it does happen through ingesting alcohol. It is the one eradicable disease in this nation. All you have to do is stop drinking while you are pregnant. I think that it is an important enough message for us to give to our potential mothers for this human race.

If you remember last year, you passed this Bill, but we didn't have a penalty on it and we

were asking for it to be put up in all stores where they sold liquor. The logic of not putting it up escapes me, because what they say is that there are other ways to inform the public about this problem. I say that when you look on your aspirin bottle, when you look on any of your medication bottles, when you look at the warning signs of anything it is at the point of sale.

Now you have a choice, you either put a sign up when you buy the product or you put it on the product. It doesn't make a whole lot of common sense to go around stamping every glass you are going to pick up in a restaurant or a bar with the message. In fact, we are not even requiring it in bars and restaurants not that I don't think it should be, just that I don't think it could pass in these Bodies.

What we are requiring of this Bill is just that State liquor and agency stores put the sign up. That is all. So agency stores we charge a penalty because obviously that is a private enterprise. So we are asking that if they don't put it up there will be a penalty. We are suggesting and making available the sign for any other stores who want to put it up. Last year what I heard was they would do it voluntarily. I have not seen one sign go up in one store, maybe there are some, but I have not seen it.

It is vitally important that we make this information available, we are doing it in other ways, yes we are. We are putting it on the TV and the radio. We have got a program up in Bangor, Maine, the Eastern Maine has been working on this problem for three or four, five or six years.

We had testimony from a mother who has a fetal alcohol syndrome baby and she is the strongest person for this, her name is Lennie Mullin. I used the name last time and I use the name this time. She is very active in wanting a sign up, so I hope you go along with me to defeat this motion and pass this report unanimous. Thank you.

Senate At Ease

Senate called to Order by the President

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

Senator **DANTON:** Mr. President and Members of the Senate. I agree with almost everything the good Senator from Kennebec, Senator Bustin, has said. There is only one thing, and no one really objects to educational programs, but when we start taking fining someone \$100 a day, really.

This Committee on Alcohol and Drug Abuse Planning, I think that a year ago or two years ago when we debated this Bill, I think the whole focus about that Committee was to go out and make people aware of this problem. I've have been told that this Committee spent \$24,000 this year on fetal alcohol and did not distribute one single piece of literature to any doctors in this state.

Now, you know, I think this is the scope of the work this Committee should be doing, not coming out with legislation that they can fine businesses a hundred dollars a day because they don't put up a sign.

Supposing that sign gets put up and someone takes it down, anyone can take a sign down, any sign can fall down. Should that businessman be fined a hundred dollars a day? You know, some of the worse offenses, whether it is car dealers or filling station operators with leaky gas tanks or anything else, don't take and pay a hundred dollar a day fine. Can you imagine a hundred dollar a day fine, that's really a strong Bill and I would hope that that Committee as long as it exists in this legislature would take and do what they were charged to do, make people aware of the alcohol problem that exists. No one disputes that. I think everyone is in agreement with that.

When we start coming out with bills that they can fine people and even if you take and



narrow the scope down to the agency stores, why the agency stores, why not the places that sell beer and wine, why shouldn't they be paying a hundred dollars a day? I think this Bill is unfair and I think the Senator from Lincoln, Senator Sewall, made the right motion to kill this Bill.

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

Senator **PERKINS:** Mr. President and Ladies and Gentlemen of the Senate. As I read the amendment on this Bill and I being a member of the Select Committee on Alcoholism, am sympathetic, indeed, with many of the aims of this particular piece of legislation but as I read this piece of legislation it puts me a little bit in mind of Senator Danton's speech to us of a few weeks back when we were having the option and we were selling off cars with no guarantees.

Here we are mandating there will be a hundred dollars a day fine on private stores, and yet I would wager to you the majority of the alcohol beverages sold within this State are sold by our own stores. Yet there is no penalty for these people if they put up no signs. I agree with the trust, I question really that this is in good judgment.

**THE PRESIDENT:** The pending question is the motion of the Senator from Lincoln, Senator **SEWALL**, that this Bill and all accompanying Papers be **INDEFINITELY POSTPONED**. A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you, Mr. President, Men and Women of the Senate. Just a few additional remarks.

The good Senator from York, Senator Danton, indicated that no one piece of literature had been distributed to a doctors office, I personally have seen these pieces of literature in doctors' offices and in dentists' offices, as a matter of fact. This sign, and it is even in French, along with these two pieces of literature, those are what that \$24,000 has done throughout this state. We are just asking for some help to continue putting out the program.

**THE PRESIDENT:** The pending question is the motion of the Senator from Lincoln, Senator **SEWALL**, that this Bill and all accompanying Papers be **INDEFINITELY POSTPONED**. A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Mr. President, I request a Roll Call.

**THE PRESIDENT:** The Senator from Kennebec, Senator Bustin, has requested a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will All those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a Roll Call is in order.

Senator **CLARK** of Cumberland who would have voted Yea requested and received permission to pair her vote with Senator **ANDREWS** of Cumberland who would have voted Nay.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **SEWALL** of Lincoln that this Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

A Yes vote will be in favor of **INDEFINITE POSTPONEMENT**.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

**YEAS:**—Senators, Baldacci, Berube, Black, Danton, Dow, Dutremble, Emerson, Erwin, Gauvreau, Maybury, McBreairey, Najarian, Perkins, Sewall, Shute, Twitchell, Usher,

Webster, The President—Charles P. Pray

**NAYS:**—Senators, Brown, Bustin, Carpenter, Chalmers, Diamond, Gill, Hichens, Matthews, Stover, Tuttle, Violette

**ABSENT:**—Senators, Kany, Pearson, Trafton  
Senator **BUSTIN** of Kennebec was granted permission to change her vote from **NAY** to **YEA**.

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators Pairing their votes, and 3 Senators being absent, the motion by Senator **SEWALL** of Lincoln to **INDEFINITELY POSTPONE** this Bill and all accompanying Papers, **PREVAILS**.

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

Senator **BUSTIN:** Mr. President, I move Reconsideration.

**THE PRESIDENT:** The Senator from Kennebec, Senator **BUSTIN**, moves the Senate **RECONSIDER** its action whereby it **INDEFINITELY POSTPONED** this Bill and all accompanying Papers.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending the motion of the Senator from Kennebec, Senator **BUSTIN**, to **RECONSIDER INDEFINITE POSTPONEMENT**.

Bill "An Act to Ensure Adequate Services for Head Injured Persons in Maine" (S.P. 572) (L.D. 1507) (C "A" S-246)

Which was **READ A SECOND TIME**.

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-252) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED as Amended**.

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:

#### COMMITTEE REPORTS

##### Senate

##### Change of Reference

Senator **CHALMERS** for the Committee on **JUDICIARY** on Bill "An Act to Establish the Maine Court Facilities Authority" (S.P. 564) (L.D. 1504)

Reported that the same be **REFERRED** to the Committee on **STATE GOVERNMENT**.

Which Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the committee on **STATE GOVERNMENT**.

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

##### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253)**.

Signed:

Senators:

**CARPENTER** of Aroostook

**CHALMERS** of Knox

**SEWALL** of Lincoln

Representatives:

**COOPER** of Windham

**PRIEST** of Brunswick

**STETSON** of Damariscotta

**DRINKWATER** of Belfast

**LEBOWITZ** of Bangor

**MacBRIDE** of Presque Isle

**PARADISE** of Augusta

**KANE** of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

**CARRIER** of Westbrook

**ALLEN** of Washington

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

The Bill as Amended **TOMORROW ASSIGNED FOR SECOND READING**.

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

#### COMMUNICATIONS

The Following Communication:

**STATE OF MAINE  
DEPARTMENT OF AUDIT  
STATE HOUSE, STATION 66  
AUGUSTA, MAINE 04333**

June 10, 1985

TO GOVERNOR JOSEPH E. BRENNAN

AND MEMBERS

OF THE ONE HUNDRED AND TWELFTH  
LEGISLATURE

In compliance with statutory requirements, I submit herewith the 65th Annual Report of the State Auditor for the fiscal year ended June 30, 1984.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1984 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1984 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the State Officials for their cooperation with this department.

Respectfully submitted,

S/ ROBERT W. NORTON

State Auditor

Which was **READ** and with all accompanying papers **ORDERED PLACED ON FILE**.

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

#### COMMITTEE REPORTS

##### House

##### Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Allocations from the Federal Expenditure Fund for the Fiscal Years Ending June 30, 1986 and June 30, 1987" (Emergency) (H.P. 472) (L.D. 675)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

Which Report was **READ** and **ACCEPTED**,



in concurrence.

The Bill **READ ONCE**.  
Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.  
Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED as Amended**, in concurrence.

**Senate**

**Leave to Withdraw**

The following **Leave to Withdraw** reported shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

- Bill "An Act Relating to Loitering on Public Sidewalks" (S.P. 416) (L.D. 1146)
- Bill "An Act Concerning the Use of Motor Vehicles in the Commission of Theft and Related Crimes" (S.P. 424) (L.D. 1172)

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 Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577) (C "A" S-176)  
In Senate June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176)**.  
Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176) AS AMENDED BY HOUSE AMENDMENT "A" (H-361)**, thereto in **NON-CONCURRENCE**.  
On motion by Senator **CARPENTER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Bingham Water District" (H.P. 779) (L.D. 1100)  
Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-363)**.  
Comes from the House, with with Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)**.  
Which Report was **READ** and **ACCEPTED**, in concurrence.  
The Bill **READ ONCE**.  
Committee Amendment "A" (H-363) **READ** and **ADOPTED**, in concurrence.  
Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED as Amended**, in concurrence.

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 Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (L.D. 1624)  
In House May 28, 1985, Referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.  
In Senate May 29, 1985, **PASSED TO BE ENGROSSED**, without Reference to a Committee, in **NON-CONCURRENCE**.  
Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-364)**, in **NON-CONCURRENCE**.  
On motion by Senator **BALDACCI** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act Increasing the Authorized Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (L.D. 1625)

In House May 28, 1985, Referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

In Senate May 29, 1985, **PASSED TO BE ENGROSSED**, without Reference to a Committee in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-365)** in **NON-CONCURRENCE**.  
The Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (L.D. 1623)

In House May 28, 1985, Referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

In Senate May 29, 1985, **PASSED TO BE ENGROSSED**, without Reference to a Committee in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-366)** in **NON-CONCURRENCE**.  
The Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers" (H.P. 1087) (L.D. 1580)

In House May 24, 1985, Referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

In House May 24, 1985, Referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

In Senate May 28, 1985, **PASSED TO BE ENGROSSED**, without Reference to a Committee in **NON-CONCURRENCE**.

Comes from the House that Body **ADHERED**.  
The Senate **RECEDED** and **CONCURRED**.

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

**COMMUNICATIONS**

The Following Communication:  
**COMMITTEE ON AGING, RETIREMENT AND VETERANS**  
**112th LEGISLATURE**

June 10, 1985

The Honorable Charles P. Pray  
President of the Senate  
112th Legislature  
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	41
Unanimous reports	38
Leave to Withdraw	17
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	15
Ought to Pass in New Draft	1
Divided reports	1
Carry Over Bills	

(Approved by the Legislative Council) 2  
Respectfully submitted,  
S/ N. PAUL GAUVREAU  
Senate Chair

S/ DANIEL B. HICKEY  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**ORDERS OF THE DAY**

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from Later Today Assigned Table:

Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D.

1467) (C "A" S-242)

Tabled — June 10, 1985 by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED**.  
On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**.

**Senate At Ease**

Senate called to Order by the President

Senator **DANTON** of York was granted unanimous consent to address the Senate On the Record.

Senator **DANTON**: Mr. President and Members of the Senate. Today I received a Legislative Report from the Christian Civic League of Maine, Inc. from 173 Main Street in Waterville. And besides receiving mine, I was sent five or six copies from other Members of the Senate.

I would just like to bring to your attention a few things that are presently in this weeks Report. First it goes on to talk about the six special stores that we decided to open as far as discount stores and seasonal stores. And it goes on to say about my seat-mate, they say, "Smooth talking Senator Richard Trafton, Democrat of Auburn, who Chairs the Legal Affairs Committee is a likable and convincing spokesman for liquor expansion." I don't quite agree with that terminology that the good Senator from Androscoggin is one that really favors liquor expansion in the sense which they say. I think he has said time and time again on this Floor that he is in favor of liquor being sold by the State and if we're going to be in the business then we should do the best possible job.

Then it goes on to say that "The Legal Affairs Committee has more pro-liquor members than anti-liquor members." I never thought that people were picked for any committee because they were for something or against something, I thought they were on that committee to take and make the best possible judgments.

And then, if you do have this Report you can follow along with me, it's on page 3. It goes on to say, "Wyman (I guess they mean Jack Wyman, the new Director) Wyman mentioned after the vote that Senator Trafton sits right next to Senator Peter Danton, Democrat of York. Danton is a foremost apologist for the liquor industry." I take offense to that drool, I don't think I've ever apologized for the liquor industry, in fact, I have said time and time again on the Floor of this Senate, and I'll say it once again for the Record. If anyone wants to introduce a bill to take the State out of the liquor business, I will be the first to support it and vote to get them out of the liquor business.

And it goes on further to say, "Danton is a veteran Senator with a clever knack for legislative strategy and is one of the foremost apologist for the liquor industry. I strongly suspect that Senator Danton was involved in stopping our last minute efforts to derail this bill." Obviously the good director of the Christian Civic League doesn't know the good Senator from Androscoggin, Senator Trafton, because, believe me, no one tells him what to do. If I've ever met a Senator in all the years that I've served in the Maine Senate that can make up his own mind, it's Senator Trafton from Androscoggin.

And, it goes on to say further about me, "He really understands how the Legislature works." commented Wyman. "It's too bad he is not on the right side." Obviously, he must feel that I'd be a real good Senator if I were on the side of the Christian Civic League. Well, I think in a lot of cases I am. I perhaps have disappointed him sometimes, but, I think I have voted with the Civic League sometimes.

Added Wyman, "Dick Trafton wouldn't get into so much mischief if he sat across the room

from Peter Danton." Well, there could be some truth to that. And maybe, I wouldn't get into so much mischief if Senator Trafton didn't sit next to me.

But, I just want to say this, Mr. President and Members of the Senate, whether its a labor group or a business group, whether it's the Christian Civic League or any other league, the Woman's League included, if they can't come up here and win or loose their battles without going around and writing garbage about the Senators that come up here and try to do their job properly then I feel sorry for them and they should stay home.

Senator **HICHENS** of York was granted unanimous consent to address the Senate On the Record.

Senator **HICHENS**: Mr. President and Members of the Senate. I'm not here to defend Mr. Wyman, the Director of the Christian Civic League, nor to comment too much on this article which was written in the Civic League Report, but I believe that any organization has the right to express their opinions, as many have, regarding some of my actions here in the Legislature.

I would like to remind Senator Danton and the rest of the Senate that if the shoe fits, wear it.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office" (H.P. 1036) (L.D. 1510)

Tabled — June 4, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED**. (RECALLED from the Governor's Desk Pursuant to Joint Order (S.P. 623)

(In Senate, June 3, 1985, Under Suspension of the Rules, **RECONSIDERED ENACTMENT**. Subsequently, **RECONSIDERED ENGROSSMENT**.)

On motion by Senator **KANY** of Kennebec, Senate Amendment "A" (S-251) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED** as Amended in **NON-CONCURRENCE**.

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

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

Joint Order, Relative to the Committee on Human Resources Studying Medicaid Fraud at the Center for Being in South Harpswell (S.P. 553)

Tabled — May 8, 1985, by Senator **CLARK** of Cumberland.

Pending — **ADOPTION**

(In Senate May 8, 1985, **READ**.)

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

Senator **VIOLETTE**: Mr. President, an inquiry through the Chair, please.

The Bill was tabled unassigned by the Senator from Cumberland, Senator Clark. Am I allowed to take that Bill off the table?

**THE PRESIDENT**: The Chair would answer in the affirmative. Either the Senator from Aroostook or the Senator from Cumberland or the Presiding Officer may remove them from the table.

The pending question is **ADOPTION**.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI**: Thank you, Mr. President and Members of the Senate. This Joint Order was put in because of two situations that were going on in the State of Maine.

One was the Medicaid fraud investigation by the State into the Center for Being in Harpswell and the second was the conduct of the State in regards to the defibrillators at Medic Ambulance in Bangor. The latter being a case of where the Medic Ambulance was brought to court because they had advertised in the yellow pages about having certain equipment that they hadn't had according to the Attorney Generals Office. And the second point was that they had one defibrillator which is supposed to be helping heart patients that are in need and didn't have two and should have had two so the department felt that well, if they can't have two then they are not going to be allowed to have any.

The steps that were taken by members of the Program and Audit Review Committee, led by the good Senator from Windham, Senator Diamond and the good Senator from Penobscot, Senator Maybury, and others helped to, once they were backed up against the wall, to get the Department to put a stay on that particular order.

But the reason this study is before us, and let me read it to you very, very briefly, that the licenses of the psychologists and psychiatrists were used without their knowledge and services were billed that had not been performed or incorrectly performed in this fraud. It is one of the largest Medicaid frauds in the State's history, but there was no fine or jail time imposed. Charges were reduced to misdemeanor and only partial restitutions were made. And whereas the State has spent several manhours to investigate and expose this fraud, yet little has come from it except the strange atmosphere of official silence and indifference.

The public has a right to a thorough review and investigation of this fraud and the State has an obligation to provide one without further delay. The order calls for a study into the practices, into the policies of the Department. Here on one hand we have this powerful State authority coming down on little Medic Ambulance in Bangor because they don't have two defibrillators and they only have one, forced to go to court and pay thousands of dollars in attorneys fees for this and on the other side, we have one of the largest Medicaid frauds in the States history of \$130,000, criminal charges dropped down to misdemeanor reducing the money and restitution to \$30,000 and not having that paid and then being on parole in Massachusetts. Anytime you ask the Department about it there is no answers. You can't review it because it was an investigation and court proceedings and this type of an atmosphere.

It seems to me that, you know, there doesn't seem to be a good balance in the Department and I didn't appreciate it the way they were picking on Medic Ambulance and spending all this time when we are letting the large ones go by. It really disturbed me so the Order is directing the Committee on Human Resources to review the matter, to review what occurred, not to reinvestigate or reinvent the wheel, but to review what had and what practices are for psychologists and psychiatrists and that whole Medicaid procedure and see if there can't be any recommendations to come from that. But when it came to that extent and when it was handled in that fashion and then seeing what the Department was doing when it came to little Medic Ambulance it was very disturbing to me.

In my area there was a seven-part series on this Center of Being and what went around in it and big editorials and everything else too, you know, find out what had occurred. It was a big concern to a lot of people in my area and I was just sitting there saying to myself why are they harassing a company about its advertising in the yellow pages when all these other things are going on? So, the Committee on Human Resources has expertise in this area, if they have a study going on, if it can be

encompassed in this in this Medicaid review fraud situation or if not, if the Legislature saw fit to review it but I thought it was my duty to present that to this Body. Thank you very much Mr. President.

**THE PRESIDENT**: The pending question is **ADOPTION**.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: I request a Division.

**THE PRESIDENT**: The Senator from Washington, Senator Brown, has requested a Division. The pending question is **ADOPTION**.

Will all those Senators in favor of **ADOPTION** of this Joint Order, please rise in their places until counted.

Will all those Senators opposed, please rise in their places to until counted.

**THE PRESIDENT**: The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: Mr. President, I request a Roll Call.

**THE PRESIDENT**: The Senator from Washington, Senator Brown, has requested a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will All those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a Roll Call is in order.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator **VIOLETTE**: Mr. President, I pose a question through the Chair. Is there a fiscal note on this Senate Paper.

**THE PRESIDENT**: The Chair would answer in the negative. A Joint Order does not require a fiscal note.

Senator **VIOLETTE**: I would pose another question through the Chair. Mr. President, is not the Committee on Audit and Program Review reviewing this exact same area during the course of its regular sunset review preparations?

**THE PRESIDENT**: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to any Senator who may respond is they so desire.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Thank you, Mr. President and Members of the Senate. The Committee on Audit and Program Review is reviewing child protection and E.M.S. this session.

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

Senator **CARPENTER**: I have just cast a vote in opposition to this Joint Order for a couple of what I consider to be fundamental reasons.

Are we going to pass an order and order a committee to study something everytime a court takes an action that we don't like and now what are we going to do — have the Human Resources Committee call the court personnel in and find out what took place and find out what the reasoning behind it was?

Those documents are all part of the Public Record if anyone wants to go see I guess, or go talk to the Assistant Attorney General who is handling the case. Probably the person would tell us why he or she opted for the solution they opted for. This concern that this Legislature decides at some point that they are things that we can get involved in and have an impact properly on and that there are things that we should not.

At the risk of offending Members of this Body, I think this is clearly an example of something that is outside of our purview. If we want to review procedures within the Department, that's fine. If we want to review procedures within the Department how these kinds of cases or incidents are handled or disposed of to see if there is equity between the Medic situation and the Harpswell situa-

tion, that's fine. But for us to go out there to now undo or redo or replot, if you will, old ground, I think is improper. I don't think it is something this Legislature should be monkeying around with.

I just think it's bad precedent when we start to go in and investigate and that is what you are asking us to do, how a particular judicial decision came about. If we don't like to procedures lets go back to the other end of it and take a look at the judicial procedures and maybe make some adjustments there. There have been bills in this Legislature, I am assuming this was a plea bargain affair. There has been bills in this Legislature to abolish plea bargaining. If that's the way you want to go, lets debate that particular issue, all right. But now we are going to go in on a specific case, or two specific cases, and start to compare the equities of it without knowing what went on before. And I just don't think that is something that this Legislature or a committee of this Legislature is necessarily equipped to do. Thank you.

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

Senator **VIOLETTE:** Mr. President, I would like to pose a question to anyone, particularly on the Committee on Human Resources, and request that I as a member am somewhat hesitant to vote for this particular Joint Order because I agree with the comments made by the gentleman from Aroostook, Senator Carpenter. Is this, in fact, something before I am going to order that Committee to study this, is this in fact priority of that Committee, if in fact they are going to study this summer?

**THE PRESIDENT:** The Senator from Aroostook, Senator Violette, has posed a question through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Mr. President and Members of the Senate, I don't want to muddy the waters. I think that the good Senator from Aroostook, Senator Carpenter, has some genuine concerns and I share those but it doesn't deal with this particular Order. If the good Senator would read the Order it states very clearly that they are not reinvestigating or opening court documents or going into a case that's history. What the legislative Committee would be directed to do would be to review the situation and make recommendations to prevent this from occurring in the future.

Is there problems with Medicaid reporting? Is there problems with the way psychiatrists or psychologists get their licenses? They are not going to go in and say the court did something wrong or that the Attorney General's Office did something wrong, but are just going to review it to see if the legislation is necessary to prevent this from occurring again. So I would agree with the good Senator from Aroostook and I would vote against something doing that. This doesn't do that, and I would appreciate a member from the Human Resources Committee or the good Senator from Aroostook, if it does in fact do that, to point it out to me because it was not my intention in drafting this.

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

Senator **KANY:** Mr. President and Senators. I too have questions, perhaps we all do. I am just wondering if it would be possible that this would be in the jurisdiction of the State Auditor and if we ask for an indepth audit I would think it would be appropriate for the auditor to also make recommendations such as we are just being proposed by Senator Baldacci and I wonder if the Committee has looked into that possibility as an option.

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

Senator **GILL:** Mr. President and Members of

the Senate. As you recall this morning we had a bill Recalled from the Governor's Office and we will be looking at, I will be offering an amendment tomorrow on that bill and it doesn't deal with Medicaid reporting.

It occurred to me, through the years I have been here, that we as Legislators really don't understand the Medicaid process. We don't understand what we can do with Medicaid funding. I brought the bill and it was heard before Appropriations and it passed out of Committee. We have had discussions with the various people in the Department of Human Services who are willing to come in and show us and tell us more about the Medicaid process.

All the money we get in the State, in the way that it is expended is something that is really foreign to the Appropriations Committee and to the Human Resources Committee. We are looking for a report from the Department of Human Services in how that will be expended.

This particular problem that the good Senator from Penobscot, Senator Baldacci, has brought up today does not really deal with that specifically, but I think it is a beginning. The report we are asking for from the Department of Human Service is a beginning so we will understand more about that process. And, I think if there is some need for an investigation, I would suggest that probably Human Resources, Appropriations, may ask the various people to come in and update them and explain to them what happened in this particular situation as far as the fraud was concerned. I am not sure we need the full blown study of this particular situation, but I do think we need some more information on it as legislators on it and I would hope maybe we could go that route and have a Committee have an explanation given to us.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate, I had asked a question and I guess it wasn't answered.

I just wish to point out to the Members of the Senate, that if this Joint Order is defeated, it is perfectly within the prerogative of the Committee to decide that. This, if it is, in its judgment, after having during the course of the year seen a myriad number of issues come before it, to decide whether or not this is one of those areas it wishes to prioritize as one of its requests for studies. So, even if we defeat this Joint Order, it certainly is within the purview of that Committee to decide, if it, in fact, desires this as a study or not to.

I think that issue should be left to the Committee to decide what in fact are its priorities. Those areas it is time to deal with, those areas that it does not. There may be in fact more pressing issues before that Committee and I believe, as this particular Senator, I believe that I would rather leave that to the Committee process to determine priorities that the Committee has for studies during the course of the summer.

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

Senator **CARPENTER:** Mr. President, I don't want to belabor the debate or drag it on, but I think it is important that I acknowledge that apparently from what I heard, as opposed to what's on the document itself, I had made a mistake and I apologize to the Senator from Penobscot, Senator Baldacci.

I was under the impression that some of the remarks were made that the study, this investigation or study whatever you want to call it, went in a different direction. In fact, and I didn't have until just a second ago a copy of the order itself.

I guess at this point whereas a couple of minutes ago I was arguing that this was too broad a look and now I think it may be too narrow a look the way it is drafted because it says that the Committee shall study the subject of

the Center for Being Medicaid Fraud to determine what revisions should be made and I would be concerned that the study of just that one case would be too narrow.

I want to thank the Senator from Penobscot, Senator Baldacci, to bringing it to our attention and it sounds to me as though there are other things that are going on that may take care of the same thing, but I did want to get up and apologize that I had been mistaken in what I had heard. The order itself simply says, review Medicaid procedures using the Center for Being case as a focal point and perhaps the way it is drawn is the only point they could look at. Thank you.

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

Senator **BALDACCI:** Mr. President and Members of the Senate. I am not one for pushing legislation or pushing studies or investigations. I don't think that you really ought to do these sort of things, but it does frustrate me when I wonder what kind of policy the Department has in particular instances. And when we are talking about people who have heart problems and those sort of things and putting them in question. In my area, putting people who have heart problems in question because of this defibrillator issue. It really disturbed me a lot in the way this other issue was handled.

I talked with the good Senator from Androscoggin, Senator Berube, and have basically got a consensus that we will be able to have a meeting of the Human Resources Committee to invite the people involved and have some sort of an explanation before that Committee. With that, and not wanting legislation to try to do some sort of review, I would like to thank the good Senator from Androscoggin, the Chairman of the Committee, for extending that invitation.

I would like to withdraw my motion for Adoption of this Joint Order at this time.

**THE PRESIDENT:** The Senator from Penobscot, Senator Baldacci, now requests Leave of the Senate to Withdraw his motion to Adopt this Joint Order.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

On motion by Senator **BALDACCI** of Penobscot, **INDEFINITELY POSTPONED.**

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

#### **COMMITTEE REPORTS**

##### **House**

##### **Divided Report**

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476)

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-279).

Signed:

Sensors:

DANTON of York  
BUSTIN of Kennebec  
SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland  
RYDELL of Brunswick  
TELOW of Lewiston  
HILLOCK of Gorham  
MURRAY of Bangor  
ALIBERTI of Lewiston  
MARTIN of Van Buren  
ARMSTRONG of Wilton  
STEVENS of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass.**

Signed:

Representative:

BAKER of Orrington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

Which Reports were **READ**.

On motion by Senator **BUSTIN** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended **TOMORROW ASSIGNED FOR SECOND READING**.

Senate At Ease

Senate called to Order by the President

#### **ORDERS OF THE DAY**

Under suspension of the Rules, the President removed from the Later Assigned Table:

Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575) (C "A" H-348)

Tabled — June 10, 1985 by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate June 10, 1985, **READ A SECOND TIME**.)

(In House June 6, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

On motion by Senator **CLARK** of Cumberland,

**ADJOURNED** until 9:00 o'clock tomorrow morning.