

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

Minority - Ought Not to Pass

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
June 9, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BEVERLY MINER BUSTIN: Thank you. One of the most expansive I have done in my life is get married to Darwin Hathaway, who has shared with me the book To Believe in God, by Joseph Contaro and Sister Coretta. He and his first wife received it from the peace marchers when they housed some of them during the peace marches. I want to share a couple of those sayings with you.

"To believe in God is to get high on love. Enough to look down at your loneliness and forget it forever."

"To believe in God is to get so attached to everything that it can't give you up."

And lastly, "Do not kill me - before you search my eyes, before you see through me, and I through you, for a place to be."

Amen.

Reading of the Journal of Tuesday, June 8, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act to Centralize Licensing for Retail Businesses"

H.P. 399 L.D. 512

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-367)

In House, May 25, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367) AS BY HOUSE AMENDMENT "A" (H-408)** thereto.

In Senate, June 4, 1993, with the Reports **READ** and Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS LEGISLATION** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

Non-concurrent Matter

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program"

H.P. 1005 L.D. 1351
(S "A" S-301; H "B"
H-583 to C "A"
H-537)

In House, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY HOUSE AMENDMENTS "A" (H-580) AND "B" (H-583)** thereto.

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY HOUSE AMENDMENT "B" (H-583) AND SENATE AMENDMENT "A" (S-301)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **LAWRENCE** of York, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendment "A" (S-301) thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the **ADOPTION** of Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendment "A" (S-301) thereto, in **NON-CONCURRENCE**.

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794):

Representative **PINEAU** of Jay
Representative **ERWIN** of Rumford
Representative **CAMPBELL** of Holden

Sincerely,

S/Joseph W. Mayo
Clerk of the House

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

June 8, 1993

Honorable Joy J. O'Brien
Secretary of the Senate
116th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Protect Private Property" (H.P. 514) (L.D. 672):

Representative **COTE** of Auburn
Representative **FARNSWORTH** of Hallowell
Representative **STROUT** of Corinth

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

The Following Communication:

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 8, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations & Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 920 An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1994 and June 30, 1995

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael D. Pearson Senate Chair
S/Rep. Lorraine N. Chonko House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

June 8, 1993

Honorable Joy J. O'Brien
Secretary of the Senate
116th Legislature
Augusta, Maine 04333

The Following Communication:

**COMMITTEE ON TAXATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 8, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 12 An Act to Exempt Emergency Food
 Banks from State Sales Tax

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

ORDERS

Joint Order

On motion by Senator **CLEVELAND** of Androscoggin
the following Joint Order: S.P. 532

ORDERED, the House concurring, that Bill, "An Act
to Modify Various Licensing Board Laws," S.P. 490,
L.D. 1501, and all its accompanying papers, be
recalled from Engrossing to the Senate.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on
Bill "An Act to Revise the Salaries of Certain County
Officers" (Emergency)

H.P. 1159 L.D. 1558

Reported that the same **Ought to Pass** pursuant
to Joint Order (H.P. 115).

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.

Which was, under suspension of the Rules, **READ**
TWICE and **PASSED TO BE ENGROSSED**.

Under suspension of the Rules, ordered sent
forthwith to the Engrossing Department.

Senate

Ought to Pass As Amended

Senator **CAREY** for the Committee on **TAXATION**
on Bill "An Act to Exempt Certain Real Estate
Transfers from the Real Estate Transfer Tax"

S.P. 95 L.D. 249

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (S-311)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-311) **READ** and
ADOPTED.

Which was, under suspension of the Rules, **READ A**
SECOND TIME and **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:

ORDERS

Joint Order

On motion by Senator **BUSTIN** of Kennebec the
following Joint Order:

S.P. 533

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Monday,
June 14, 1993, at nine o'clock in the morning.

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

Sent down for concurrence.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (6/8/93) matter:

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General
H.P. 960 L.D. 1291

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

Minority - **Ought Not to Pass**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432).**)

(In Senate, June 4, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 8, 1993, that Body **INSISTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR** (Roll Call ordered).

Senator **ESTY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **CIANCHETTE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Some bills live and some bills die, some bills on the Appropriations Table lie. Roaming the halls, the bureaucrats and lobbyists lurk, but let's get on with the budget work so we can adjourn sine die.

With that opening, I've heard from more than one member of the Legislature that they really don't have an opportunity to be involved with the budgeting process as much as they would like to be and I met with some of the members of the other body yesterday with the same concerns and I suggest this, that we have prepared a summary of the budget that shows the current appropriations for 1992 and 1993, the current requests for 1994 and 1995, and that's the one that adds up to around 4 billion dollars, and then the administration's net proposal for this budget, which adds up to around 2.9 million dollars. Then there are two blank columns beside that and I would ask that those people who are interested in understanding the budget and finding out what their concerns are and where they would divide this money that is available, I would ask them to go through this and put down their numbers in the 1994/95 column of what they think each item should be, in their ideas, and then if they feel that there should be more money raised, then to whatever level of new taxes they consider would be appropriate, they can go back and reallocate in those areas that they think are most important. Now we can say that we don't understand the issues but I would like to remind everyone that I believe any member of the Appropriations Committee, any member of the Appropriations staff, any Commissioner, any Deputy Commissioner, any Bureau Chief and certainly, last but not least, any lobbyist are all involved in some section of this budget and they are experts on everyone available to anybody in these bodies who care to be involved and understand the budget so that when we come back to deal with this budget I don't think there should be any excuse that anybody who cares to be involved to say "I don't understand the issue and I don't understand where the money should be." Now I would suggest two things. I have extra copies of this if anybody in this body cares to have one I would be happy to share with you. I would suggest you could do what you want and turn it in to the Appropriations Committee or you could give it back to me and there will be an effort to compile and make a composite of all of the people who care to answer this thing and come up with an average of what a whole bunch of members of the bodies believe there should be and just for your information, this same message is being given in the other body this morning. With that, I'd just like to see us get to work and all agree and all come back here with a total understanding of what we have to

work on and I think a paper like this could be of great assistance to the Appropriations Committee in making our decisions. Thank you.

Off Record Remarks

On motion by Senator **LAWRENCE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on RESOLUTION, Proposing as Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General
H.P. 960 L.D. 1291

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

Minority - **Ought Not to Pass**

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR** (Roll Call ordered)

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432).**)

(In Senate, June 4, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**)

(In House, June 8, 1993, that Body **INSISTED.**)

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, PINGREE, SUMMERS, WEBSTER**

NAYS: Senators **BALDACCI, BEGLEY, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senator **MARDEN**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HANLEY** of Oxford, to **RECEDE** and **CONCUR**, **FAILED**.

Senator **CAHILL** of Sagadahoc moved that the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

Senator **ESTY** of Cumberland requested a Division.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the motion from the good Senator from Sagadahoc should be granted. The other chamber has given a very positive response. I think it is only fair that this chamber give at least as much consideration of this issue to the people of the State of Maine. Speaking for myself, members of my district, the vast majority, 87%, in fact do want to have the popular election of the Attorney General. I think it is only fair to at least try to get a meeting of the minds between the chambers to try to come to some kind of consensus or agreement. I hope this chamber will see the rationale for that and will go along with the insist motion the Committee of Conference. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will oppose the motion to insist and ask for a Committee of Conference. I see it only as a delay of time and I know I sent a survey out to my citizens and they came back and they said they don't want us to waste time here, they want us to bring this session to a close, get it over, get it done with and I hope you vote against the motion to insist and concur so that we can put this issue to bed at once Thank you..

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am encouraged this morning to hear the good Senator from York, Senator Lawrence, actually think that we are going to be out of here in a very short time period, having finished up the work of the budget. Hopefully that will be the case. The cynical side of me, the pessimistic side says we are going to be here for a while into next week and the Committee of Conference between the two chambers will have more than enough time to meet and respond.

The Chair ordered a Division.

Senator **ESTY** moved that the Senate **INSIST**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of parliamentary procedure. Doesn't Insist and Ask for a Committee of Conference take precedence over the insist motion?

THE PRESIDENT: The motion is divisible so the motion to Insist does take precedence.

Senator **CAHILL:** Thank you. So the motion to Insist would kill the Bill?

THE PRESIDENT: The Chair would answer in the affirmative. The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **INSIST**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to **INSIST**, **PREVAILED**.

The Secretary has so informed the Speaker of the House.

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

ORDERS

Joint Order

On motion by Senator **BERUBE** of Androscoggin the following Joint Order:

S.P. 534

ORDERED, the House concurring, that Bill, "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law, H.P. 777, L.D. 1050, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason for asking your permission to recall the bill is so that we can have a chance to ask for a Committee of Conference. We believe there is room for agreement on this very, very important bill which is the Rules bill. Thank you.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 33 Senators having voted in the affirmative and No Senators having voted in the negative, and 33 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**.

Sent down for concurrence.

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

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. 1161

ORDERED, the Senate concurring, that Bill, "An Act to Improve Local Control over Liquor Licensing," H.P. 589, L.D. 793, and all its accompanying papers, be recalled from the legislative files to the Senate.

Comes from the House **READ** and **PASSED**.

Which was **READ**.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**.

Senator **CLEVELAND** of Androscoggin requested a Division.

THE PRESIDENT The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** Joint Resolution in **NON-CONCURRENCE**, **PREVAILED**.

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

ENACTORS

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 Clarify the Law Concerning Aquaculture" S.P. 531 L.D. 1559

Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED.**

In Senate, June 8, 1993, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House referred to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

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

RECALLED FROM ENGROSSING

Bill "An Act to Modify Various Licensing Board Laws" S.P. 490 L.D. 1501 (S "A" S-264; S "C" S-293; S "D" S-305 to C "A" S-252; S "A" S-294)

(In Senate, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED.**)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 532, in concurrence.)

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

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

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

An Act to Amend the Laws Governing Legislative Ethics

S.P. 321 L.D. 974 (C "A" S-271)

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

Emergency

An Act to Amend Certain Laws Governing Solid Waste Management

H.P. 966 L.D. 1297 (C "A" H-535)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Implement Certain Recommendations of the Economic Growth Council

S.P. 530 L.D. 1556

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the good Senator from Penobscot, Senator Pearson, is going to put this bill on the Appropriations Table and I certainly would support that, and I do intend to support it on Enactment but I wanted to make one comment before I did. That is, I understand the rationale behind this particular piece of legislation. I think it does provide long term planning which was one of the recommendations of the Economic Growth Council. I hope we don't pass this piece of legislation, however, and think we have accomplished all the goals of the Economic Growth Council because I think there is a lot more that needs to be done in that particular piece of legislation and I don't think this is the end all that came out of that Committee and I didn't want anyone to have the illusion that by passing this piece of legislation we were implementing all the recommendations of the Growth Council. Thank you.

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on An Act to Improve Communication between the Executive and Legislative Branches

H.P. 419 L.D. 538

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 FAIRCLOTH of Bangor
Representative JOSEPH of Waterville
Representative YOUNG of Limestone

Signed on the part of the Senate:

Senator BERUBE of Androscoggin
Senator BUTLAND of Cumberland
Senator HARRIMAN of Cumberland

Comes from the House with the Conference Report **READ** and **ACCEPTED**.

Which Report was **READ** and **ACCEPTED**, 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 Related to Lottery Machines"
H.P. 159 L.D. 211
(S "A" S-190; S "B"
S-283 to C "A"
H-319)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319) AS AMENDED BY SENATE AMENDMENTS "A" (S-190) AND "B" (S-283) thereto, in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319) AS AMENDED BY SENATE AMENDMENT "A" (S-190) AND HOUSE AMENDMENT "A" (H-639) thereto, in NON-CONCURRENCE.**

On motion by Senator ESTY of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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 Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate"
S.P. 222 L.D. 693
(S "A" S-286 to C
"A" S-274)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274) AS AMENDED BY SENATE AMENDMENT "A" (S-286) thereto.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274) AS AMENDED BY HOUSE AMENDMENT "D" (H-640) thereto, in NON-CONCURRENCE.**

On motion by Senator ESTY of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS OF THE DAY

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

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"
H.P. 1099 L.D. 1486
(C "A" H-563)

Tabled - June 8, 1993, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563), in concurrence.**)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-631) thereto, in NON-CONCURRENCE.**)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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

Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (Emergency)

H.P. 138 L.D. 183
(H "A" H-607; C "A"
H-582; S "A" S-302)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **KEIFFER** of Aroostook to **ADOPT** Senate Amendment "B" (S-308)

(In Senate, June 8, 1993, **RECONSIDERED ADOPTION** of Senate Amendment "A" (S-303) to House Amendment "A" (H-607). Senate Amendment "A" (S-303) to House Amendment "A" (H-607) **INDEFINITELY POSTPONED.** House Amendment "A" (H-607) **ADOPTED.** Senate Amendment "B" (S-308) **READ.**)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AND HOUSE AMENDMENT "A" (H-607).**)

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask for a Division on this and I just point out that the amendment that is before us will delay, in effect, two more years the process of bringing equity and fairness in treatment of biologically based mental illnesses and physical illnesses. We have already had one year of delay. That is why this bill is before us to deal with the sunset and if we pass amendment "B" we will be yet another year from implementation and then the mandate process takes yet another year. Meanwhile, people's marriages are breaking up because of this unfairness, people are losing their children, they are losing their houses and the need is immediate and please vote against the pending motion. Thank you.

Senator **MCCORMICK** of Kennebec requested a Division.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I won't go into the details that we went over yesterday, but I do just want to remind you of the fact that the limit on the present law is being automatically doubled as of July 1st. The limit on the outpatient coverage is being increased by 50% July 1st. It's not, I know, the answer we would all like to see but I still feel it is a good intermediate step until such time as we are able to put the federal program as well as our own into a better perspective. Thank you, Mr. President.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When I was running for the State Senate and both times that I ran for the House of Representatives, I did an extensive amount of door-to-door, in fact I walked to about 8,000 homes when I was running for the Senate, and a lot of those were in areas where there were new housing developments going in the towns of York, Wells, Eliot, all around that area. One thing I noticed that happened repeatedly as I walked through what I would describe as middle-class developments, houses of about \$120,000 to \$140,000. Periodically I would run across a house in these developments where you could see the house had begun to deteriorate, where you could sense something was wrong with the family in that house and it began so I could sense when I went into that type of house in one of these developments. It didn't happen extremely frequently but it happened with alarming frequency and inevitably what I would find out and what those people in that house would admit to me is that someone in that house had a mental disease. What happens when you have a mental disease you exceed the coverage in your insurance policy and then you begin to spend down that family's assets until they can qualify for Medicaid. That's what is happening. You can see these houses, middle-class families, these families deteriorating before your very eyes. It became very discouraging for me to walk up to these houses because I could almost sense outside the house when I would run across one of those families and what was going to be their problem. I think it was two years ago or four years ago I sponsored a bill similar to this one to make physical and mental coverages under insurance equal. That bill was referred to the Mandatory Benefits Commission. This amendment before us now is another attempt to stall the effective date of treating mental illness the same as we treat physical illness. I appreciate the intent of the amendment to raise that from \$25,000 to \$50,000, but \$50,000 only buys you another month, another month when you have a mental disease in your family. We need to do something and we need to do something now because the families we are saving are middle-class families who cannot afford this type of damage to their family. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to read you a letter from a constituent who faces this problem today. This is a constituent of mine, a real person with a real problem today. Not a year from now, not two years from now but right now. This constituent of mine writes, "last October 1st, which was in 1992, my wife awoke experiencing auditory and visual hallucinations, anxiety and confusion. Since that time she has needed five hospitalizations at P-6 of the Maine Medical Center. She also receives outpatient treatments twice a week. During 1992 we exhausted the 30 day calendar year coverage and incurred a \$12,000 bill from the Maine Medical Center." Remember, this occurred October 1 of 1992, and they exhausted that before they got to the end of the calendar year. "This year we have already used 15 days of inpatient mental health services at the Mental Health Center. We are covered by Greenspring Health Services, Inc. as part of my state employee Blue-Cross/Blue Shield policy. The outpatient cost is \$200 a week of which only 50% is covered. Although her Psychiatrist says her prognosis is good,

the average length of treatment for her diagnosis is two to five years with short hospitalizations during crisis periods. We lost approximately \$1300 a month when my wife became disabled and I bring home approximately \$2,200 a month. This is a middle-class family living in a middle-class neighborhood in Auburn. We have two teen-age children. As a result we come within a hair of losing our home foreclosure and it would have been necessary to obtain medical emergency forbearances for payment of our CMP and our New England telephone bills which have accumulated over the winter." Incidentally, they note the house is electrically heated. I also will note, it is not in the letter, the only reason they didn't have foreclosure is the neighbor's pooled together and paid their property tax for them. "It was only through the help of friends that we have survived financially. Recently, our 13 year old son needed a short term mental health hospitalization for major reactive depression as a result of his mother's condition. Although my wife is slowly improving, our whole family remains in crisis. We are now beginning out-patient family therapy following my son's discharge. I, myself, have needed medical intervention for stress related high blood pressure. Furthermore, my son will now need outpatient, individual therapy followup which we are now arranging. This is a catch 22 situation. As our financial crisis accelerates, our emotional stress increases and the need for treatment increases. The situation has almost destroyed our family. The irony here is that I am a psychologist, too, for the State of Maine with 25 years service in mental health problems and yet with the crippling financial burdens we face, I need mental health treatment myself. Currently the passage of LD 183 will help our family and all of the other families out there who survive the emotional earthquake of mental illness in our families."

I share this with you because I wanted you to understand that this affects real people today. There is no free lunch here. We have setup a two tier system. A system that says if you have organically based mental diseases, just as though you have an organically based bodily injury to your kidneys or cancer or digestive system, that we are going to treat you differently. The way we are going to treat you differently is we are going to drive you into bankruptcy, we are going to make you have to go to the Medicaid program to get help and we are going to have to force you to lose your home, and in many instances you are going to have to give up the guardianship of your children. Give it up so that they can become wards of the State so they can get the medical treatment that we can provide to them. Is this the conditions that you would apply to someone who has kidney disease, diabetes, cancer. I don't think it is. My understanding is that when we do that we pick it up on the public Medicaid tab at a cost of \$40 million dollars a year. It seems to me that we must proceed now to spread the cost reasonably over all of us who must care for our illnesses, including mental illnesses and diseases. I would urge your support.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I ask you to support the amendment as proposed by the good Senator from Aroostook, Senator Kieffer. Before I explain why I would like to state publicly and for the Record how much I empathize with people who share these difficult issues dealing with mental health. Indeed,

they touch each and everyone of us, probably a family member, a friend, a relative, maybe just someone that you work with. That's not the issue here. The issue here, to me anyway, is this the type of legislation that we should be passing at this point and at this time? Parenthetically I would have to say how disappointed I am at some of the comments, criticisms, of people who have dared to suggest that maybe this isn't the right type of legislation at this time. I'll leave that for another discussion. What I think is important here is that if Senator Kieffer's amendment passes, we are going to double, we are going to double, the current level of benefits. What other piece of legislation have we considered in this session that has done that? This amendment gives us time to recognize that there are major changes coming to the health care delivery system, some proposed by the good Senator from Kennebec, Senator McCormick. Nationally, we are looking at this issue. This amendment gives us a chance to dovetail that. Even more importantly than that, you have to appreciate who this legislation does not effect. If this Bill passes, this Bill is not going to effect federal employees. If this Bill passes it is not going to effect the self-insured programs in this state, and you have to appreciate that most companies of any significant size are self insured. This Bill is going to end up squarely on the laps of the municipalities, and how many of us ran for the Legislature on the basis that it was time to stop mandating? That is what we are doing here. To municipalities and local units of government, we are saying you must increase the cost because we told you you have to do this. This is aimed squarely at the small business person. If you are not self insured, you'll have to do this. Is that what we want to do at this point, at this time? I have tremendous empathy for people who have to cope with these issues. I will work hard to come up with a solution. I think Senator Kieffer's amendment does that in the interim and I hope you will support this amendment. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Empathy does not pay the tax bill for a family that is going under. It does not put food on the table for a family that is suffering from this type of disease. It's time we end the discrimination between mental illness and physical illness. I cannot help but feel that the difficulty in getting this bill passed is that there is a feeling still out there, that mental illness is somehow within the control of the person who is suffering from it. Mental illness, biologically caused mental illness, is no different than biologically caused physical illness that needs to be treated fairly and equally and this amendment does not do that. Mr. President, I ask for a roll call.

Senator **LAWRENCE** of York requested a Roll Call.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to anyone who might answer. Do we have any idea what the impact would be on people who are currently insured that will lose their coverage? Over the years, I have watched this legislation since I've been here and we've passed several mandates, drug abuse. I remember when that happened, we predicted 6,000 Mainers lost their coverage because

the employer could no longer afford it. Do we have any idea, if we were to pass this bill, how many more people would be uninsured because the employer, who under no legal obligation, does not have to offer health insurance. Many employers, small employers, 10 or 15 or 20 employees offer a benefit of health insurance to their employees. How many more people will be not have health coverage if this additional mandate causes tremendous costs to the employer. Do we know that? It would be interesting to know that before we vote. I'd like to know whether, for those people who should be covered - we all realize that - how many more people will not have coverage because the additional \$100 or \$50, whatever it is, costs to the employer will force him or her to drop coverage for the employees. Has anyone done a study on that. Do we know that? I know over the years it has been studied. I'd like to know that.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCII:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to the good Senator from Franklin, Senator Webster, I would only remind him, that as it is with all health issues, that prevention, treatment, early treatment, prevents those costs from accelerating. A lot of times, our system is structured so that we only respond in a crisis, an emergency room, open heart surgery, heart transplants or whatever it happens to be, rather than working on prevention, healthful hints and those types of things, early detection. I think the more that our structure changes, and I think this bill tries to do that because it opens it up more to mental health on the same level as regular physical health ailments so that people will get their treatments earlier or available to the treatments earlier rather than having to go to a hospital like Acadia or those types of crisis stabilization services which are very expensive, very labor intensive, very high cost so that the more that they are doing these types of things, the less likely the cost is going to be in the long haul. I would say to you that as an employer it would be more important to me if we could have a health program that works to keep people out of institutions, mental health and hospital institutions, the less costly, more efficient savings it will be to the state. By having these things available to people and knowing it is a burden to have this but recognizing this that the immediate burden is not anything compared to what it is going to be as we will all accept these people in these institutions and maintain and expand these institutions because it is at a crisis point. I am supportive of it because I look at it in the long run as saving the state and individuals a great deal of money.

Off Record Remarks

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think we all would agree that if this bill were to pass there would be at least hundreds if not, who knows, two or three thousand, it would be a lot more people in this State who don't have coverage and everybody would agree with that I think. If we pass this mandate there will be many businesses in Maine who will drop coverage for their workers. I am interested if anybody has done any kind of study as to how many more Maine people will not have coverage if this becomes law because it is fair to assume every single time this Legislature has passed a mandate dealing with health care more Maine employers have dropped coverage because they couldn't afford it. We all know that Workers' Compensation costs have skyrocketed. I would like to know if anybody in this Senate can tell me how many more Maine workers will not have health insurance if this bill passes because the additional costs, which we all know will be passed on to the employer, will force the employers to drop coverage. We must have some kind of way of knowing how many more people in Maine will not have coverage if this mandate passes.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't know the number of Maine people who drop insurance each year but nationally Americans are dropping their health insurance policies at a rate of one million per year. One million Americans become uninsured each year because they cannot afford to pay for health insurance. The issue that the good Senator from Franklin raises is where will the cost of this bill land. Right now, it is landing on the taxpayer. Make no doubt about that. We either pay for it one way or we pay for it another way. Right now the taxpayers of Maine are paying for this bill in increased Medicaid costs. If we pass this bill, we spread the cost across the rate payers or the insured. Currently, this practice of cost shifting, which is an inevitable result of not passing this bill, of not giving good preventative coverage and care to people with biologically based mental illnesses, as the good Senator from Penobscot, Senator Baldacci, described, is costing us a lot of money. It is the most expensive kind of treatment and I, without commissioning an actuarial or a study on this, would say that prevention costs attributable to covering these illnesses will offset the cost increases. Currently, we are asking people to spend down into poverty, we are putting them in crisis, that means they go to the emergency room and no one has ever argued that the emergency room is where people get affordable, adequate, quality health care. Further, I call your attention to this golden rod sheet that I just passed out that is an analysis of the costs associated with this bill done by the Maine Psychiatric Association, the Maine Medical Association, the Maine Alliance for the Mentally Ill and the Maine Hospital Association. I urge you to read this. It calls into grave question the figures given to you the other day on the light pale yellow sheets by Blue Cross/Blue Shield. It basically says that rather than having a \$220 per employee cost on the back of the sheet on the bottom as Blue Cross would have you believe, it is more like \$38 by 1996, three years away and this is a phased in bill as you know. This is phased in equity. So I urge you to vote against the pending motion.

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

Senator **PARADIS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I will echo the good Senator from Kennebec on this issue. In the mental health area, we have found that it is still completely out of control. Because it is a budget buster, we are paying millions and millions of dollars. We have 30,000 mentally ill children in this State and we end up paying for most of them. Nevermind what the adult population is. We are paying through the nose. This is an area that is completely out of control. This would start helping the problem out. It is a budget buster and we are paying through the nose.

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

Senator **WEBSTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I listen to Senator from Kennebec, Senator McCormick, and I am even now more confused. It seems to me that if we pass a mandate like this, which forces small business people to drop coverage, that not only will we have more people in this State without coverage, but if you follow her line of thinking, if the wood turning factory in New Vinyard, Maine, cannot afford the additional \$30 per employee, or \$38 or whatever the number is, to offer this coverage and they drop health insurance. That means there will be 100 people right there who will be on, in using the line of logic offered to you by Senator McCormick from Kennebec, that means there will be another 100 who would essentially be on the taxpayer roll. I guess I want to know. I think intelligent people would want to know, what I feel is important to know, how many more people are going to lose their coverage if we continue to pass these mandates forcing small business people to offer certain items in the package they offer to the employees. I remember sitting down with the Senator from Piscataquis my first term in the Senate. I have shared this with the caucus. I remember the good Senator, Senator Sewall, standing up when we passed a law back then mandating that we had to offer pregnancy benefits if we had a package for our employees. If an employer in this State offered benefits, she said then, that what would happen is exactly what did happen, more employers dropped coverage. She also said that what would happen is that the rates would go up and it was argued that it wouldn't happen, the rates would stay low, and what happened at that time was six months later our rates went up 9% directly attributed to that. I am not suggesting we shouldn't give pregnancy benefits, that's not the issue here. I am legitimately concerned if we pass additional State mandates requiring employers to give benefits that they don't give now, that more people will not have coverage. We ought to be moving towards having everybody have coverage not having fewer people. It seems to me that before we vote on this, somebody ought to be able to figure how many more people will not have coverage if this law passes. Somebody ought to be able to tell us that if we pass this law every employer rates will go up how much. We ought to be able to figure out how much additional costs there could be. I would argue when most small businesses are faced with 10%, 15%, 20%, 25% increases in Workers' Compensation an additional 5% or 10% increase in health care costs probably will put thousands of Maine people without coverage. Before we knee jerk react, pass a law that is a good idea, no one here would argue that people ought to have this coverage, I wouldn't argue that. I think it makes sense. Before you do that we better to look and say "wait a minute now". Do we want to make it

worse. Are we fixing something that isn't broken. Are we going to make it worse. I think we ought to know how many more Maine people will not have insurance if we force this on the backs of Maine small businesses and mandate coverage.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The Senator from Franklin, Senator Webster, is using a typical technique. He is pointing to a phenomenon of people dropping insurance and saying ah ha, the cause of it is the increased mandate, when in fact, in case you haven't noticed, we are in the middle of a health care cost inflation crisis. We have had about a decade of health care cost inflation that has gone up at 10 times the rate that our incomes have gone up. So, I would argue to the good Senator, I would not want to argue with him, that what we need to deal with in this State and in this Country, is getting control of health care cost inflation. So far we have been unable to do that this year. Again, this Legislature will pass no legislation that deals with health care cost control, although it had the opportunity. I would respond to the good Senator with some questions of my own. How many people will die if we do not pass this bill? How many people will divorce their spouses in order to avoid financial catastrophe if we do not pass this bill. How many people will turn their children over to the State to become wards of the State in order to get them adequate health care if we do not pass this piece of legislation? Those are also questions that should be on the minds of everyone in this body.

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

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we get into a rhetorical argument with questions that I don't think anyone can really answer, let me just simply answer the good Senator from Franklin, Senator Webster, the answer is none. No employee should lose their coverage just because of this Bill. What will happen when you include mental illness, you're essentially saying mental illness has to have a similar coverage as physical illness. The employer will simply renegotiate the coverages with the insurer. If that means going from an 80/20 coverage to a 75/25 coverage, that may happen but that is the principal of insurance. You spread the risk amount around broad populations and that you not allow one individual or one family to bare the burden of an accident or something they have no control over. This shouldn't cost anyone any of their jobs and we shouldn't use that as a scare tactic to avoid covering mental illness. It should just put on equal terms with physical illness, mental illness and allow the employer and the employee to negotiate from there.

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

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. A constituent of mine, in fact wrote me a letter a while ago and I read an excerpt from a letter that he wrote to this chamber when we were discussing another issue regarding Workers' Compensation. He has since sent a letter to some of the local papers because he asked

what he could do about his business, about shutting down his business, about losing his employees. I said try and take it to the people. In today's Bangor Daily a letter from him appeared with a caption "Businesses bled dry". Let me just read a couple of excerpts from that. He starts off by saying "When is government going to stop bleeding the small businesses of the Maine dry. We are told we are the backbone of the Maine economy but our back is about to break." Then he goes on to list specific increases, Workers' Compensation, unemployment insurance, electric utility rates and, true, he doesn't mention health insurance. Why? Because he can't provide adequate health insurance to all of his employees. It's a very nominal plan that he can provide to his employees and he has provided extensive benefits to his employees in the past, not only his employees but the spouse and children of his employees. Let me go on. He said, "All of these increases are real. What does the small business owner do when President Clinton starts reaching into our pockets as well. As a business owner, I am also a resident. When the state takes out of my residential pocket, it always seems to dig into my business pocket for twice as much. My pockets are only so deep and State government is getting close to the bottom. When it reaches that bottom, please remember it was the state's decision making, or lack thereof, that put my ten employees out on the street. Not me. I can control my business. Don't you think it's time the state controlled its." The good Senator from York, Senator Lawrence, stated that there would be no cost. There really is no cost for this and I guess I would disagree with the good Senator that yes, when you do spread it out amongst all that there is going to be an increase. When we expand the mandated coverage there is an increase in their policy. That's the bottom line. That happens. Now when we have businesses that used to provide health insurance to their employees and the spouses of their employees and the children of their employees who are now not providing that health insurance, are those people better off. No they are not. They are not better off because they are now in that big pool of those who are without insurance. Why is that pool getting larger and larger. Why, because the cost of providing health insurance to the people of the State of Maine and employees of the State of Maine is prohibitive. It is astronomical and that's just one of those other aspects that businesses have to cut back on in order to survive. This is real businesses - the lunch stand business - sells fried clams. He said just to make up the difference as far as the Workers' Compensation costs, the other costs for him, let alone all the other costs we are talking about, he'd have to sell 3,600 more hamburgers, 9,000 more ice cream cones, 18,000 more cups of coffee. This is a small establishment that does not have that traffic, and yet he continues to employ 10 people - some part time, some full time. He is on the verge of just saying "Shut it down, I can't afford it". The more that we tap on the back, and it is definitely tapping on the back, the money has to come from somewhere, the policies don't get paid by themselves. They come from somewhere and as soon as the policies start to increase, then you have to ratchet back and you get to the point where all of a sudden you shut it down. I for one do not want to see ten more jobs lost in Oxford County. I don't think we can afford to see that across the State. Men and women of the Senate, I urge you to consider the full implications of all of our acts, although some are nominal in scope, when viewed in the aggregate they are very debilitating to our businesses. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is an interesting line of argument. Generally when a debator wishes not to deal with a question, what they do is set up a second good that is well let's not debate the fact that people should ought to receive reasonable care if they have a mental illness or a mental disease, let's debate on some other good and see which good overrides the others. So in this case, we set up the argument that this is going to be a burden on small businesses, that individuals will not be able to provide their insurances, and therefore another good is lost trying to provide the first good. But I suggest to you that this is a false and specious argument. Because if this was really the intent of those who argue along this line that health insurance is too expensive, that people are losing it, what you would see is if we do nothing, we have a problem in health care. That is obvious to anyone. That is the reason why it is a national issue. That is the reason why we are looking to reform it. So there are many reasons that are rising up the cost of health care. None of them which have to do with this bill, whether it is passed or not. If people really were interested in keeping the cost down in an equitable way, then let's talk about the cost of health care. Perhaps what we ought to do is cap at the same level the cost of cancer care. That would bring premiums down. That would help small business. That would help them provide more insurances to all people. Not very much but they'd get whatever they had or maybe we ought not to cover HIV or cap that. Maybe what we really ought to do is be frank here. Where is most of the health care cost spent? Most of it is spent on elderly people. In the last few months or weeks of their lives trying heroic measures to save them. Maybe we really ought to save our health care costs by saying we are not going to do that any more. But we don't say that because maybe we really don't believe what we are saying. This is really a question about fairness and equity. Do we treat people equally whether they have an organic disease of the body or an organic disease of the mind. This is what the question is about. Here is a second question that this bill will not answer nor will it ever answer but one which will have to be answered and that is how do we provide reasonable quality care that is accessible to everyone in this country. That is a much larger question that is being dealt with. It is not part of this question. It is not part of the jobs question. It is part of equity. What is fair. What ought people have access to. Once we decide that question, then we will decide the second question. That is, how do we pay for it, how do we distribute the costs, how much does an individual pay, how much does the government pay, how much does business pay. But we must decide the first question. What ought they have access to, and I suggest to you that we ought to take the position that organic mental diseases ought not to be treated any differently than organic diseases of the body.

Off Record Remarks

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My heart bleeds for people with mental illness. But when I see the good Senator from Androscoggin stand up and make the statements he just made, he wouldn't be in business one year, he would go broke. My heart really bleeds for the mentally ill, it bleeds when a person has Alzheimers, but we've got to have priorities. I have to run a little business and I employ 550 people over the State of Maine. My people are very happy, I think. If you had a poll, they are very happy. We provide them with health insurance. Hourly people pay half, salaried people we pay it all. Our policy had a limit of \$30,000 on mentally ill people, the limit they pay. I think we had two people who came under that. Now the Senator from Androscoggin and the Senator from Kennebec stand up here and want to jump at one million dollars and, I'll tell you my firm is very liquid, but when the Legislature tells me that I have got to add and put one million dollars on this one little part of this illness crisis, and there are a lot of them, I resent it. I think I am speaking for most business people in the State of Maine and, we at our caucus and the caucus didn't know if we dare get up and say a word about this, well I do dare to and I think you'd better give it some the hard, hard knocks. We have Workers' Compensation, our costs have gone up and they haven't stopped, we've got to do it but I am to the point that our business, and I could sell my business out probably for ten million dollars - liquidate it. I could take that money and invest it at 8% interest and it would give me more money for myself than what we make and to come down here and see you people tell me that I've got to add from twenty to thirty thousand dollars limit to one million, I'll tell you you're just pushing too far. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **KIEFFER** of Aroostook to **ADOPT** Senate Amendment "B" (S-308).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "B" (S-308).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PEARSON, SUMMERS, WEBSTER

NAYS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, with No Senators being absent, the motion of Senator **KIEFFER** of Aroostook, to **ADOPT** Senate Amendment "B" (S-308), **FAILED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-582).

On further motion by same Senator, Senate Amendment "A" (S-304) to Committee Amendment "A" (H-582) **READ**.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment would make it a mandated offer whereby insurance companies would be required to offer the coverage that could be purchased by the employers. We are all in agreement that the present cap is inadequate and unrealistic and the question is how are we going to implement the change. I have had many conversations with constituents from within my district who have related the hardships and the problems by the present lifetime cap. One of the families, with just two incidents, has exceeded the cap and I certainly have sympathy for these people. Obviously, being a father of a young family I realize that I can be in that same situation at any time. I also realize that the economy of the State of Maine is in terrible shape with many, many businesses struggling to survive. Contrary to what you might read in the Portland paper, small business, which is the backbone of this economy, is under siege today and I don't think that this mandated benefit is going to help them one bit. I also know that the State of Maine is having a problem balancing its books and once again this mandate will simply exacerbate that problem. It is at this point of the process where we need to show some restraint because if we don't somewhere down the line some future Legislature is going to be burdened by our decision here today when they try to balance a budget when the economy experiences its next downturn. I hope you would take these things into consideration when you vote for this amendment. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be brief. I urge you to vote against this amendment. I appreciate the sentiment of the good Senator from Cumberland, Senator Butland, but I do not think it will solve the problem. It would further exacerbate the problem of what is called risk aversion. I think what we would see, if we mandated an option of this sort, is that employers who knew they had employees with biologically based mental illnesses would opt for this coverage, if they had a good heart and they probably do, thereby funneling or concentrating the cost of a risk that should be spread over a wider group concentrating it in a smaller group of employers and thereby making it greater. And, too, the good Senator's second point about that if we pass this bill it is exacerbating our budget problems,

nothing could be further from the truth than the increased Medicaid costs to the State of Maine and that is the budget buster, not the one hundred thousand dollars ditty change that is ditty change by comparison fiscal note on this bill. The forty million dollars, which is the Medicaid cost to the State of Maine of biologically based mental illnesses. That is what we need to try to reduce and that is what this bill addresses. So please vote against this amendment and I ask for the yeas and nays.

On motion by Senator **MCCORMICK** of Kennebec, 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 Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge the members to support this good Senator from Cumberland, Senator Butland, and I would just like to state two things. First of all, I would argue vehemently that once thousands of Maine workers no longer have coverage because of this mandate, which will escalate the cost to small business, that cost will have to be borne by the taxpayers. Perhaps the Senator from Kennebec does not agree but I feel very strongly and the second point being, a statement was made earlier by the Senator from York that this would not cause additional Maine workers to move their coverage under health insurance benefits offered by their employers. I want to make it clear that this vote, which will be recorded, in my opinion, is something we should be looking at in the future because as far as I am concerned there is absolutely no question that thousands, at least hundreds if not thousands, of Maine workers will lose their benefits because employers will be faced with a choice. There is only so much money in the pot and I would argue that many Maine workers, the people that some of us here purport to represent, are going to lose their coverage because of this law and for that reason I ask you to support this amendment which would at least makes this bill more reasonable. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Here is one remark. I believe people should understand that the insurance company is not adding the limit to this to help the people of the State of Maine. They are into this for a profit and the State of Maine is going to get no windfall of benefits out of this. It will take care of the individual under the limit. But when you add onto the insurance coverage you better rest assured that 15% of that goes to the insurance company administration. There is no free ride here. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BUTLAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-304) to Committee Amendment "A" (H-582).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "A" (S-304) to Committee Amendment "A" (H-582).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

NAYS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion of Senator **BUTLAND** of Cumberland, to **ADOPT** Senate Amendment "A" (S-304) to Committee Amendment "A" (H-582), **FAILED**.

Committee Amendment "A" (H-582) **ADOPTED**, in concurrence.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise once again to ask us to remember what we are doing here with this piece of legislation. Ladies and Gentlemen of the Senate, there is no one here who will argue that we need to do a better job providing benefits for people who have biologically based mental illness, but before we do this, as yet another mandate onto the citizens who work in this State and to the people who take the risk of providing jobs and to the municipalities that you and I all represent, we have to understand what we are doing here. Present benefits are \$25,000 lifetime cap and a maximum out of pocket expense for outpatient services of \$1000 a year. We had the opportunity to double that, to double that, and we voted no. Now we are willing to take it to the maximum of one million dollars. Those of us who stood up, as many of you have, to oppose the passage of this bill, I think are representing the vast majority of the people in this State, but passing this bill and putting it onto the Appropriations Committee Table in hopes that some will see it go away then, is wrong. Just like the good Senator from Penobscot, Senator Pearson, said it on earlier legislation in this session dealing with teacher retirement benefits, you get the courage to stand up and say as much as I would like this bill to pass, I have to be up front and tell you we can't afford it and Ladies and Gentlemen I move for Indefinite Postponement and I commend you for doing that. This is the same piece of legislation. The Maine Teachers Association have contacted me. Individual members have said don't mandate more benefits. Small businesses have contacted me - don't mandate more benefits. Ladies and Gentlemen of the Senate, the truth of the matter is that before this Legislature passed a current that put a limit of \$25,000, we imposed that law, before that many employers in this State provided benefits that treated mental illness as any other disease. Some

did not and in the wisdom of this Legislature, they decided to make sure that everyone did and do you know what happened? Those who didn't provide the benefit had to comply with the mandate but the other side of the coin is that those who are providing the benefits far above the current law, lowered their benefit. Is that what we want to do here? Mr. President, I ask for a roll call.

THE PRESIDENT: Senator Harriman, a point of clarification please. Are you formally moving the Indefinite Postponement of this Bill and all accompanying papers or urging the members to vote against the pending question?

Senator **HARRIMAN:** Urging the members to vote against the pending question Mr. President.

On motion by Senator **HARRIMAN** of Cumberland, 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 Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be brief because I think we have exhausted this discussion as far as we can take it. I just need to say I, too, am an employer and although I do not have as many employees as some of the people in the Senate do, I consider it my responsibility to provide health care for my employees. This will not make me choose to not provide insurance for my employees. When I make a decision here in the Senate, I think about the small businesses of the State, of which I am an owner of one, but I also think about fairness and ethics and I think this is also a question of what is fair and what is responsible for us to do. I cannot believe that part of our decision still does not rest on the fact that many of us do not believe that biologically based mental illness is a serious problem and is not the responsibility of the person who has it. These are serious diseases and families should not be in a position of asking people to take on the responsibility of paying for those illnesses when we do not ask that of many other people who have cancer and other serious diseases. I do not have anyone in my family who has a serious mental illness but I did have someone in my family who died of cancer and whose insurance was cancelled. It was a terrible thing for him and his family to go through when they had to spend down to become eligible for Medicaid. I do not want to see families in my district or anywhere in the State of Maine having to do this. I think it's a question of fairness that we have no choice but to vote in favor of this bill and I also just need to say that mandates and other things that are being discussed today are not the root of the real problem with health insurance and I am very discouraged that there is nothing in front of us this year that deals with real health care reform, that deals with cost cutting, that deals with the cost shifting that is going on now, that's where this debate needs to take place, that is the arena we should be talking in right now. To think that removing a few mandates or not enacting this is going to change our health care system, is false logic. I urge everyone to vote in favor of this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PEARSON, WEBSTER**

ABSENT: Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

Off Record Remarks

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

An Act to Amend the Occupational Disease Law
 S.P. 216 L.D. 687
 (H "C" H-616 to C
 "A" S-92; H "A"
 H-365)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**

(In Senate, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92) AS AMENDED BY HOUSE AMENDMENT "C" (H-616)** thereto AND **HOUSE AMENDMENT "A" (H-365).**)

(In House, June 8, 1993, **PASSED TO BE ENACTED.**)

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

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you would oppose the motion by the good Senator from Lincoln, my colleague on the Labor Committee, to indefinitely Postpone this bill. It has been the prevalent mindset of the Labor Committee not to make any substantive changes to Workers' Compensation in order to afford some stability in the system. Enactment of this measure would provide for that continued stability, as this bill provides for the maintaining of the Blue Ribbon Commission report that this Legislature enacted and this individual, as a member of the other body, opposed but as a member of this body recognizes the importance of maintaining the stability in the system and not support any substantive changes to the Workers' Compensation. I urge your opposition to the motion of indefinite postponement. Thank you, Mr. President.

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

Senator **BEGLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill has been around now for about three weeks in the background and has been going through many changes, the reason being that when conceived it was finally realized that the enactment of it would have created all kinds of problems, more money, coverage as well as Workers' Compensation. The statement of fact that the bill was introduced to overturn a recent case by the law court which supposedly changed a law and no longer required medical benefits be covered, that there was no lost time for work. This is extremely inaccurate. Manzo, which was a case saying occupational disease could, Manzo did not change the occupational disease law, it only reaffirmed the existing law. Medical benefits have never been required to be provided unless there had been lost time from work due to the disease. The opening comments of the bill, that that will no longer be so, and that we will start covering those things. The amendments that took place in the background, one was immediately discovered that maybe after a three year diagnosis that there may be some indemnity and so an amendment was worked out to try to take care of that. Another situation dealing with firefighters was considered in the background, although probably not presented, firefighters were in and firefighters were out, primarily because of a mandate to a municipality if they were included. Amendments sought to clarify the only medical benefits are available unless the claimant is incapacitated within three years. However, that amendment had to be redrafted because it failed to reference a specific section concerning asbestos benefits. We have before us now another bill, amended, including the possibility of retroactive to a date in the previous year. Again, a situation that points out we are not sure where we are going. Can we be sure that this drafting does not effect any other section of benefits. I do not think we can. In fact, it is exactly this kind of tinkering with Workers' Compensation that has gotten us in trouble over the years. One small change effects others, areas that are unknown and potentially very costly ways. The doubt as to what the bill will do is a major concern. A second major concern is, of course, the cost. The proponents will argue that there is little or no cost to it. And yet, in the Statement of Fact dealing with the fiscal responsibility almost every time the amendment comes out, it simply states yes, rates will increase, yes, it will cost. They, however, say it will cost only a minimum. The expanded definition of occupational disease may result in the eventual increase of Workers'

Compensation rates, thereby resulting in increased revenues to the General Fund from insurance premium tax collections. The amount of these increased revenues cannot be determined at this time. The Maine Mutual Insurance Company has also stated, as they testified before the Labor Committee, that rates would increase. People have a tendency to say "oh well, that may be only 1%". Those of you who are in favor of this I'd like to have you take that 1% and go to several business people who have contacted me and say "Sir or Madam, here is only 1% increase in your Workers' Compensation" and I hope he or she shows you the recently arrived bill from the insurance company that says my Workers' Compensation rate has gone up 24%, 28%, or 34% and then sit there and say this rate is only 1%.

I asked the Bureau of Insurance to do a study, at least to make a comment, on the cost of this legislation. This is a letter from Richard Johnson, Property Casualty Actuary. "Dear Senator Begley. It is difficult to estimate the impact of this bill as amended because it adds a new category of benefits not previously covered. Under the existing law, and recently confirmed in Manzo vs. Great Northern Paper Company, medical services for a person diagnosed as having an occupational disease are not covered by occupational disease law unless the person is partially or totally incapacitated. Further, as this is amended, it appears that medical benefits are not subject to the apportionment provision applicable to Workers' Compensation benefits, Chapter 605, but are payable to some extent as provided to an injured worker under the Maine Workers' Compensation Act of 1992. Although I cannot provide an estimate of the exact dollar impact of this bill, I can state that the bill will increase costs and there is potential for a significant increase in medical only cost. Coverage would be provided for medical services for a disease due to causes that conditions characteristic of a particular trade, occupation, process or employment that arose out of, and in the course of, employment. If the law change resulted in a 10% increase in medical only claims, Workers' Compensation costs would increase one point five million." The proponents will say and argue that that may not be so, that is not necessarily an increase across the board. Again, doubts as to what it is and the Bureau of Insurance is making that statement.

The third area, and this has little or no doubt in anybody's mind as to the agreement that this change will be a major change or addition to the Workers' Compensation Act. About ten days ago we heard eloquent testimony here pleading with us please do not make a change of any magnitude to the Workers' Compensation Act. We were asked to consider the consequences that would come about if we did such. I have another plea, not of mine, but of the same area asking you to consider this also in this bill. This is from the Maine Employer's Mutual Insurance Company. Maine Employer's Mutual Insurance Company opposes LD 687 because it would result in a significant change in Maine Worker's Compensation law. It would change existing law by stating that the claimant is entitled to medical benefits even though not incapacitated by the occupational disease. Currently, an employee must be incapacitated in order to recover the medical benefits. Again, this is a substantive change in the law. The testimony goes on and I will certainly not bore you because we have listened to costs dealing with health care. Significant, substantive changes in the Workers' Compensation law could foster instability in the system that threatens the

viability of Employer's Mutual. Therefore, Employer's Mutual oppose LD 687. A final statement from them maintaining a stable Workers' Compensation landscape is absolutely critical to the development of the voluntary market. Ladies and Gentlemen, we have three areas. First, the bill as amended does not necessarily give us the answer. Two, the cost alone is an argumentative point of view and the Bureau of Insurance has put a figure of possibly one point five million. Finally, the appeal from the Maine Employer's Mutual Insurance Company asking you to not to make a change. Any one of these reasons would be good enough to vote against the bill. Put the three of them together, Ladies and Gentlemen, and it is an absolute necessity to Indefinitely Postpone it.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to speak briefly regarding this issue and to speak regarding the actions of the Labor Committee in general as well. I would like to applaud the Labor Committee members in the Senate as well as Labor Committee members in the House for doing what we had asked them to do in the prior session regarding Workers' Compensation. We had requested the Labor Committee, and I think the Legislature on the whole believed that we should not be interjecting ourselves into Workers' Compensation again. We created a Labor Management Committee as well as a Mutual Fund to deal with these kinds of issues and I am very pleased that we have not gotten into the contentious debate that Workers' Compensation has caused us to get into in the past. I applaud the Labor Committee for doing that. I viewed this bill, frankly, as being consistent in not getting involved in that debate. It seems to me, number one, that the changes in interpretation as regarded by this Court case was consistent with what had occurred during the Workers' Compensation changes last fall. In fact, for this change in interpretation took place there was a rate case pending. Did this change in interpretation, bring rates down? The answer is no. Was it a part of the reduction of the cost in Workers' Compensation? No, it did not effect rates this change. So being consistent, by going to what had been the prior interpretation, should not raise rates. It should not impact rates. It's a logical argument. If it was not reduced because of the change of interpretation to be consistent with the old interpretation, it should not raise the rates. Secondly, and I recognize that this comment may be somewhat partisan, but I need to say it at least for a moment, the actuarial letter that was read from the Department of Insurance, I view quite frankly as inaccurate and very misleading. It's the same kind of information we received from that same person in this contentious debate the last couple of years. I am not going to go through and criticize the points of that letter because, frankly, it is on my desk in my office and I could tear it apart. Let me only tell you that it is inaccurate, and misleading. We don't need to do that. We have a fine, new Superintendent of Insurance that I respect greatly and I believe he will be fair and up front with this issue. We confirmed him unanimously and I do have the greatest respect for him. I am telling you that it's business as usual and we don't put up with that anymore in this legislature. Vote for this bill. I think its reasonable and consistent with our beliefs. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The comment was that rates would not increase and yet the very Statement of Fact on the bill and on every amendment has stated there is no doubt in anybody's mind that the rate will increase. If it doesn't, it is going to be one of those marvelous exceptions that I have not seen in a long time where you add something and you don't have to pay for it. That would be one of the most amazing things that I would have seen in sometime. The argument, as I pointed out to you earlier, was the proponents were definitely going to say "yes the report out of the Bureau of Insurance is not correct, it is probably inflated and all kinds of other things". I don't know that. All I know is the statement is there from an actuarial and I know for a fact in most cases when you do this you definitely are going to increase the cost. If you don't believe that, again go back to those three or four men and women who open their bills for Workers' Compensation and my loving gracious you told those people two years ago you were going to get a 12% reduction. That 12% reduction now has gone up into 12% plus 24% plus 38% and any number of other figures you want. They are not necessarily firm believers that hoorah for you there is no rate increase. The last item, and I would say that these walls are echoing with that plea, do not change, this is an addition, do not change the Workers' Compensation. Maine Employer's Mutual Insurance Company loved you ten days ago when you passionately asked us to vote. I hope you remember that and you remember that they are asking you for the same. They are pleading for us. They want you to vote the same as you did ten days ago.

On motion by Senator **BEGLEY** of Lincoln, 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 Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a proponent of this legislation, I think I would like to make my own argument. I think we should look at what Workers' Compensation was originally supposed to do. The bargain was that in return for employers not being sued if someone was injured in their workplace, the injured worker would be made whole. Nobody is arguing that occupational disease is a legitimate injury. What we are saying, is that unless you stay out of work, your medical bills will not be paid. That is really very unfair. You take the advantage of saving money off the employee you know was hurt at work and will not pay his bills. We have also heard here time and time again is Workers' Compensation fraud. Well you are pushing people into taking seven days off in order to get what they ought to have anyway, their medical bills paid. They do not want to be frauds. These people are working, they want to stay at work. As for the 12% reduction that was promised, not me, I was here, and fought that bill long and hard, I knew it wasn't going to happen. It didn't happen. This is simply a matter of fair play. Were these people injured on the job, yes they were and what are they asking for, that you accept their medical bills and it's a very small thing to ask. I ask you please make this legislation a law.

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

Senator **HARRIMAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have heard many compelling and impressive discussions on this bill this afternoon. As we have heard other tantalizing pieces of ideas come before us in this session regarding Workers' Compensation, probably at least to me anyway, none more compelling than the good Senator from York, Senator Dutremble, who spoke to us about his experience in this issue, where we are at today, and the tremendous opportunity we have to get this problem solved for all Maine working men and women. This legislation is tempting to vote for for all the good reasons that have been discussed. So was the idea to let people with less than six employees opt out of the program, that was very tempting. Yet I didn't do it and I can't do it now for a couple of fundamental reasons. One, this is a change to the Workers' Compensation system and as we have been implored, don't tinker with it. This will tinker with it. Secondly, I have heard loud and clear from the people who have their jobs at stake, who provide employment in this State, that it is beginning to work. There is a sense that what has been done by the last legislature is, indeed, beginning to work. I can't support the pending motion because I believe it begins to tinker with the system that is beginning to work. I hope you will join me in not voting for the pending motion. Thank you, Mr. President.

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

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. If I believed everything I heard today by the opponents of this piece of legislation, I would believe the walls in this chamber are black and green. I don't know what it is going to take to convey to the members of this body that this proposal is not a change, it is not a change. The third branch of government made the change, the Judiciary. They made a change. Furthermore, they made a change, we did not see costs go down. The cost associated with occupational disease were already built into the assessments and foisted upon our employers, and let me say categorically, I am truly sympathetic with the employers who would pay any more on Workers' Compensation. I met an employer of ours during our break in April, one of the larger employers in Lewiston who pays good wages and has an excellent work place, was very concerned about the Workers' Compensation system, as he and his employees should be, concerned about his rates, concerned about his employees having a place to go to work, concerned about being able to employ quality people and pay them the superb wages that he pays them and I made a commitment to that individual that I would do everything in my power not to substantially change Workers' Compensation in this State. If, for no other reason, there are other locations within this larger company who would like to absorb the operation in Lewiston, Maine, and I certainly do not want to see that happen. So for those who would like to paint myself and others as not sympathetic to those employers, let that be said. This issue has been around and has been part of the Workers' Compensation system for sometime. In fact, the Workers' Compensation Commission referred to three other cases, three, and this is just in the particular case dealing with Manzo vs. Great Northern Paper Company. Number one, Lamson vs. Central Maine Power Company. Number two, Palm vs. Eastern Refractories Company, Inc. Number three, Arnold vs. Great Northern Paper Company. This is not new. This is maintaining the

status quo. If this bill does not pass, I hope the same members who would oppose the enactment of this legislation, will be petitioning the Superintendent of Insurance for a reduction in rates.

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

Senator **BEGLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. A final statement, from me anyway. A position paper on L.D. 687 dated approximately May 21, 1993, Maine Employees Mutual Insurance Company. This is the organization responsible for this type of legislation and what it will happen. This is the group that supposedly knows the insurance inside and out and this is their statement. "It has come to our attention that there may be some confusion as to Employer's Mutual position on L.D. 687, "An Act to Amend the Occupational Disease Laws". These position papers are provided in order to clarify the company's position. It is the company's belief that L.D. 687, as amended, will not have a dramatic upon Workers' Compensation costs, however, there will be clearly an increase in cost and a resulting increase in rates. The company has consistently taken the position that no substantive Workers' Compensation legislation should be passed at the 116th Legislature. We remain committed to that basic principal.

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

Senator **CIANCHETTE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want you to know that I am voting to Indefinitely Postpone this and my vote is based on the rationale simply that it is a protest vote. We have increased the cost of Workers' Compensation to small businesses in this state in many cases from 50% - 70% over what it was a year ago. 50% - 70% over, and here today we are arguing how much more this bill will cost or how much it would save, or whatever, and I'm telling you this legislature is not facing the real problems facing the State of Maine and my vote to Indefinitely Postpone this is a protest vote to this legislature saying we ought to do something to the cost of Workers' Compensation.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

NAYS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, with No Senators being absent, the motion of Senator BEGLEY of Lincoln, to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, FAILED.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on EDUCATION on Bill "An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process" (Emergency) H.P. 1162 L.D. 1560

Reported that the same Ought to Pass pursuant to Joint Order (H.P. 1157).

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.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for 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 Concerning Technical Changes to the Tax Laws" (Emergency) S.P. 182 L.D. 596 (C "A" S-277)

In Senate, June 3, 1993, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277) AS AMENDED BY HOUSE AMENDMENT "B" (H-641) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

ENACTORS

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

Emergency

An Act Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms (Governor's Bill)

H.P. 1141 L.D. 1541 (H "A" H-617; H "B" H-627 to C "A" H-609)

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a very good act and I hope it will pass and I'd like to speak on it just for a second. This is the compact with the state of Texas on low-level radioactive waste disposal and Governor Richards in Texas, the last word I had, had not yet signed the bill and we feel that passing this now at this time would be an indication to her that we are serious about wanting to do this and as you know Maine law requires us to go out to referendum in November. You might say, what's the rush. The rush is that it send the signal to Texas that the Maine Legislature has taken as much of an action as it possibly can at the present time because we want this to happen.

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

Senator CLEVELAND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have had the honor and the privilege of working with Mr. Ward, from the Public Advocate's Office, in Utilities Committee, and this is an issue that we have had interest in. I just want to commend him and his office for the work they've done. This is a major

accomplishment, it is good for the State. I believe it will be a financially responsible and environmentally responsible act and I wanted to commend his good actions in achieving that.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I could not let this bill pass through here without making just a couple of comments for the record, comments that I feel are very important that I make. I do not intend to oppose the compact that the State of Maine has tentatively reached with the State of Texas but I think it is extremely important, that as we go into any agreement that would transport radioactive waste out of the State of Maine into another State, that we do so with a full understanding of what our responsibilities are as a society and what we are imposing on that other State. I think it is extremely important that as we make these decisions that we do not have the attitude of out of sight, out of mind because the reality is that what we are shipping to the State of Texas will be radioactive for thousands and thousands of years and the people of Texas will have to do all in their power to ensure that the people of Texas are not impacted in a long term sense through health and safety from their exposure to radioactive waste. I will not oppose this compact but I have a very real need inside me to express my concern that the people who scream about the nimby attitude oftentimes close their eyes when it comes time to pass it onto somebody else's back yard and I think we better look at from whence it all cometh.

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 3 Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1163

JOINT RESOLUTION RECOGNIZING THE STATE OF MAINE VICTORY PLATOON, COMPANY 690, ON THE OCCASION OF ITS 50TH ANNIVERSARY

WHEREAS, on June 30, 1943 the United States Navy formed the State of Maine Victory Platoon and inducted 107 young men from across the State into that unit; and

WHEREAS, that unit, also known during its training as Company 690, was commanded by John Reed, who later became Governor of the State of Maine; and

WHEREAS, the members of the State of Maine Victory Platoon served with distinction in various theaters of war across the globe during the remainder of the Second World War; and

WHEREAS, 2 members of the unit gave up their lives in the service of their country before the war ended; and

WHEREAS, the State of Maine Victory Platoon is holding its 50th anniversary reunion in Portland on June 26, 1993; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature, now assembled in the First Regular Session, offer congratulations to the men of the State of Maine Victory Platoon on the occasion of its 50th anniversary celebration; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the platoon in honor of the occasion.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for 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 Expedite Maintenance of Utility Facilities"

S.P. 346 L.D. 1041
(C "A" S-250)

In Senate, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-250)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-250) AS AMENDED BY HOUSE AMENDMENT "B" (H-645)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Provide Access to Landlocked Property"

H.P. 1051 L.D. 1403
(C "A" H-529)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529) AS AMENDED BY HOUSE AMENDMENT "A" (H-646)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS OF THE DAY

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State

H.P. 965 L.D. 1296
(C "A" H-434)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**, in concurrence.)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AND HOUSE AMENDMENT "B" (H-475)** in **NON-CONCURRENCE**.)

Senator **CAHILL** of Sagadahoc moved that the Senate **RECEDE and CONCUR**.

Senator **ESTY** of Cumberland requested a Division.

On motion by Senator **HANLEY** of Oxford, 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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am rather discouraged at the fact that this chamber just earlier had passed this legislation that would have called for the popular election of our Secretary of State. It had been sent down to the other chamber and now I am just trying to consider or understand what has transpired between now and then and why this chamber has had a change of heart. The issue is still the same. Instead of having the Legislature

select who our Secretary of State will be, we decided before to allow the people of the State of Maine to make that choice and to do so through the democratic process of a popular election, following the process that most other state's across our nation have adopted. I guess I would like to understand if their is a rationale why we are not going to continue on with the prior action as far as endorsing this proposal and sending it to the people of the State of Maine realizing the people of the State of Maine would still have to adopt this. I would hope you vote in favor of this motion to recede and concur.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Why would you want to elect a Secretary of State? What does he do that would cause you to want to elect a Secretary of State. I am just trying to run it through my mind and what would the campaign be like. If I were running for the Secretary of State what would I tell the voters I was going to do. I don't understand why Judges of Probate are elected, or Register of Deeds, I've never figured that out either, but I certainly don't understand why we are going to elect the Secretary of State. Is the Secretary of State going say I am going to put your drivers' licenses on platinum plates? What is it that he is going to do? I know they are elected in other States and they must have some kind of a campaign. Is the campaign "if you elect me Secretary of State I will get name recognition and then I can run for Governor". Why would we want to elect through popular vote a Secretary of State?

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Why would only three states elect their Secretary of State the way we do, by the Legislature. For that matter our constitutional officers are not elected by the people at large. I think, I personally cannot speak for the other people here or on my Committee, but this was that I stressed a bipartisan report as all of our constitutional officer Bills have been. My personal feelings are that it would create a greater accountability on the part of constitutional officers to be elected by the people at large. Presently there is no accountability and that is not to impugn their integrity certainly. The perception out there is that all constitutional positions, because of the manner in which they are selected, becomes perceived to be very partisan. The feelings are that it should be apolitical, all of those positions and that's the reason some of us support the election at large. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I know that in the President's home town that elections to town council are done on a party basis. In my town they are done on a non-partisan basis. The good Senator from Androscoggin suggests that the Secretary of State should be apolitical. Are we, in this bill, suggesting that they run without any designation as to their political party, are they going to run as

Democrats, Republicans or is it going to be a separate ballot that is going to be non-party if they are apolitical? If they are political, what do they promise in an election campaign. What is it they say? What would a Republican say about a Democrat running for Secretary of State and what would a Democrat say about a Republican running for Secretary of State? I don't understand the need for it.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could answer the good Senator from Penobscot's question as far as what would they say, I think that would be a blessing as far as to actually have a political contest which is not getting into mud slinging or back biting where it is basically hey I'm going to be Secretary of State and I am going to be responsible for this multi-million dollar constitutional office in the State of Maine and I'm going to be accountable to the people of State. Take a look at me, take a look at my character, what does the person have to stand for? The person has to stand for being trustworthy, accountable for their actions. One of the prime reasons it is brought to my attention as far as what happened just this past winter with the electoral process. The Secretary of State does currently oversee the recount process in elections. Now, I think that is a prime reason, and there is legislation that is pending before this chamber that would allow that recount process to be brought out of the domain of the Secretary of State. Currently it is there though, and I think that if for only that reason, that's reason enough for the people of the State of Maine to have the opportunity to elect who the Secretary of State will be. As the good Senator from Androscoggin pointed out, currently there are 36 states that allow for the popular election of the Secretary of State and because it is a constitutional office, because it does have a direct impact on the people of the State of Maine and a direct impact as far as how our democratic process works and is overseen, I think that's reason enough but for an added bonus you would have a wonderful campaign where two individuals, two candidates for the Secretary of State who have nothing but good to say about each other, because all you'd do is have the character of one and the character of the other and let the people of the State of Maine decide because there aren't any real non-pleasant issues for them to debate but there is a question of accountability and I think it is a very important one, especially the way our current system is established.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is another one of those rare occurrences in which I very humbly disagree with the Chair of the State and Local Government Committee and respect her position regarding this issue. I would like to point out that the reason I took that position in not electing this position was quite simple. I thought we should be consistent in our actions regarding who should be elected and who shouldn't. Earlier this session we debated whether the PUC Commissioners who are appointed by the Governor, whether or not they should be elected. We didn't think they should be elected even though they deal with great, great policy considerations. Later in the session, we dealt with the election of the Banking and Insurance Superintendent, who is appointed by the Governor, and

we felt, together, that that position shouldn't be elected even though it deals with great policy considerations. We felt that those appointments were fine. I suggest to this body that the Secretary of State has far less to do with policy than either of those positions and that the election procedure has worked well, we've been served very well and that it isn't necessary to change it because of those consistencies. I'd also say, or ask I should say, that those who feel that it should be elected, I would like to see your license pictures to see if it's in anger regarding those pictures and not this election because, should I run for Secretary of State, if this went out for public office and I am not intending to, I would run on a campaign of making all license pictures better. We will use better cameras and you will look good. I thank you all for listening to this brief debate.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I read this bill with interest and I realized how it enhances the chances of my constituents from Washington County to be a Secretary of State. They are accustomed to running a very high priced campaign and I expect an outcry from my constituents telling me to vote for this bill but not having any I have decided not to support it. The only chance we've got in Washington County is to be appointed.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to the Senator from Penobscot, Senator Pearson, as to what type of platform he could run on. I think perhaps low license plate numbers might be a good plan for him, but seriously though I think the Secretary of State certainly has some domain over the business climate in this State. The corporate process, I can tell you that just last year I dissolved a corporation I had and I am still getting notices from the Secretary of State's office asking me for my filing fee, and I would certainly suspect that a Secretary of State might be able to run on streamlining the Corporate process, perhaps putting Maine in line with Delaware, which is the fastest state in the country to incorporate in and maybe bringing in extra revenue into the state for something like this. I think it is a very serious issue and competition has never hurt anyone or anything and I hope that you will support this measure.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was just looking through my Constitution because I am usually swayed by the arguments of the good Senator from Cumberland, Senator Esty. As far as the PUC, we've got to be consistent. I was thinking maybe I have overlooked something in the constitution as far as the PUC Commissioners were a constitutional officer. They are not. The Secretary of State is. I think that is a very important point for us to keep in mind that we should be consistent as far as those that hold the constitutional offices should be held to that higher standard and a standard where you would be elected by the popular method.

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like the record to reflect that there are eleven women here and we are not speaking on the record but we are here so would the record reflect that. We are listening.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PINGREE, SUMMERS, WEBSTER**

NAYS: Senators **BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senator **BALDACCI**

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CAHILL** of Sagadahoc, to **RECEDE** and **CONCUR**, **FAILED**.

The Chair moved that the Senate **ADHERE**.

Senator **CAHILL** of Sagadahoc requested a Division.

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

THE PRESIDENT: The pending question before the Senate is to **ADHERE**.

A vote of Yes will be in favor of **ADHERING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PINGREE, SUMMERS, WEBSTER**

ABSENT: Senators None

Senator **HARRIMAN** of Cumberland requested and received Leave of the Senate to change his vote from **YEA** to **NAY**.

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, the motion of the Chair to **ADHERE, PREVAILED**.

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, sent down forthwith for concurrence.

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

Bill "An Act to Provide Access to Landlocked Property"

H.P. 1051 L.D. 1403
(C "A" H-529)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**, in concurrence.

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529) AS AMENDED BY HOUSE AMENDMENT "A" (H-646)** thereto, in **NON-CONCURRENCE**.)

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

HELD BILL

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

Senator **PARADIS:** Mr. President, is the Senate in possession of L.D. 1508?

THE PRESIDENT: The Chair would answer in the affirmative, the Resolve having been held at the Senator's request.

On motion by Senator **PARADIS** of Aroostook, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on:

Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (Governor's Bill) (Emergency)

H.P. 1112 L.D. 1508
(H "A" H-600 to C
"A" H-516)

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENT "A" (H-600)** thereto, in concurrence.)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENTS "A" (H-600) AND "B" (H-630)** thereto, in **NON-CONCURRENCE**.)

(In Senate, June 8, 1993, **RECEDED** and **CONCURRED**.)

On further motion by same Senator, the Senate **RECEDED** from its action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-516) As Amended by House Amendment "A" (H-600) thereto.

House Amendment "B" (H-630) to Committee Amendment "A" (H-516) **READ**.

On further motion by same Senator, House Amendment "B" (H-630) to Committee Amendment "A" (H-516), **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-314) to Committee Amendment "A" (H-516) **READ**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I beg you indulgence one more time. A line had been left out of the other amendment. This is a technical amendment to fix that problem.

On further motion by same Senator, Senate Amendment "B" (S-314) to Committee Amendment "A" (H-516) **ADOPTED**.

Committee Amendment "A" (H-516) As Amended by House Amendment "A" (H-600) and Senate Amendment "B" (S-314) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

ORDERS OF THE DAY

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

Bill "An Act to Modify Various Licensing Board Laws"

S.P. 490 L.D. 1501
(S"A" S-264; S"C"
S-293; S"D" S-305 to
C"A" S-252; S"A"
S-294)

Tabled - June 9, 1993, by Senator **CLEVELAND** of Androscoggin.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 532, in concurrence.)

(In Senate, June 9, 1993, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program"

H.P. 1005 L.D. 1351
(S "A" S-301; H "B"
H-583 to C"A" H-537)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendment "A" (S-301) thereto

(In Senate, June 4, 1993, **RECEDED** from Adoption of Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendment "A" (S-301) thereto.)

(In House, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY HOUSE AMENDMENTS "A" (H-580) AND "B" (H-583) thereto.**)

(In House, June 8, 1993, that Body **INSISTED.**)

On motion by Senator **LAWRENCE** of York, Senate Amendment "B" (S-318) to Committee Amendment "A" (H-537) **READ** and **ADOPTED.**

Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendments "A" (S-301) and "B" (S-318) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate"
S.P. 222 L.D. 693
S "A" S-286 to
C "A" S-274)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274) AS AMENDED BY SENATE AMENDMENT "A" (S-286) thereto.**)

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274) AS AMENDED BY HOUSE AMENDMENT "D" (H-640) thereto, in NON-CONCURRENCE.**)

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

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

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"
H.P. 1099 L.D. 1486
(C "A" H-563)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563), in concurrence.**)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-631) thereto, in NON-CONCURRENCE.**)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"
H.P. 1038 L.D. 1390
(C "A" H-528)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Same Senator to **RECEDE** and **CONCUR**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528), in concurrence.**)

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-593) thereto, in NON-CONCURRENCE.**)

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending motion by Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR.**

Senate at Ease

Senate called to order by the President.

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 1:50 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

Bill "An Act to Modify Various Licensing Board Laws"

S.P. 490 L.D. 1501
(S "A" S-264; S "C"
S-293; S "D" S-305
to C "A" S-252; S
"A" S-294)

Tabled - June 9, 1993, by Senator ESTY of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

RECALLED from Engrossing, pursuant to Joint Order S.P. 532, in concurrence.

(In Senate, June 9, 1993, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

On motion by Senator CLEVELAND of Androscoggin, Senate Amendment "B" (S-320) **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.

Off Record Remarks

Senator CARPENTER of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator CAHILL of Sagadahoc, **RECESSED** until 6:00 this evening.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1993 (Emergency)

H.P. 1158 L.D. 1557

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

COMMITTEE REPORTS

Senate

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State

S.P. 400 L.D. 1231
(C "A" S-172)

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator LUTHER of Oxford
Senator O'DEA of Penobscot
Senator HALL of Piscataquis

Signed on the part of the House:

Representative JACQUES of Waterville
Representative LARRIVEE of Gorham
Representative ANDERSON of Woodland

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

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 9, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Walter E. Travis of Hampden, for appointment to the Maine Maritime Academy Board of Trustees.

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

| | | |
|-------|--------|--|
| YEAS: | Sen. 3 | O'Dea of Penobscot, Lawrence of York, Amero of Cumberland |
| | Rep. 9 | Mitchell of Vassalboro, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath |

NAYS: 0

ABSENT: 1 Rep. Oliver of Portland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Walter E. Travis of Hampden, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Walter E. Travis of Hampden be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BRANNIGAN, LAWRENCE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Walter E. Travis, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 9, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Elizabeth B. Noyce of Bremen, for reappointment to the Maine Maritime Academy Board of Trustees.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
 Rep. 9 Mitchell of Vassalboro, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 1 Rep. Oliver of Portland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth B. Noyce of Bremen, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
 Senate Chair

S/Elizabeth H. Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Elizabeth B. Noyce of Bremen be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BRANNIGAN, LAWRENCE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Elizabeth B. Noyce, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 9, 1993

The Honorable Dennis L. Dutremble
 President of the Senate of Maine
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Ronald J. Mallett of Old Town, for appointment to the Board of Environmental Protection.

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

YEAS: Sen. 3 Lawrence of York, Cianchette of Somerset, Ludwig of Aroostook
 Rep. 8 Jacques of Waterville, Mitchell of Freeport, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 2 Rep. Poulin of Oakland, Rep. Wentworth of Arundel

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald J. Mallett of Old Town, for appointment to the Board of Environmental Protection be confirmed.

Signed:

S/Mark W. Lawrence
 Senate Chair

S/Paul F. Jacques
 House Chair

Senate

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Ronald J. Mallett of Old Town be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BRANNIGAN, LAWRENCE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ronald J. Mallett, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

COMMITTEE REPORTS

Ought to Pass As Amended

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act to Clarify the Law Concerning Aquaculture"

S.P. 531 L.D. 1559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-322)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-322) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" H.P. 1085 L.D. 1451

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-587)**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ACCEPT** Majority **OUGHT NOT TO PASS** Report in concurrence

(In Senate, June 8, 1993, Reports **READ**.)

(In House, June 8, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The legislation before you today, if you were to reject the Ought Not to Pass Report, would be the biggest step that this legislature can take in bringing democracy back to the people of the State of Maine. We have heard, over the last few years, of efforts to impose term limits, efforts to place limitations on candidates and what they can or cannot do, but there is nothing more fundamental to giving back the government of the State of Maine than campaign finance reform. L.D. 1451 was the result of the hard work of a number of us on the Legal Affairs Committee and let me just

explain what it will do. It will cut the average cost of campaigns in half, it will create the Maine Democracy Fund, which is a \$4 per tax filer per year contribution to the Maine Democracy Fund, which will enable a pure public financing of campaigns in the State of Maine. Some people may say that what we are doing here is assessing a tax on the people of the State of Maine, and I would say yes, in fact we are. But I have had more people come to me and say you have got to do something about the influence of money in elections. Whether that is real or perceived, in politics perception is reality. That small sum of \$4 per tax filer would go to the Maine Democracy Fund in order to provide for that full financing and eliminate the outside influences of private money in Maine's public election process. This is a rather complex Bill so I would urge you, during the course of the debate, to take a chance, if you haven't already, to review it and cast your vote in favor of the people of the State of Maine, in favor of eliminating special interest money in Maine's election process. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If you believe in the public funding of campaigns this is your instrument. If you really feel, as I do, that it is up to us to raise our own money, it is up to us to run our own campaigns and not have the taxpayers pay for it at the rate of \$4 per person per tax return, then this is not your particular Bill. I would hope that you would support the Ought Not to Pass motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If you are waiting for someone to tell you that this is a tax increase I am here to tell you that it is a tax increase. It is \$4 for each individual who files and income tax return. This may be the future, but it is not today and I do not believe that the people are screaming for this just now. As a matter of fact they would be screaming if we did pass it because of the price tag to them that goes along with it. I do agree that election reform is needed and later on we will see some Bills that will do a much better job. I urge you to vote against the Minority Report. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a tax increase, no doubt, but I look at all the money that this will save. I said some mean things about my friends, the lobbyists, the other night, and a lot of it simply was not true. I like Chris Hapstead all of the time, I like Ed Gorham most of the time and sometimes I even like Donny Buxton, but that really isn't the point. These people are not Red Cross workers, they get paid very well. Whatever the lobbyists get paid, they are underpaid. What is it worth to a company to get an 8% decrease in their electric rates by passing it onto the residential. Because that is what happened last winter. It will cost people \$4, but they will more than save that on the things that do not get by this chamber. If this is in the future then so is savings that people need in the future. It is time for people to understand this is their government and if they don't pay for it

then somebody else will pay for it, and somebody else it not paying for it for nothing. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am very proud to be a sponsor of this piece of legislation and I think that the public is screaming at us. They are screaming at us that they want their democracy back and this Bill will do it. It is a very simple proposal. The proposal money is to get private money out of politics so the biggest wallets don't have the biggest say. That is what this Bill does. You may say, as the Senator from Piscataquis did, that people don't want to pay for elections, I say they are already paying for elections. They are paying very dearly through our current system, via special tax breaks that are gotten here by monied lobbyists, by loopholes, by lack of health care reform. You name the next one yourself. The question is whether we pay \$4 through the front door or whether we pay hundreds of dollars a year through the back door. This Bill gets our democracy back and I urge that we pass this Bill. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Listening to this debate it seems to me that this is kind of a poll tax, or at least a tax to finance campaigns, and being a member of the Taxation Committee I haven't seen this issue come before us. It would seem to me that if we are going to raise taxes this should come out of the Committee on Taxation, so I would like to move that this be re-referred to the Committee on Taxation. Thank you.

Senator **SUMMERS** of Cumberland moved that Bill and Accompanying Papers be **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, sit on the Taxation Committee, when I'm not sitting someplace else, and I will tell you that we have plenty of work to do. We are going to be meeting tomorrow, we are going to be meeting Friday, we may end up meeting Saturday, all in preparation of what happens with the budget, and I will tell you that this thing doesn't belong in Taxation, it belongs in the dead file. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me just state that between 1984 and 1990 we have seen an increase in the average cost of elections from \$5560 per election to \$15,516 per election. If that isn't cause for taking the bull by the horns I don't know what is. Mr. President, I request a Roll Call.

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

Senator **WEBSTER** of Franklin moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

THE PRESIDENT: The Chair would inform the Senator from Franklin, Senator Webster, that the motion to recommit takes precedence over the motion to Indefinitely Postpone. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Summers. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would certainly hope that you vote against the motion to commit. Thank you.

Senator **SUMMERS** of Cumberland requested and received leave of the Senate to withdraw his motion to **COMMIT** Bill and Accompanying Papers to the Committee on **TAXATION** in **NON-CONCURRENCE**.

THE PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Webster to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, O'DEA, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **BUSTIN, HANDY, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE**

ABSENT: Senators **BALDACCI, BRANNIGAN, LAWRENCE**

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **WEBSTER** of Franklin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

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

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1038 L.D. 1390
(C "A" H-528)

Tabled - June 9, 1993, by Senator **CAHILL** of Sagadahoc.

Pending - Motion by Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.)

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BUTLAND** of Cumberland, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-528), in concurrence.

House Amendment "A" (H-593) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**.

On motion by Senator **BUTLAND** of Cumberland, Senate Amendment "A" (S-317) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**.

Committee Amendment "A" (H-528) As Amended by House Amendment "A" (H-593) and Senate Amendment "A" (S-317) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"

H.P. 1099 L.D. 1486
(C "A" H-563)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence.)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-631)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-563), in concurrence.

House Amendment "A" (H-631) to Committee Amendment "A" (H-563) **READ** and **ADOPTED**, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-316) to Committee Amendment "A" (H-563) **READ** and **ADOPTED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "D" (S-324) to Committee Amendment "A" (H-563) **READ**.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be very brief. This is an amendment to the substance abuse bill that I think will enable us to do an even better job of what the original legislation was intended to do. Let me also say, that this was with a high degree of cooperation among the members of this body, both parties, and of the other body. Very simply, what we are trying to do is create a Division of Substance Abuse Prevention and Education to oversee and direct the efforts in this area, to establish a memorandum of agreement between the Department of Education concerning continuity of services in substance abuse, methods of sharing program and staff resources, and the continuity of any joint policy initiatives to be acted upon over the next six months. Further, it would use the interdepartmental council as a mechanism for the ongoing identification of policy and service issues, problems and concerns between the two agencies and act to resolve those differences, if any. We maintain, through the next biennium, the current ratio, and this is important, between treatment and prevention. The current ratio of expenditure of dollars among these three policy areas, prevention, education and treatment. Lastly, by March 1 of 1994 there will be a joint report issued to the Human Resources and Education Committees to make sure that this Bill is fulfilling its intended objective. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to congratulate the people who worked on coming up with this amendment. People in education have been very concerned that in the process of consolidating and putting all of the sources of funds for drug abuse into one department that the interests of education, which is a long term interest, might be swallowed up in the need for monies for immediate treatment of abusers. I am really pleased that we are able to come up with this amendment, which keeps the same porportion of funds going to prevention, education, and treatment as we presently have and I would urge all of you to support it. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, am very grateful for the amendment. It meets my concerns of keeping administrative simplicity within the Department of Education and the importance of the educational programs around substance abuse. I will be supporting this Bill and I appreciate the Committee's work and the sponsor accepting our amendments. Thank you.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "D" (S-324) to Committee Amendment "A" (H-563) **ADOPTED**.

Committee Amendment "A" (H-563) As Amended by House Amendment "A" (H-631) and Senate Amendments "B" (S-316) and "D" (S-324) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State

H.P. 965 L.D. 1296
(C "A" H-434)

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**, in concurrence.

In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AND HOUSE AMENDMENT "B" (H-475)** in **NON-CONCURRENCE**.

In Senate, June 8, 1993, **ADHERED**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

The Chair **RULED NOT PROPERLY BEFORE THE BODY**.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned (6/8/93) matter:

SENATE REPORT - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"

S.P. 478 L.D. 1477

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

Tabled - June 7, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Report

(In Senate, June 3, 1993, Report **READ**.)

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wonder if anyone might care to just briefly explain what this Bill does. Do we have time to Table this until later in Today's Session?

THE PRESIDENT: The Chair would answer in the affirmative. The pending question before the Senate is **ACCEPTANCE** of the Ought to Pass as Amended Report of the Committee.

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-276) **READ**.

On motion by Senator **HANLEY** of Oxford, Senate Amendment "A" (S-289) to Committee Amendment "A" (S-276) **READ**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This takes the process of recounts and puts it into the courts hand and it also gives them the discretion of being the one who will determine who gets seated. It comes up to that point because for the seating arrangement they have to get the Constitutional amendment through which would give them that authority. I would move the Indefinite Postponement of Senate Amendment "A" to Committee Amendment "A". Thank you.

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-289) to Committee Amendment "A" (S-276).

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope that you would not follow the motion of the good Senator from Kennebec, Senator Carey, and Indefinitely Postpone this measure and, in fact, vote against it so we can adopt this Senate Amendment. What this Senate Amendment would do to the Bill is basically take the process of handling the recounts and put it right in the Judicial Department, right in their hands. The reason why you should support this amendment is the neutrality of the Judiciary is a fundamental consideration in restoring confidence to this process. Men and women of the Senate, I would implore you that confidence must be restored. Based on the actions that have happened this past winter and fall regarding recounts it is vitally important to restore the people's faith in our process. The only way we can restore that faith is to put the recount process in the hands of the Judiciary. The recount should be placed under the independent, nonpartisan, legal arm of the Judiciary. Removing recounts from under the jurisdiction of the Secretary of States Office will remove partisan overtones and suspicions from the process. Judicial oversight will restore public confidence and integrity to the process. Plus, 29 other states currently have judicial oversight of recounts. The Chief Justice is not opposed to the Bill and it will absorb any administrative costs incurred. Men and women of the Senate, this amendment is a win win proposition for everyone involved. For those who are involved in recounts it is a win win because it is automatically put into the hands of the Judiciary. The people of the State of Maine win because now they have some confidence and faith restored in the electoral process, and specifically the recount process. Thirdly, men and women of this chamber, as well as the other chamber, will win by having the political overtones removed by having it placed squarely in the nonpartisan hands of our Judicial branch. I cannot see the down side of this and if anyone can see the down side of this I would like them to enlighten me. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would disagree with the good Senator from Oxford in reference to where recounts should be handled. Specifically on the issue of separation of powers and that this legislature should continue to be the body which controls the outcome in elections. I can't resist but answer some of his other arguments regarding the credibility of the Judiciary. There are many on this very floor of the State House who have spent not more than the last month or so criticizing the Judiciary, first for its sentencing in the ballot scandal and, most recently, for a hiring of a clerk by the highest court in the land. To say that their own neutrality has not been tainted in this most recent of years around here would be wrong. I do not think that it is a good idea that we shift this burden to that branch of government, I think it ought to stay with us. I would point out for the body that in the amendment itself, as offered by the good Senator, it shows that he has some questions about the neutrality of certain judges to begin with since he has a procedure in here whereby judges could be challenged for their neutrality and refused, on page 2 of his amendment. I don't think shifting this problem, if there is a problem, to another branch of government

is going to resolve the issue at all. I would hope that there are plenty of changes that we are going to get into in this Bill, the large majority of which we are going to agree on, I am certain of. This is not one I would urge this body to adopt. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm always encouraged to see my good friend from Cumberland stand up and correct me. I guess I would just like to draw a distinction for the good Senator. The sentencing question was not a partisan issue. The hiring of Harvey Prager is not a partisan issue. Recounts, when you have a Republican against a Democrat, are partisan issues. I would direct the Senate's attention to an article that appeared in the Morning Sentinel, January 18, 1993. The headline, "Diamond admits Ballot errors - says he, and staff, didn't do enough to prevent tampering". In the first paragraph it says, "Secretary of State, William Diamond, conceded that he and our staff 'let our guard down' by failing to do more to protect ballots from alleged tampering during legislative recounts." Men and women of the Senate, I think that speaks for itself. By taking this out of the Secretary of State's hands and placing it in the hands of the Judiciary we now have restored confidence in this process. When people go into the ballot booth, when they cast their ballot, whether it be for the good Senator from Cumberland, Senator Conley, or for myself, they expect that ballot to be sacred, for that ballot not to be tampered with, for that ballot to be counted. If we cannot have faith in this prime underpinning of our democratic process then all of the other aspects of this Bill go for naught. This is a vital cog in this entire process. With the omission of this cog we have not done the work of the people as far as to restore confidence and make them confident that when they go into the ballot booth that yes, my vote is going to be counted, it's not going to be messed with and there is no question as far as if there is a problem it will be handled in the most non-partisan and neutral of fashions. Thank you.

On motion by Senator **HANLEY** of Oxford, 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 Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I listened to the good Senator from Oxford I think he was starting to drift back into his debate about an elected Secretary of State. I would pose a question to the good Senator, would he feel more comfortable about leaving this with the Secretary of State if, in fact, the Secretary of State was elected by the people? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to the question. I would have appreciated that question having been asked me before all of this earlier, maybe I would have had a different answer for the good Senator. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When the good Senator from Oxford, Senator Hanley, said that this was a win win situation, it certainly is not a win win situation for the Secretary of States Office, or his staff. They are made really to be the scapegoats in this whole matter and they are victims as well as those people who had or had not had their ballots tampered with. It is an overreaction. Originally the commission was set up to handle the tampering of the ballots and it was solely to do that, except that the charge gave it a wide latitude and therefore, it got into Boards of voter registration, it got into voting techniques and voting machines, and, as the good Senator from York, Senator Carpenter, well knows, his town was scheduled to be under duress, so to speak, because those particular voting machines were to be thrown out. They were forced out because of the work done by this commission, there are other problems with this particular Bill. I have been accused by many, some little short guy over in the House has been the leader of the whole bunch, I have been accused, and I am not going to deal with debate over in the other body Mr. President, it has been said that the amendment that I am sitting on, amendment "D" is one which will really gut the Bill because it only does three things. It has the State Police pick up ballots that may possibly be inspected for a recount, it insures that there be secure boxes that those ballots go in and that amendment, which is part of this Bill, also would see to it that there is a stiffer penalty for people who tamper with ballots. I personally hope that I do not have to offer that amendment, that is a last resort. One thing that we have to salvage out of this Bill, if nothing else, so I am going to be sitting on this amendment as the rest of these amendments go through. For the gentleman to say we can't be trusted with our elected or appointed officials, somebody else tampered with those ballots, not an elected official, not an appointed official. We can handle our own messes when they happen to us. I would hope that you would vote to Indefinitely Postpone this amendment. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-289) to Committee Amendment "A" (S-276).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

ABSENT: Senator BALDACCI

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator CAREY of Kennebec, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-289) to Committee Amendment "A" (S-276), **PREVAILED**.

On motion by Senator CAHILL of Sagadahoc, Senate Amendment "B" (S-295) to Committee Amendment "A" (S-276) **READ**.

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

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. First of all I would like to commend and tell the Joint Standing Committee on Legal Affairs how much I appreciate the work that they did for this unanimous Committee Report. The good Senator from Penobscot, Senator Pearson, and I were reminiscing a little while ago, talking about the old days and the old election law Committees, back when we first served in the legislature. He and I both had the distinction, along with then Representative Greg Nadeau, from Lewiston, now the staff person for the good President, to serve on that Committee. Back in those days election law debate was probably the most partisan and most controversial debate we ever had. When Senator Pearson became the Chairman of that Committee I was never really sure if that was the penalty to the Senator from Penobscot, Senator Pearson. We made a pact that we would have no more than three divided reports that year, and we kept that. I know how difficult it was to debate all those election law issues and come up with only three divided reports. So I appreciate very much Legal Affairs coming into this year, particularly, with the controversy surrounding our election laws and coming up with a Bill that I think could be considered landmark legislation. I am sincere and I appreciate and thank them for all there work.

I'd like to talk about my amendment a little bit. The issue of residency has always been an issue that we have discussed off and on when talking about election laws and, while I don't agree with it, I guess constitutionally there cannot be a residency requirement in the State of Maine. I accept that even though I don't agree with it. I think there has to be some protection for the person who votes, for the municipality where that person votes, and some intent of that person to reside in a particular municipality. It was an Attorney General's opinion back in 1980, it was number 38, that said you can set out specific criteria relating to if a person resides or intends to reside in a particular municipality, must meet. The first thing you can say is if that person owns a motor vehicle, the person has to register that motor vehicle in the State of Maine and has to pay the appropriate excise tax in the municipality where that person is voting. It goes on to say that if a person has a drivers license, and they intend to register to vote in the State of Maine, they also have to have a Maine drivers license. The third provision of the legislation says that if a person has income or personal property they are subject to taxation in the State of Maine and they must file an appropriate tax return for the

State of Maine. That is what my amendment does, I think it is a good amendment and I would move its adoption. Thank you.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. The section that the gentlelady is trying to amend happens to contain the non-traditional habitat. The Commission was very concerned that the homeless would be given a shot at being able to register to vote. For many of them, they do not have an automobile, many of them don't have a license and many of them wouldn't know what it is to pay an income or personal property tax. However, I would ask the gentlelady, for the Record, to be sure she is not aiming at the homeless and before she gets a chance to answer I would point out that under A, where if a person owns a motor vehicle, the person has registered that motor vehicle in the State and paid the appropriate excise tax to the municipality in which the resident is asserted. That person may have come from South Portland or Cape Elizabeth or what have you, and moved into the Portland area. Their registration is really good for a year, so therefore that creates a minor problem as well. Thank you.

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

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the question from the good Senator from Kennebec, Senator Carey. It was not my intention to in any way affect the legislation regarding the homeless. Whether I agree with that or not, I understand that it was a position that the Committee worked out and the intent of my amendment was in no way meant to affect that. I think his second question, about the A provision of the amendment, I think what that would mean is that if a person lived in South Portland in June, and moved to Portland in October and intended to vote in Portland in November, that the next time if that person was still living in Portland, the next time that that person registered their car they would be obligated to register in the town where they voted. Thank you.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. Given that explanation I would hope that the amendment could be adopted. It really refines some of the provisions we have as far as residency is concerned. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have some concerns about this amendment and the attempts to introduce some elements of an intention test, but as I see a lot of these tests, motor vehicle registration, driver license, pays property taxes, pays income taxes, has evidence of domicile, I see those as a lot of property tests. Testing the income of the person, the financial ability of that person and in a way it is a little bit like a reverse poll tax. In other words if you say this is a person of property, this is a person who owns something, then that is evidence that they have the right to vote in that community and I am very troubled by that. We

don't regulate our election laws on the basis of income and the owning of assets. I can think of many circumstances where people who own property, who don't actually live in a community year round, but want to vote in that community, to protect their real property in that community, and other people who don't own property in that community would not be able to vote under these tests of elements of your intention to live there. I can think of circumstances of people who go to work in Washington D.C., service people who wish to maintain a State as their residence because if they are living in Guam or Washington D.C. they don't want to lose the right to vote for a U.S. Senator, they don't want to lose the right to vote for a member of Congress. Under these tests they would lose their ability to vote in the State of Maine, yet someone who owned real estate in the State of Maine, simply because they own that real estate, would be able to vote in the State of Maine. I hope you would oppose this amendment. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "B" (S-295) to Committee Amendment "A" (S-276).

A vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER**

NAYS: Senators **BRANNIGAN, BUSTIN, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senator **BALDACCI**

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CAHILL** of Sagadahoc, to **ADOPT** Senate Amendment "B" (S-295) to Committee Amendment "A" (S-276), **FAILED**.

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "E" (S-323) to Committee Amendment "A" (S-276) **READ**.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I urge your adoption of this Senate amendment. During the course of our lengthy, and I might say cordial, deliberations on

the Legal Affairs Committee on this reform measure we did agree to comply, or to be in concert with, the special Commission's recommendations to increase the severity of the crimes. Increasing the penalties for wrongfully removing a name from a voting list from a class E crime to a class C crime and increasing the penalties for tampering with a ballot, voting list or voting machine in an attempt to change the results of an election from a class D crime all the way up to a class B crime. Those hold some pretty stiff penalties. However, in addition to that the Committee did take a considerable departure from the Commission's recommendations and added the loss of ones right to vote. I believe that the penalties that we have, for the violation of any law, should provide a deterrent in the first place, and then if someone commits a crime, to persuade them from committing the crime again. I can't imagine for the life of me anyone, who commits any crime, is going to think about their loss of their right to vote and that somehow is going to be a deterrent. So this amendment that I offer this evening is to be in keeping with the special Commission's report and not take that quantum leap of departure from it. I urge you support of this amendment. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is one of those very big compromises that we made in Committee in putting a couple of things in. What we were aiming for was a unanimous vote out of the Committee and we said that whatever is in there or has to go in there would then have to be done with floor amendments, so that we were at least unanimous when we brought this out to the floor. This is one of the amendments that I personally would support. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I've tried to sit here and remain very quiet because I have already spoken too many hours on this Bill. You may see me vote for some amendments and against some amendments, I would prefer the Bill went without any amendments. This particular one we did discuss at great length and basically all it is is whether you believe that a person who has been convicted of ballot tampering and is in prison, should he or should he not have the right to vote. It is as simple as that and I will not urge you either one way or the other, vote your conscience. Thank you.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HANDY** of Androscoggin to **ADOPT** Senate Amendment "E" (S-323) to Committee Amendment "A" (S-276).

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **HANDY** of Androscoggin, to **ADOPT** Senate Amendment "E" (S-323) to Committee Amendment "A" (S-276), **PREVAILED**.

On motion by Senator **CARPENTER** of York, Senate Amendment "C" (S-296) to Committee Amendment "A" (S-276) **READ**.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment requires that a candidate submit evidence of tampering or irregularity to obtain a recount in an election in which the margin of victory is more than 75 votes in an election for the House of Representative or a municipal election, or 300 votes in an election for the Senate or County or State wide election. This amendment also changes the Committee amendment to reinstate the law provisions authorizing inspection of ballots and voting lists. I move for its adoption. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is another that I can easily support because of what it does. It reinstates the inspection of ballots and voting lists, something that the Commission did not want to do. What it can do, just by simple inspection of ballots, can save us a lot of money in not having to have a recount. Thank you.

On motion by Senator **CARPENTER** of York, Senate Amendment "C" (S-296) to Committee Amendment "A" (S-276) **ADOPTED**.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "F" (S-325) to Committee Amendment "A" (S-276) **READ**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In the scheme of things this is not the biggest deal in the world but it leaves the appointment of the Board of Registration the way it is now. That is the Republicans would pick their person, the Democrats would pick their person. The way it is at the present time. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If there is one thing that I have heard a lot of comment on in the Bill was the loss of control by the parties themselves of the Registrars. This is another one of the amendments that I could support. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd just like to ask a question to anyone on the Committee. What was the reasoning behind eliminating the position of Registrar, and if you could help me, because I have

forgotten over the years, what qualifies the Town to have a Registrar? I know some of the towns I represent do have one and some do not. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will try to answer the gentlelady's questions. You are exactly right, some towns have a Registrar, some do not. What was intended here is to bring into play the unenrolled voter, giving that unenrolled voter a part in the election process as an election official. We had three very strong city clerks on that Commission and that was their area of expertise. Some may consider it a play for more power or some may just feel that in was, in effect, a chance to get a better line of communication between the clerks and the registrars. The registrar in many towns is, in fact, the Town Clerk, as I think many of you will know. Of all the comments that I have heard, besides that I have a very stupid amendment hanging out there, without people really knowing when, if ever, it was going to be presented, was the fact that they did not want to lose the party control of at least one member of their Board of registrars. There is a safeguard in here that a political party cannot control the entire Board of subregistrars, those people who would be working in the poll area who would be taking your registration and enrolling you at the polls, so you would not have to go back to city hall and waste time and get discouraged about having to go back to city hall to register to vote. One party cannot have more than one of the other party, and we like to use an example of 30 subregistrars, if the unenrolled voter plays a part in this there would be, in effect, 10 Democrats, 10 Republicans, 10 of the unenrolled. If no unenrolled chose to participate, out of the 30 registrars, it would have to be 15 to 15 Democrats to Republicans for the simple reason that if it became 16 and 14 we have violated what would be the law in there being no more than 1 over and above the minority on that particular Board. This is, I think, a good amendment, in leaving things as they are. Thank you.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "F" (S-325) to Committee Amendment "A" (S-276) **ADOPTED**.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "G" (S-326) to Committee Amendment "A" (S-276) **READ**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is simply to make sure that we are not getting to be abrogating the rights of citizens, whether they are college students or individuals who are working out of state temporarily, to lose their right to vote by striking them from the roles. I move for its adoption. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask you to oppose this amendment, although I am not familiar with what the Committee did I do know that this is one of the significant segments of this Bill, requiring that people couldn't forever and ever and

ever live in another part of the State and vote somewhere other than where they resided. Perhaps someone in the Committee might want to speak on this but it seems to me this is one of those parts of the Bill that were agreed to and is reasonable important and I don't think we ought to be discarding it without some discussion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular situation was, we tried to clear up the fact that the law now states that anyone who has the intent to return, being very vague and finding names of the voter registration list of people who have been gone for 20 years, but they said they intend to come back some time. This still, by taking the change that we made in the Bill, it would still allow for students going to school elsewhere to still remain residents of their home community. It would allow service people to remain residents of their community. It would allow anyone who was working out of state but yet held a permanent residence in the municipality, whether it be through owning property, or their apartment or whatever. It is mainly to try and clear up these voter registration lists from people who have been gone for 30 or 40 years or whatever, and they may come back, but it may be a long time or it may not be coming back in the same condition they left. Basically this amendment looks to me like it puts the same wording back in, only turned around a little bit, but the meaning looks the same as what we tried to get rid of. I would recommend that you oppose this amendment. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do want to point out to the body that there is a distinct set out procedure in the election laws that provide how names may be removed. If I'm not mistaken, I recall in our Committee discussions that there is some Federal case law that prohibits names being taken off here and there. There is a set process that has to be gone through and it has to be applied uniformly, so there can not be a discriminating process that takes place whereby names are taken off simply at the discretion of the city clerk or maybe a board of voter registration. There is a set out process currently in statute that I think preserves the integrity of the voter list in as much as it provides for that process whereby a voter is notified, by mail, and then if that letter comes back, that voter has 10 days to respond. I think we have a good process set out in the current law and I support the good Senator's from Aroostook's amendment, Senator Paradis. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reviewing this amendment I just wanted to make it clear to the body that the Committee has recommended a change and I, for one, have never heard any complaints about residency problems and the way residency has been used by the Clerks in my particular district. I happen to be in a city which is very transient, people move around a lot, and if we were to pass the law as it was presented, without Senator Paradis' amendment, it would make it much more difficult for

some of my people to get to vote. For that reason I would be opposed to the law as it is proposed in the Bill and I would support the amendment. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The gentlelady from Aroostook is obviously well intentioned, however, we have many municipalities with a voting list that contains more names than there are people in the community. We have voting lists that contain names of people who left back in the second World War to work in Hartford, Connecticut for Pratt and Whitney who obviously intend to return on their retirement. Some of those are now retiring, but in large part many of the people are claiming residency because they may be able to register their car there and they are living in Massachusetts, and it is a lot cheaper for the insurance for them, they certainly can get a resident hunting and fishing license. For that reason there are people who are maintaining their residency. The Bill cleans up the law so that hopefully the voting lists can be cleaned up. In fact the Registrar simply has to send out a letter, something that should not be required, if the person who lived in Bangor moved to Ellsworth and the clerk in Ellsworth, or the Registrar in Ellsworth, happens to send a postcard back to Bangor to say that, yes this person has now registered to vote in Ellsworth so you can cross him off your list. The way the municipal budgets have been going in the last few years, unfortunately there is no money to send these cards out, that is why the lists are getting bigger and bigger all of the time. I would hope, while I am not going to suggest one way or the other with her particular motion, I would hope that you consider those things that we have said in trying to save whatever is in the Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wish to pose a question through the Chair. If there is any member who is familiar with the proposal and the Bill, would you please tell me, or tell the body, if a person who is temporarily stationed, because of their employment, in another part of the State, would that person be eligible to vote in the community that they have been temporarily transferred to? For instance, if a hypothetical voter were to leave York County and be stationed in Limestone for several months, would they be able to vote as a resident of the town of Limestone even though they had not transferred their automobile registration etc. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator O'Dea has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question. Anyone may become a resident in any municipality within our state. Very simply by residing there. You can only be a resident of one municipality at one time. In that particular situation, if the worker wanted to become a resident of Limestone, he surely could, and therefore be allowed to vote in Limestone, but would no longer be considered a resident of the municipality where they came from. Now, as long as their vehicle was currently registered, the question of the excise tax

would not actually come up. At such time as the vehicle needed to be re-registered, then where ever they were a resident of at that time is where they should be paying their excise tax. I hope that answers the question. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My good colleague on the Legal Affairs Committee, Senator Hall, is correct. I think you have to take it one step further. I guess it would be an unintended consequence of the Committee amendment that would open up the possibility of someone's name being removed from the list if they lived in another town and then went to another part of New England, or another part of the State of Maine to work. Under the Committee amendment a clerk could remove that person from the voter list, so there is that possibility. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to rephrase the question of the Senator from Penobscot, Senator O'Dea. What happens if that person does not own a motor vehicle? What happens if that person is a student and resides for a certain number of months in another community in the State, does not have a drivers license, does that mean that they cannot change their voter registration to the community they are now living in? Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If the person is a student at the University, he can satisfy the registrars request by simply presenting a rent receipt, that he in fact did rent a particular apartment or what have you within that community. If he couldn't provide adequate information to prove residency he or she would still be allowed to vote. However, that ballot would be a challenged ballot and would remain a challenged ballot even if it were an absentee ballot coming in, until the residency could be proven. In effect someone who has not been able to prove residency can register in a community, can be allowed to vote, we are not going to disenfranchise anyone, but according to the Bill they would be voting a challenged ballot. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Based on what the good Senator from Kennebec, Senator Carey, has just said, it is conceivable then that there could be an election in a ward where there are any number of persons, in a State institution or a University, or any number of persons who are temporarily stationed at a facility, Loring Air Force Base for one, or the Air Station down in Brunswick, where there could be any number of persons there who have documents or credentials linking them to another locale who have voted in that local ward, something that would be permissible and it would then be quite possible to have many hundreds of challenged ballots in a race like this. If that is the case I certainly would urge you to vote against what is currently in the

Bill, or vote for the amendment brought forward by the Senator from Aroostook, Senator Paradis. This Bill represents a substantial departure from the current practice. Maine has received a great deal of recognition, nationally, for the way its voting laws are structured and who may register where. The Secretary of States Office has received a great deal of recognition as well in this area and they have done a good deal of work in terms of making it possible for people to register without having some of the onerous requirements that we see in other states. I'm afraid that this will be a giant step backwards and would urge you to vote for the amendment. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think I got the answer to my question and I will urge you to vote for this amendment, simply because in my district we have a lot of individuals who are service people who are stationed on the submarines who come in to vote and we have a special procedure, under state law, currently set up where they take a certain oath there at the polls and are able to vote in that community and I don't believe this Bill, as it is worded, helps them. I believe it would prevent them from voting and effectively disenfranchise them. I hope you will support the amendment. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to address a question to the good Senator from York, Senator Lawrence. I would like to know, those people would be eligible to vote absentee, so therefore they would not be disenfranchised it would seem. Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I assume the Senator is referring to voting by absentee in another State. Often those States have such restrictive laws that those sailors are often at sea at the time they would need to get the absentee ballot or are not able, because of the laws of that State, to get a ballot, yet they want to vote, not so much for the local officials but for the Presidential and Senatorial races. So they are, in effect, disenfranchised. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. To the good Senator from York, I guess I need some assistance here to work it through. You are stating that a person in military service, there is a possibility that they can be disenfranchised and not have the ability to participate in an election because of the absentee ballot restrictions in their home state. Is that the point you are trying to make? I guess I am not aware of any State having the ability to disenfranchise and not allow an absentee process for

their military personnel. In fact, I could be mistaken, but I believe there are certain Federal requirements regarding that. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The distinction here is being legally disenfranchised and practically disenfranchised. While they are not legally disenfranchised, the circumstances created by the nature of their military service practically disenfranchises them unless they have a State, like Maine, where they can conveniently and easily come in and exercise their right to vote. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm glad we clarified that, we would not be disenfranchising anybody, I think that is a very easy way to try and get people motivated to support an amendment that otherwise would not be necessary. I would just relate an experience of mine, a good friend of mine who was in the military, who supported me and voted for me over the past three elections, told me that in the military they go to great lengths to allow each individual know that an election is coming up and how to go about the absentee process. They give them quite advance notice and I don't think there really is a question of practically disenfranchising someone. If they really do sincerely want to vote there is enough advance notice, at least in the Army, they make plenty of advance notice to those people. I don't think they are legally disenfranchised or practically disenfranchised. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to Senator Hanley, of Oxford, if I may. I thought I heard the Senator say that this absentee ballot person voted for him and I would like to know, if I heard him correctly, how does a Senator know that that absentee ballot was voted for him? Thank you.

THE PRESIDENT: The Senator from Somerset has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It isn't intriguing at all, in his letter to me after forming the ballot, he wanted to assure me that he was voting for a Republican and to do all the best to keep his property taxes down. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't know if it is the same fellow that I knew, because I was told by a person who lives in South Portland that he had voted for me as well. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason I started this discussion was because it was my understanding of the reason for changing this law would be to deal with the situation where, for example, several years ago a legislative candidate in Franklin County, ran for election and won. Every member of his family voted but none of them lived in Farmington. They don't live in the County, they live all over the country, they happen to be registered in Farmington, Maine and so they voted in Farmington, Maine, even though they didn't live there. I thought the reason for changing this law was to make sure that people who voted in a municipality actually lived in that municipality. If that isn't the case then I have wasted a lot of time in the Senate. It seems to me that is what we should try to do, to make sure not to disenfranchise college students or people who should have the right to vote, but to make sure that the person who lives in South Portland doesn't vote for daddy or mommy because they happen to live in some other part of the state. That is not the kind of law we should have. If you don't live in the municipality you shouldn't vote there. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to anyone who would care to answer. It seems to me that if we are going to pass any legislation it would also be nice to have some possible way to enforce that legislation. In 1963 I built a new house and the neighbor across the street had lived in his home for several years, and I was quite surprised to find out, when I was going door to door, that he was registered in another town in my district. His cars were registered in the city that I live in and I think we have a pretty capable city clerk there who is very diligent, and yet this went on for 30 years and still exists today. All the legislation in the world that we put on the books regarding residency or anything else, I would like to ask the question of who ever would like to answer, how do we intend to enforce this? Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer the question posed. The enforcement mechanism is no different than that which currently exists in that if there is cause to file a complaint it may be done with the District Attorney or it may be done with the Attorney General's Office. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would suggest respectfully that this is not an issue of disenfranchising but rather an issue of enfranchising. We have one of the highest rates of voter participation in the country because our ballot process is so open. We have really made a name for ourselves as a State because we have made it easy for people to vote. I think back to a time that I have heard a good many stories about, 25 years or so ago, when, because of some ambiguities in State laws, some election clerks in the town of Orono made a rather arbitrary determination that students enrolled at the University would be ineligible to vote. It wasn't until the United States Justice Department got

involved, and Federal Marshalls were on the Orono campus, that the situation got resolved correctly. The problem was corrected statutorily after that. We have been well served with that policy to this day and I would hope that we would not move backwards and go back to that very unfortunate condition that we found ourselves in before when local officials were making some arbitrary determinations about who would and who would not be able to vote at any given time. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I sit here and listen to this debate I hear time and time again how matters of convenience for people, how we must make it easier for them to vote. I hear about how Maine has had the highest election turn out and how we have made it easier for people to vote before the election, and sometimes after the election, and I think what it all boils down to, whether you are a member of the military or whatever, the right to vote bears a certain responsibility and it takes some concentration and some effort to know that an election is before you and that you have a responsibility to make yourself available prior to that election to make your choice as to whether you are going to be voting absentee or not. I see no good reason for this type of amendment and I hope this body rejects it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "G" (S-326) to Committee Amendment "A" (S-276).

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **PARADIS** of Aroostook, to **ADOPT** Senate Amendment "G" (S-326) to Committee Amendment "A" (S-276), **FAILED**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-276) As Amended by Senate Amendments "E" (S-323), "C" (S-296) and "F" (S-325) thereto.

Off Record Remarks

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

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes"

H.P. 1060 L.D. 1428

Have had the same under consideration and ask leave to report that the House **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430)** and **HOUSE AMENDMENT "A" (H-427)**; **INDEFINITELY POSTPONE** Committee Amendment "A" (H-430); **INDEFINITELY POSTPONE** House Amendment "A" (H-427); **READ** and **ADOPT** Conference Committee Amendment "A" (H-649) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-649)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed on the part of the House:

Representative **ROWE** of Portland
Representative **CAMERON** of Rumford

Signed on the part of the Senate:

Senator **MARDEN** of Kennebec
Senator **CONLEY** of Cumberland
Senator **BALDACCI** of Penobscot

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-649)** in **NON-CONCURRENCE**.

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

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could someone explain to us exactly what this does please? Thank you.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want the body to know that I would not have gone along with this Report without the strong support of the Senator from Kennebec, Senator Marden, who reviewed this carefully prior to me signing on board, and also the good Senator from Penobscot, Senator Baldacci. The amendment that came out of the Committee is a much watered down version of the original Bill. What this would do is prohibit vending machines from dispensing both candy and cigarettes. If you are going to have cigarettes in a vending machine that could be the only item in a cigarette machine. It would also call

for the machine to have a sticker on it saying it is against the law to sell cigarettes to minors, very similar to the present law. The penalties would be similar to the present law too. We hope that we represented the views of this chamber in agreeing to this report and perhaps the only successful report from a Committee of Conference this year. Thank you.

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

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

ENACTORS

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

An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land

H.P. 406 L.D. 519
(H "C" H-626 to C
"A" H-566)

An Act Related to the Site Location of Development Laws

H.P. 1105 L.D. 1492
(H "A" H-632 to C
"A" H-532)

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 Concerning Stalking

H.P. 1147 L.D. 1546
(H "A" H-633)

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

An Act to Increase Fees Charged by Municipal Clerks for Services

S.P. 398 L.D. 1229
(H "C" H-602)

Comes from the House **FAILING OF ENACTMENT**.

Which was **PASSED TO BE ENACTED** and signed by the President in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency

An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island
H.P. 1014 L.D. 1360
(H "A" H-624)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government (Governor's Bill)

H.P. 1142 L.D. 1542
(C "A" H-581; H "B"
H-637)

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

Emergency

An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission

H.P. 1154 L.D. 1553
(H "A" H-621)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Revise the Salaries of Certain County Officers

H.P. 1159 L.D. 1558

Comes from the House **FAILING OF ENACTMENT**.

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

ENACTORS

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

An Act to Exempt Certain Real Estate Transfers from the Real Estate Transfer Tax

S.P. 95 L.D. 249
(C "A" S-311)

An Act to Expedite Maintenance of Utility Facilities

S.P. 346 L.D. 1041
(H "B" H-645 to C
"A" S-250)

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 Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate

S.P. 222 L.D. 693
(H "D" H-640 to C
"A" S-274)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

Mandate

An Act to Provide Access to Landlocked Property

H.P. 1051 L.D. 1403
(H "A" H-646 to C
"A" H-529)

Comes from the House **FAILING OF ENACTMENT**.

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President in **NON-CONCURRENCE**.

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

Emergency

An Act Related to Lottery Machines

H.P. 159 L.D. 211
(H "A" H-639; S "A"
S-190 to C "A"
H-319)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Technical Changes to the Tax Laws

S.P. 182 L.D. 596
(H "B" H-641 to C
"A" S-277)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process

H.P. 1162 L.D. 1560

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

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 **JUDICIARY** on Resolve, Directing Release of Investigative Records Related to Ballot Tampering (Emergency)

H.P. 1003 L.D. 1349

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-657)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-657) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I feel that I should rise to briefly talk about this Bill which many of you have been following in the press. I think that the fact that a unanimous Report came out of the Judiciary Committee in reference to this very sensitive issue that it should be discussed in this body. I think that this unanimous Report verifies what leaders in both parties have been saying, particularly in this chamber, this year, that things are different, that the two parties can work together. Though the press did all it could within its realm to lead people to believe that this matter would be a contentious one, the good Senator from Oxford, Senator Hanley, and I, as well as others on the Committee, worked hard to come up with a Bill which would protect the rights of innocent people, the privacy of people who would be hurt if the full extent of statements they made were released, but also upholds the rights of the public to have a full view into what went on in the Attorney General's investigation regarding the ballot tampering episode earlier this year. I want to commend the members of my Committee and also commend the rest of the legislature for its help in making this Bill become a reality. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would just like to go on record that while we did get a unanimous Committee Report I have asked leave of the Committee to wait, as far as on final enactment of this Bill, until we do have a synopsis from the Attorney General's Office, regarding exactly how the Federal courts have interpreted the language that we have included in this amendment. While I will be

going along with the Ought to Pass as Amended Report now, I do expect that we will have this matter tabled before enactment to get that information. Thank you.

Committee Amendment "A" (H-657) **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

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

Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"
S.P. 478 L.D. 1477

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-276) As Amended by Senate Amendments "C" (S-296); "E" (S-323) and "F" (S-325) thereto

(In Senate, June 9, 1993, Senate Amendments "C" (S-296), "E" (S-323) and "F" (S-325) to Committee Amendment "A" (S-276) **READ** and **ADOPTED**.)

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "H" (S-330) to Committee Amendment "A" (S-276) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is very similar, it follows similar grounds, that the amendment offered by the good Senator from Oxford has offered before. It takes out of the Bill jurisdiction which we have shifted over to the court in reference to ballot issues, and restores them to the Commission on Governmental Ethics and Election Practices. Once again, I believe that Commission, which is in the realm of legislative branch, has been doing a good job. I don't think there is any question about its ability to continue to handle this issue in reference to ballots. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If my amendment was the ying then Senator Conley's amendment is definitely the yang. We have two very divergent approaches here. Since you definitely dealt with my amendment I hope you give the same action to Senator Conley's amendment because if we are to follow along with the compromise that the Legal Affairs Committee came up with, and for the most part I do applaud the work that the Committee came forward with, as is often in this place you don't get everything you

want, occasionally there are Bills that are put forth which do have a lot of good to them. I think this would do a terrible disservice to the work of the Legal Affairs Committee as far as the balance that they have crafted, at least in the recount and appeals process, to at least allow that to be in the domain of the court rather than the Commission on Governmental Ethics and Election Practices. I think it is a fair compromise. I think it is a sound move that the Committee made and to adopt this amendment I think scraps a lot of the good work of the Committee and a lot of the work that went toward restoring people's confidence in the process. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Basically the Bill is a compromise where the appeals process would go to the court. If this amendment was to pass it would take that away. This was given a lot of serious thought and the Committee worked hard on this particular part and I would surely urge you to vote against this amendment and keep the appeal process, should there be one, let it go to the Judicial. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I find myself in an incredibly unique position opposing the amendment offered by my good friend from Cumberland, Senator Conley, and supporting my near namesake, Senator Hanley. I would urge your opposition to this amendment. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CONLEY** of Cumberland to **ADOPT** Senate Amendment "H" (S-330) to Committee Amendment "A" (H-276).

A vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

- YEAS:** Senators BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE
- NAYS:** Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, SUMMERS, WEBSTER
- ABSENT:** Senator BALDACCI

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CONLEY** of Cumberland, to **ADOPT** Senate Amendment "H" (S-330) to Committee Amendment "A" (H-276), **FAILED**.

Committee Amendment "A" (S-276) As Amended by Senate Amendments "C" (S-296); "E" (S-323) and "F" (S-325) **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

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

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

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process
H.P. 1162 L.D. 1560

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENACTED**.)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We are awaiting an amendment to this particular piece of legislation that has not come back up and I would appreciate it if someone would Table it until either later today or for 1 legislative day. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **ENACTMENT**.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate on the Record.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will speak briefly as I know the hour is late. Earlier today the good Senator from Sagadahoc brought up, when we were enacting L.D. 1556, "An Act to Implement Certain Recommendations of the Economic Growth Council". I just wanted everyone to understand that these were not all of the recommendations of the Economic Growth Council and I appreciate her bringing that to your attention. I'm just going to ask the pages to pass

out some information about the Economic Growth Council so that everybody has it. My Committee considered many of these recommendations and I want people to remember, particularly this weekend when we stay home and Appropriations considers the actions we have taken, several of these items are on the Appropriations Table. Like many of you, I ran on the issue of economic development. When the good Senator from Oxford, the other day passed out his questionnaire he said that economic development was a close second with his constituents. I just want people to be aware of the things we have put on the Table and many of the Bills that came out of other Committees that were enacted. We have the Tourism and Marketing Plan in front of Appropriations, we have a Bill to strengthen the Technical College job training program, we have what I consider very important, an act to initiate a long range development planning process for the State, we have a bond issue to make more money available to small businesses and we have also set up the Office of Economic Conversion in one of our Bills. I hope you will look over these recommendations and make sure that your favorite member of Appropriations knows about them and keeps them in mind as they are considering what I know will be a very difficult task. Thank you.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CAHILL** of Sagadahoc, **ADJOURNED** until Monday, June 14, 1993, at 9:00 in the morning.

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **CLEVELAND**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Earlier, during today's session, my very good friend and close colleague, Senator Marden, from Kennebec, stated on the record that during our debate on insurance coverage for mental health illnesses that, should Senator Cleveland own a business, it would not last a year. I suspect that during that debate that Senator Marden perhaps wasn't in possession of all of the facts, so I thought I would provide some. As a matter of fact I do own a business, as a matter of fact I am very proud to announce that this is my fourth year anniversary of that business and we are still making a profit and we are still in business. Though it is not a large business I am very proud of that little business that I do have. I will concede, however, that I could not liquidate it today for \$10 million, but I am not quite as old as my good friend and colleague Senator Marden, from Kennebec, and hopefully when I am as wise and old as he is I will be able to liquidate it for \$20 million. Thank you.

Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks
