

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**  
April 7, 1994 to April 14, 1994

**SECOND CONFIRMATION SESSION**  
May 11, 1994

**THIRD CONFIRMATION SESSION**  
July 29, 1994

**FOURTH CONFIRMATION SESSION**  
November 14, 1994

**Index to 116<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Wednesday  
April 13, 1994

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

Prayer by the Honorable James R. Handy of Androscoggin.

**SENATOR JAMES R. HANDY:** Good morning, colleagues. Mr. President, Madam Secretary and staff members I want to thank you on behalf of myself and our colleagues for the opportunity to serve with you.

I'd like to share with you a poem written by Bob Dylan called "Forever Young" and it's my wish for you until we meet again.

"May God bless and keep you always.  
May your wishes all come true.  
May you always do for others and let others do for you.  
May you build a ladder to the stars and climb on every rung and may you stay forever young.

May you grow up to be righteous.  
May you grow up to be true.  
May you always know the truth and see the light surrounding you.  
May you always be courageous, stand upright and be strong and may you stay forever young.

May your feet always be busy.  
May your feet always be swift.  
May you have a strong foundation when the winds of change shift.  
May your heart always be joyful.  
May your song always be sung and may you stay forever young."

Reading of the Journal of Tuesday, April 12, 1994.

Off Record Remarks

ORDERS OF THE DAY

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

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services  
S.P. 356 L.D. 1070  
(C "A" S-505)

Tabled - April 1, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505).**)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-505).

On further motion by same Senator, Senate Amendment "A" (S-602) to Committee Amendment "A" (S-505) **READ** and **ADOPTED.**

Committee Amendment "A" (S-505) as Amended by Senate Amendment "A" (S-602) 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.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry"

H.P. 1466 L.D. 1993

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1104).**

Signed:

Senators:  
BALDACCI of Penobscot  
CAREY of Kennebec  
SUMMERS of Cumberland

Representatives:

DORE of Auburn  
 NADEAU of Saco  
 TARDY of Palmyra  
 DIPIETRO of South Portland  
 RAND of Portland  
 HOGLUND of Portland  
 MURPHY of Berwick  
 SPEAR of Nobleboro  
 SIMONEAU of Thomaston

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

Signed:

Representative:

FARNSWORTH of Hallowell

Comes from the House with 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-1104).**

Which Reports were **READ.**

On motion by Senator **BALDACCI** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-1104) **READ.**

On motion by Senator **LUTHER** of Oxford, Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104) **READ.**

**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, in fact, a friendly amendment and all it does is put into language the intent of the Committee. I went to John LaFaver and asked him if he would please write the amendment as he knew what I wanted to do. I have no problem with helping the paper industry but the intent of the Committee is to move forward from here to what is in the future and not to back this up. I then brought the amendment to John Wakefield and Tim Glidden and they agreed that the amendment did exactly what I wanted it to do. I asked Tim Glidden to write the Statement of Fact which I will read to you because it is very short. "This amendment ensures that only the net increase of a mill's total assessed valuation in a town is eligible to receive property tax increment financing under the new program. This net increase would be calculated by estimating the increase in the assessed property value inside the development district and subtracting from that amount any decreases in assessed value of property held by the mill outside the development district." What it says is as of April 1, 1994, whatever the mill and the local tax assessors said was fair assessment would not be rolled back and I ask you to please support this amendment. Thank you, Mr. President.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is, in fact, a good amendment. It makes the bill clearly follow through on what the Committee's intent was which was to not harm the communities valuations and at the same time afford opportunities so that they could work together for the betterment of all. I would encourage the Senate to adopt this amendment.

On motion by Senator **LUTHER** of Oxford, Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104) **ADOPTED.**

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "B" (S-655) to Committee Amendment "A" (H-1104) **READ.**

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just very briefly. This narrows the scope of what is applicable because it was the Committee's intent that it be for the cluster regulations and the chapters as so cited. The way it had been drafted it was too open and allowed for others who are not involved in these regulations to partake and, therefore, draining the pool of reserve that was there. This is also something that falls in line with the Committee's recommendations.

On further motion by same Senator, Senate Amendment "B" (S-655) to Committee Amendment "A" (H-1104) **ADOPTED.**

Committee Amendment "A" (H-1104) as Amended by Senate Amendments "A" (S-649) and "B" (S-655) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

(See Action Later Today)

**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 (4/12/94) matter:

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 613 L.D. 1711  
 (C "A" S-632)

Tabled - April 12, 1994, by Senator **BALDACCI** of Penobscot.

Pending - Motion by Senator **SUMMERS** of Cumberland to **ADOPT** Senate Amendment "B" (S-652)

(In Senate, April 12, 1994, Senate Amendment "B" (S-652) **READ.**)

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We, on the Taxation Committee, became knowledgeable of this amendment at the very last half hour of our deliberations before we finally called it quits for the session. I have a problem with the amendment in that it deals with Title 13 which involves itself with corporate law and we basically have been working under Title 36, the taxation laws. I personally don't feel that it is germane. I've talked to other members of the Committee who had that very same problem and, therefore, I would ask for indefinite postponement of this amendment.

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-652).

On motion by Senator **BALDACCI** of Penobscot, Tabled until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-652).

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 613 L.D. 1711

Tabled - April 13, 1994, by Senator **BALDACCI** of Penobscot.

Pending - Motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-652).

(In Senate, April 12, 1994, Senate Amendment "B" (S-652) **READ.**)

Senator **CAREY** of Kennebec requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-652).

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "B" (S-652) **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended.**

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

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

**COMMUNICATIONS**

The Following Communication: S.P. 782

**116TH MAINE LEGISLATURE**

April 11, 1994

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Paul K. Vestal of Plymouth for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Which was **READ** and referred to the Committee on **JUDICIARY.**

Sent down for concurrence.

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The Following Communication: S.P. 783

**116TH MAINE LEGISLATURE**

April 11, 1994

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul E. Vestal, Jr. of Plymouth for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Which was **READ** and referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

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

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

After Recess

Senate called to order by the President.

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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. 1491

**JOINT RESOLUTION MEMORIALIZING  
THE UNITED STATES CONGRESS AND THE UNITED STATES  
SECRETARY OF DEFENSE TO ESTABLISH 2 DEFENSE FINANCE  
AND ACCOUNTING SERVICE CENTERS IN THE STATE**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the United States Congress and the United States Secretary of Defense, as follows:

WHEREAS, there is now under consideration by the United States Secretary of Defense a proposal to consolidate the existing defense finance and accounting service centers throughout the world; and

WHEREAS, states that have lost a military base because of downsizing of the United States military ought to receive primary consideration for the site of a new defense finance and accounting service center; and

WHEREAS, Maine recently suffered the closure of Loring Air Force Base, which adversely affected the economies of many of the State's communities and the overall economic health of the State; and

WHEREAS, the closure of Pease Air Force Base had a similar adverse impact on Maine and its citizens; and

WHEREAS, the criteria considered by the United States Department of Defense are cost to the federal government, the availability of a good labor force and maintenance of service; and

WHEREAS, Maine offers a highly productive and skilled workforce; a low cost of living; one of the 2 best fiber optic networks in the United States; a high quality of life because of the combination of a clean environment, 3,000 miles of coastline, mountains, and one of the lowest crime rates in the country; international airports and port facilities; and numerous private and public institutions of higher learning; and

WHEREAS, the Federal Government recently renovated and upgraded communications systems and general infrastructure of the former Loring Air Force Base at a cost of millions of dollars; and

WHEREAS, the former site of Loring Air Force Base and the City of Bangor offer excellent sites for these centers and both locations can be easily adapted to the needs of the Department of Defense; and

WHEREAS, for all of these reasons, as well as the State's long and distinguished commitment to defense and national security interests, we believe that it would be in the best interest of the United States Department of Defense to locate 2 of its proposed defense finance and accounting service centers within Maine; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request the United States Secretary of Defense and the United States Congress to locate 2 defense finance and accounting centers in Maine; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the Secretary of Defense; the Honorable John R. McKernan, Jr., Governor of the State of Maine; and each member of the Maine Congressional Delegation.

**ROLL CALL**

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

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

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

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

**ABSENT:** Senators BALDACCI, LUTHER, TITCOMB

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator ESTY of Cumberland, to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

S.P. 653 L.D. 1822  
(C "A" S-515)

In House, April 7, 1994, **FINALLY PASSED**.

In Senate, April 12, 1994, **FAILED FINAL PASSAGE** in **NON-CONCURRENCE**.

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

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

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The motion to Recede and Concur is Enactment, and would require a two-thirds vote, is that correct?

**THE PRESIDENT:** The Chair would answer in the affirmative.

On motion by Senator **CAHILL** of Sagadahoc, 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 **ESTY** of Cumberland 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.

Under suspension of the Rules, all matters thus acted upon, with the exception of those items being held, 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:

**Emergency**

An Act to Create Retirement Alternatives  
H.P. 1362 L.D. 1841  
(S "A" S-606 to C  
"A" H-867; H "A"  
H-972)

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.

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 to Make Modifications to Economic Development Activities

S.P. 552 L.D. 1576  
(S "A" S-611)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

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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:

**Mandate**

An Act Concerning Level I and Level II Educational Technicians

H.P. 1212 L.D. 1631  
(S "A" S-604 to C "A" H-811)

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

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**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 request someone from the Education Committee explain to us what this mandate is before we vote for it, 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 Amero.

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This mandate corrects a situation that happened in the city of Lewiston regarding one individual and the language is written so that it cannot be expanded. It covers an unfortunate situation and makes that person whole with the Maine State Retirement System.

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 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.

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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 Resolve**

Resolve, Establishing the People with Disabilities Access Commission

H.P. 1321 L.D. 1783  
(H "A" H-1074; H "B" H-1111 to C "A" H-894)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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:

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Assistance to Maine Businesses

H.P. 1148 L.D. 1547  
(S "B" S-639 to C "A" H-949)



This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

This being a Bond Authorization Act and having received the affirmative vote of 26 Members of the Senate, with 7 Senators having voted in the negative, and 26 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

**ENACTORS**

**ENACTORS**

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

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

**Bond Issue**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (Governor's Bill)

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Training Equipment for the Maine Technical College System

H.P. 1392 L.D. 1890  
(H "C" H-1086; S  
"A" S-597 to C "A"  
H-963)

H.P. 1442 L.D. 1968  
(S "A" S-642 to C  
"A" H-970)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 3 Senators having voted in the negative, and 30 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

This being a Bond Authorization Act and having received the affirmative vote of 27 Members of the Senate, with 5 Senators having voted in the negative, and 27 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

**ENACTORS**

**ENACTORS**

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

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

**Bond Issue**

**Emergency**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf (Governor's Bill)

An Act to Establish a New Valuation on Sears Island

S.P. 700 L.D. 1898  
(S "A" S-621 to C  
"A" S-538)

S.P. 703 L.D. 1900  
(S "A" S-608 to C  
"A" S-451)

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf (Governor's Bill)

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.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (Emergency)

S.P. 773 L.D. 1996  
(S "A" S-624 to S  
"A" S-582; H "A"  
H-1048)

In House, April 7, 1994, **FINALLY PASSED.**

In Senate, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-582) AS AMENDED BY SENATE AMENDMENT "A" (S-624) thereto, AND HOUSE AMENDMENT "A" (H-1048) in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-582) AS AMENDED BY SENATE AMENDMENT "A" (S-624) thereto, AND HOUSE AMENDMENTS "A" (H-1048) AND "B" (H-1115) in NON-CONCURRENCE.**

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

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

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Senate at Ease

Senate called to order by the President.

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**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 Specially Assigned (4/8/94) matter:

An Act to Establish a Catastrophic Health Expense Program (Governor's Bill)

H.P. 1473 L.D. 2001  
(C "A" H-1061)

Tabled - April 7, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENACTED.**)

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **SUSPENDED THE RULES.**

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1061), in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1061) **READ.**

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

**Senator CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me speak briefly to the amendment for those of you who may be unfamiliar with it. This amendment changes the catastrophic health expense program by reallocating \$2 million in that account for the purposes of general purpose aid to education and it also changes the allocations to the recipients of the catastrophic health credit from 4% to 2.7% and also incorporates the language in Committee Amendment "A" about the alternative minimum tax requirements are also included in that. The attempt of this amendment is to take an unpleasant situation, that is that the federal government has disallowed our honest and sincere efforts to direct this money to the elderly from which the tax had been applied and to try to find a mechanism by which we can still retain the opportunity to retain the receipts from the gross receipts tax to use those receipts in a way for the best interest of the public. This amendment is an attempt to do that in a situation that is not perfect but I think it improves the allocation as it has been previously suggested. Therefore, \$2 million of that goes towards general purpose aid to help provide a more equitable funding mechanism for education and hopefully to help moderate any local property tax increases, particularly for senior citizens, and still retain some \$3 million to help offset, to some degree, expenses for catastrophic health expenses including those individuals who are senior citizens.

**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 most respectfully in opposition to my colleague from Androscoggin, Senator Cleveland, and urge you to defeat the pending motion. I do so not because of my disinterest in aid to education, we need to do all that we can, but this is not the way to do it. Let me tell you why I feel this way. The last session of

the Legislature, in an attempt to balance the budget, we imposed a 7% tax on people who reside in nursing homes. As you well know, 80% of the people who reside in nursing homes receive our help from medicaid. The other 20% are people who pay their own way, people who have saved and prepared for their later years in life when they may need a nursing home. They are paying the 7% and we decided that in recognition of that we'd give them a tax credit of 80% of that payment. As the good Senator from Androscoggin, Senator Cleveland, has shared with us the federal government did not allow that. So rather than repealing the 7% tax, what we've decided to do is to start using this money in other ways. In this particular case, it's to fund aid for education. It's the wrong public policy. The message we're sending is that if you've prepared for the later years of your life and you need a nursing home, we're going to tax you at 7% so that you can help subsidize other programs, in this case aid to education. It's the wrong public policy and we should reject it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1061).

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.

20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "C" (S-657) to Committee Amendment "A" (H-1061), **PREVAILED**.

Committee Amendment "A" (H-1061) as Amended by Senate Amendment "C" (S-657) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator **FOSTER** of Hancock, 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 **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 **AMERO, BALDACCI, BRANNIGAN, BUSTIN, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HALL, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

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

**ABSENT:** Senators None

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

22 Senators having voted in the affirmative and 13 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.

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Off Record Remarks

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On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 1:30 this afternoon.

After Recess

Senate called to order by the President.

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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 School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts (Governor's Bill)

S.P. 733 L.D. 1958  
 (H "A" H-1054; S  
 "A" S-629 to C "A"  
 S-511)

In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AS AMENDED BY HOUSE AMENDMENT "A" (H-1054)** thereto, in concurrence.

In House, April 7, 1994, **PASSED TO BE ENACTED**.

In Senate, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AS AMENDED BY HOUSE AMENDMENT "A" (H-1054) AND SENATE AMENDMENT "A" (S-629)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1054) AND "B" (H-1118)** 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 Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 613 L.D. 1711  
(C "A" S-632; S "B" S-652)

In Senate, April 13, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632) AND SENATE AMENDMENT "B" (S-652)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632)** in **NON-CONCURRENCE**.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the School Funding Formula"  
H.P. 682 L.D. 924  
(C "A" H-1110)

In Senate, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110) AS AMENDED BY HOUSE AMENDMENT "D" (H-1119)** thereto, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

**ORDERS OF THE DAY**

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

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 613 L.D. 1711  
(C "A" S-632; S "B" S-652)

Tabled - April 13, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 13, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632) AND SENATE AMENDMENT "B" (S-652)**.)

(In House, April 13, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632)** in **NON-CONCURRENCE**.)

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

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

On motion by Senator **CAREY** 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 by Senator **ESTY** of Cumberland 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 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

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

**ABSENT:** Senator WEBSTER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator ESTY of Cumberland, to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Bill "An Act to Amend the School Funding Formula"  
H.P. 682 L.D. 924  
(C "A" H-1110)

Tabled - April 13, 1994, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110).**)

(In House, April 13, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110) AS AMENDED BY HOUSE AMENDMENT "D" (H-1119)** thereto, in **NON-CONCURRENCE**.)

Senator BUSTIN of Kennebec 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 BUSTIN of Kennebec 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.

18 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion by Senator BUSTIN of Kennebec to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CAHILL of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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 Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill)

S.P. 717 L.D. 1939

In House, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565)** in **NON-CONCURRENCE**.

In Senate, April 12, 1994, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator PEARSON of Penobscot moved that the Senate **ADHERE**.

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

Senator PEARSON of Penobscot requested a Division.

On motion by Senator CAHILL of Sagadahoc, 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 Penobscot, Senator Pearson.

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. There is no need to debate this at any length. This is the bond issue for the Distance Learning Infrastructure which I believe is a very worthy project but is not timely. Within a year or two I think it would shake out to be a much clearer picture than it is right now and for that reason I think we should put off ever so temporarily this particular issue because it could be less expensive if we wait just a little bit more time.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **INSIST AND ASK FOR A COMMITTEE OF CONFERENCE**.

A vote of Yes will be in favor of **INSISTING AND ASKING FOR A COMMITTEE OF CONFERENCE**.

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**, **MCCORMICK**, **PARADIS**, **SUMMERS**, **WEBSTER**, **THE PRESIDENT - DENNIS L. DUTREMBLE**

**NAYS**: Senators **BALDACCI**, **BERUBE**, **BRANNIGAN**, **CAREY**, **CIANCHETTE**, **CONLEY**, **ESTY**, **HANDY**, **LAWRENCE**, **LUTHER**, **O'DEA**, **PEARSON**, **PINGREE**, **TITCOMB**, **VOSE**

**ABSENT**: Senators **BUSTIN**, **CLEVELAND**

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CAHILL** of Sagadahoc, to **INSIST AND ASK FOR A COMMITTEE OF CONFERENCE**, **PREVAILED**.

The Chair appointed as conferees on the part of the Senate:

Senator **O'DEA** of Penobscot.  
 Senator **LUDWIG** of Aroostook.  
 Senator **DUTREMBLE** of York.

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

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

**COMMITTEE REPORTS**

**House**

**Committee of Conference**

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Ensure Proper Funding of the Department of Environmental Protection"  
 H.P. 1385 L.D. 1884

Have had the same under consideration and ask leave to report that the House **Recede from Passage to be Enacted; Recede from Passage to be Engrossed; Indefinitely Postpone** House Amendment "A" (H-1088) to Committee Amendment "A"; **Indefinitely Postpone** House Amendment "B" (H-1089) to Committee Amendment "A"; **Indefinitely Postpone** House Amendment "C" (H-1090) to Committee Amendment "A"; **Indefinitely Postpone** Committee Amendment "A" (H-1076); **Read and Adopt** Conference Committee Amendment "A" (H-1120) and Pass the Bill to be **Engrossed as Amended** by Conference Committee Amendment "A" (H-1120) in **Non-Concurrence**.

That the Senate **Recede** and **Concur** with the House.

Signed on the part of the House:

Representative **COLES** of Harpswell  
 Representative **ANDERSON** of Woodland  
 Representative **GOULD** of Greenville

Signed on the part of the Senate:

Senator **LAWRENCE** of York  
 Senator **PEARSON** of Penobscot  
 Senator **LUDWIG** of Aroostook

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-1120)**.

Which Report was **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

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. 1492

**JOINT RESOLUTION URGING THE GOVERNMENT OF GREAT BRITAIN TO END THE EXILE OF THE ACADIAN PEOPLE**

WHEREAS, the Treaty of Utrecht and Queen Anne's Edict of 1713 granted the Acadians the status of "French neutrals" when Acadia was given to Great Britain; and

WHEREAS, beginning in 1755, thousands of Acadians or "French neutrals" in Nova Scotia were banished from their homes and had their property confiscated, contrary to English and international law; and

WHEREAS, these unlawful and illegal actions by representatives of the Government of Great Britain occurred during a time of peace and were primarily due to the overzealous reactions of Nova Scotia's Governor Charles Lawrence; and

WHEREAS, displaced Acadians established new settlements within the geographic boundaries of the State of Maine; and

WHEREAS, many Maine citizens are of Acadian descent; and

WHEREAS, the Government of Great Britain has the opportunity to restore the status of "French neutrals" to the Acadian people, make a formal declaration of the end of the Acadian exile, establish an objective panel to conduct an inquiry into the circumstances surrounding the exile, acknowledge the tragedies that occurred in the exile and that the British action did occur contrary to existing international law and British law and erect a symbolic monument with appropriate inscriptions to memorialize the end of the Acadian exile; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine now assembled in the Second Regular Session, respectfully recommend and urge the Government of Great Britain to restore the status of "French neutrals" to the Acadian people and make a formal declaration of the end of the Acadian exile; and be it further

RESOLVED: That the British Government establish an objective panel to conduct an inquiry into the circumstances surrounding the exile; and be it further

RESOLVED: That the British Government acknowledge the tragedies that occurred in the exile and that the British action did occur contrary to existing international law and British law; and be it further

RESOLVED: that the British Government erect a symbolic monument with appropriate inscriptions to memorialize the end of the Acadian exile; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Prime Minister John Major and the clerk of the British Parliament.

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

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

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

**HELD BILL**

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

Senator **BALDACCI:** Thank you Mr. President. Is the Senate in possession of L.D. 1993?

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

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Bill "An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry"

H.P. 1466 L.D. 1993  
(S "A" S-649; S "B" S-655 to C "A" H-1104)

(In Senate, April 13, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1104) AS AMENDED BY SENATE AMENDMENTS "A" (S-649) AND "B" (S-655)** thereto, in **NON-CONCURRENCE**.)

(In House, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1104)**.)

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1104) as Amended by Senate Amendments "A" (S-649) and "B" (S-655) thereto, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104).

The same Senator moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104).

Senator **LUTHER** of Oxford requested a Division.

On motion by Senator **PEARSON** of Penobscot, 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 Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you good Senator from Penobscot, Senator Pearson, for the opportunity to just tell the Senate that we are going through a long list of motions in order to get this bill back before this body in proper condition so that an amendment can be offered that basically takes care of concerns that were earlier addressed. They didn't take care of all of the concerns of earlier address but it went a long way towards those concerns so there is disagreement about that but in order to get this bill back to that position we have to go through these motions. If the Senate at that time doesn't want to go with the amended version that I am going to be offering up, then that's fine and they can maintain the action of the body as it was previously held. Thank you, Mr. President.

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to withdraw his motion for a Roll Call.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't rise to debate this I simply rise, the amendment that you passed this morning which would protect the towns in the case of the stiff bill is the amendment that is being stripped at this time and I would really would like a chance to vote against stripping that amendment. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to reiterate to the Senate that we are replacing it with an amendment that incorporates some of those concerns.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. May I pose a question? Maybe it would help if the good Senator from Penobscot elucidated the parts of the amendment that were going to be included in the new amendment and the parts that were not.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick, 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 **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am not a parliamentarian. I don't think you can properly discuss that which I will be proposing once I go through all these formalities to get it properly before the body to be able to discuss what it does. This is a formality. It is usually a formality to get it in that position to allow a member to then present an amendment.

**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 the problem here is that some of us aren't sure we agree what you are doing, Senator. Perhaps you will tell us what you propose to do before we allow you to do whatever it is you are trying to do.

Senator **BALDACCI** of Penobscot moved to Table until Later in Today's Session, pending the motion by the same Senator to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104). Subsequently, the same Senator requested and received Leave of the Senate to withdraw his motion to Table until Later in Today's Session, pending the motion by the same Senator to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104).

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There seems to be quite a bit of confusion in the chamber this afternoon. As a member of the Taxation Committee, who has had this amendment sprung on him as he has come into the chamber this afternoon, I think it might be in order if someone would table this.

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

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Off Record Remarks

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

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

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On motion by Senator **ESTY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Recess, 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 following matter:

Bill "An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry"

H.P. 1466 L.D. 1993  
 (S "A" S-649; S "B"  
 S-655 to C "A"  
 H-1104)



(In Senate, April 13, 1994, **RECONSIDERED ADOPTION** of Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104).)

(In House, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1104).**)

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to read from a paper from John LaFaver the State Tax Assessor on his original comments on this bill because I just had the opportunity to ask him. The parts of this paper that I have underlined are they still correct? The answer was yes. I want to read it into the record. This bill provides a mechanism for property tax revenues to fully finance what has been private capital improvements of a paper plant. Yet while tax payers effectively pay for capital improvements they have no equity position in them. While this arrangement is understandably attractive to the industry, tax payers and those who represent them, may not be as enthusiastic for the idea. Well as one who represents them, I am not at all enthusiastic for the idea. The more important part, because we have been trying to get money for education here, the captured assessed value would quickly amount to hundreds of millions of dollars which would not be counted in the state property valuation. Accordingly, significant shifts in educational costs to areas outside the paper plants would occur. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the good Senator from Oxford, Senator Luther, pointing out what the earlier memo from the State Tax Assessor had to say about the original bill, but that memo does not comment on the draft that you have before you because we significantly changed the bill around to incorporate those concerns so we didn't get into that at all. In my mind it is not germane in the discussion in regards to this bill as it stands before us now. Thank you.

**THE PRESIDENT:** The Chair would inform the Senator from Penobscot, Senator Baldacci, that the Chair will make the rulings on germaneness of debate. The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wish to correct the good Senator from Penobscot that what I said at the beginning of my remarks was that I specifically asked Mr. LaFaver, are these sentences still essentially true under the new bill and the answer was yes. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BALDACCI** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104).

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.

25 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-649) to Committee Amendment "A" (H-1104), **PREVAILED**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "B" (S-655) to Committee Amendment "A" (H-1104).

On further motion by same Senator, Senate Amendment "B" (S-655) to Committee Amendment "A" (H-1104) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "C" (S-660) to Committee Amendment "A" (H-1104) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1104) as Amended by Senate Amendment "C" (S-660) thereto, **ADOPTED** 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. For those of you who are holding Senate Amendment "D", it has been incorporated into Senate Amendment "C" and it will take care of any problems that might have come up with people who use plants which use recycling fiber.

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

On motion by Senator **LUTHER** of Oxford, 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 **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 AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators BUSTIN, CONLEY, LUTHER

ABSENT: Senator CLEVELAND

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator 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.

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Off Record Remarks

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On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**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 (4/12/94) matter:

Bill "An Act to Continue the Maine Health Program"  
S.P. 781 L.D. 2012

Tabled - April 12, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED.**)

Which was, under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **KIEFFER** of Aroostook, Senate Amendment "B" (S-662) **READ.**

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Maine Health Care Program over the past five years has provided health care coverage to some number of Maine citizens. It has varied up and down but as of April 1st of this past year, there were 5,600 Maine citizens covered under the Maine Health Care Program. This program was terminated last year

effective April 1st for various reasons but one of the big reasons at that time that was presented to our Committee was the fact that this coverage was going to be provided by private sources and during the past period of time that has not materialized. My amendment privatizes the Maine Health Care Program. It puts the coverage for these various people out to a bidding process. I will briefly run over that with you in the statement of fact in the bill. "This amendment directs the Department of Human Services to privatize the Maine Health Program by contracting with managed care providers by June 30, 1994, or as soon as possible thereafter, in order to continue the Maine Health Care Program." The amendment also provides a mechanism to provide for the expenses of the adult portion of the Maine Health Care Program beginning April 1, 1994, to June 30, 1994, and it adds a new fiscal note. This program is paid for by the Maine General Fund in the past and it has the projected costs from July 1, 1994, to April 1, 1995, as \$1,395,940. This generates matching revenue from the federal government and at the present time the cost per person for the State of Maine in total is \$166.17. That breaks down with a state share of \$37.97 for the year 1994 and a cost per individual for 1995 \$36.93. It's about a two to one match as far as the funding level is concerned. This amendment also sets up this program as an experimental or pilot project that will place these people into a very highly managed HMO environment and I believe that at the end of that period of time it will give the successful HMO or bidder some very real and valuable figures to go on in the future under the HMO type of hospitalization and medical coverages. The plan again will terminate on April 1, 1995, there are no further provisions in anything that I am aware of to continue it beyond that point in time. 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. If you'll excuse my voice I will try to be quick. I am opposed to the bill and the amendment, particularly the portion that the amount of money that is coming through this amendment is very close to a figure that is coming out of another piece of legislation that has little or nothing to do with this type of health care program and I am not in agreement with that type of thing. I have stated this before and I am stating it now so that I will be voting against the amendment and the bill.

**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 in support of the pending motion. I want to take this opportunity to thank my good friend and colleague from Aroostook, Senator Kieffer, who has put in above and beyond the call of duty to help make this program come together and let it not be left unsaid that the 116th Session of the Maine Legislature has done a number of things to prove that we are here to demonstrate that we want to work with and not against people who provide jobs but just as importantly, perhaps more importantly, this pending question proves that we want to work with the working poor people in this state who are trying to make ends meet and trying to get ahead. I want to compliment and thank the good Senator from Aroostook, Senator Kieffer.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **KIEFFER** of Aroostook to **ADOPT** Senate Amendment "B" (S-662).

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.

27 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **KIEFFER** of Aroostook to **ADOPT** Senate Amendment "B" (S-662), **PREVAILED**.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

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

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

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.

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee.

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

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

CONFERENCE REPORT - on Bill "An Act to Ensure Proper Funding of the Department of Environmental Protection"

H.P. 1385 L.D. 1884

Tabled - April 13, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 13, 1994, Report **READ**.)

(In House, April 13, 1994, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-1120)** in **NON-CONCURRENCE**.)

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a parliamentary inquiry. Once we accept the report, the next vote is what?

**THE PRESIDENT:** The Chair would answer that the Senate could Recede and Concur with the House or Reject this Committee of Conference Report and ask for a second Committee of Conference. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask the members of this body to oppose this conference report. It seems to be that we have reached a point here in Maine where we need to decide exactly what we can afford to pay for. We have reached a point where fees are no longer the answer to everything. It seems to me that if the Department of Environmental Protection needs these additional three positions that this bill proposes to offer, that we should simply put that in the budget and pay for it like everything else. I'm not convinced that we need to again shift the shell around to find additional money. It seems to me that this is not the answer and I would ask the members of this body to oppose this. 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 would ask you to support this committee of conference report. In fact it allows us to do exactly what the good Senator from Oxford suggests and address it. It leaves the decision on how to address it up to the next Legislature and unless they address it, the fees will go on to replace the money taken from the groundwater fund to fund the positions in the water bureau. The people who will get hurt if we don't pass this bill are the developers in the State of Maine who will not be able to get the response they need from the Department of Environmental Protection if these positions are not funded. I want to make that perfectly clear that if we do have, and many people expect within the next two years to see a pickup in the real estate market in this state, if that happens those people are going to be put on a waiting list and it's going to have a stifling effect on this economy. I urge you to support the committee of conference report.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Conference Report, in concurrence.

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 13 Senators having voted in the negative, the Report was **ACCEPTED**, in concurrence, **PREVAILED**.

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

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

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The Chair laid before the Senate the Tabled and Later Assigned (4/12/94) matter:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)

H.P. 1306 L.D. 1761  
(H "D" H-1100; S  
"H" S-627; S "I"  
S-629 to C "A"  
H-1081)

Tabled - April 12, 1994, by Senator ESTY of Cumberland.

Pending - **ADOPTION** of House Amendment "F" (H-1102)

(In Senate, April 12, 1994, Committee Amendment "A" (H-1081) **READ**. House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) **READ** and **ADOPTED**, in concurrence. House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. Senate Amendment "H" (S-627) to Committee Amendment "A" (H-1081) **READ** and **ADOPTED**. Senate Amendment "I" (S-628) to Committee Amendment "A" (H-1081) **READ** and **ADOPTED**. Senate Amendment "F" (S-619) to Committee Amendment "A" (H-1081) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "G" (S-620) to Committee Amendment "A" (H-1081) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "E" (S-618) to Committee Amendment "A" (H-1081) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "J" (S-636) to Committee Amendment "A" (H-1081) **READ** and **INDEFINITELY POSTPONED**. House Amendment "F" (H-1102) **READ**.)

(In House, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1100), "E" (H-1101) AND "F" (H-1102)** thereto.)

On motion by the Chair House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator LAWRENCE of York, Senate Amendment "M" (S-659) to Committee Amendment "A" (H-1081) **READ**.

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

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like a brief explanation of "M" please.

**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. This was part of the agreement of the committee of conference on the bill we last did. It had no fiscal impact. It takes the \$300,000 that we were originally sending to the water bureau and splits it between the water bureau and the land bureau. There is no fiscal impact.

On motion by Senator LAWRENCE of York, Senate Amendment "M" (S-659) to Committee Amendment "A" (H-1081) **ADOPTED**.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator PEARSON of Penobscot, Senate Amendment "L" (S-658) to Committee Amendment "A" (H-1081) **READ**. Subsequently, Senator PEARSON of Penobscot requested and received Leave of the Senate to withdraw Senate Amendment "L" (S-658) to Committee Amendment "A" (H-1081).

On further motion by same Senator, Senate Amendment "N" (S-663) to Committee Amendment "A" (H-1081) **READ**

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. This contains the necessary funding for the funding of general purpose aid for education to bring it from the figure we had in the original budget of \$4,000,000 up.

On further motion by same Senator, Senate Amendment "N" (S-663) to Committee Amendment "A" (H-1081) **ADOPTED**.

On further motion by same Senator the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081), in concurrence.

On further motion by same Senator, House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "K" (S-648) to Committee Amendment "A" (H-1081) **READ**.

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. House Amendment "D" was an amendment that was submitted by one of my town managers from the town of Corinth and he wanted to reinstitute into the budget that portion that we had removed as a committee which was the property tax relief fund. It was successfully passed in both bodies. Subsequent to that I was approached by a person operating out of the second floor who asked to have the Quality Centers inserted in the line to receive money from own appropriated surplus. That's what this bill does. It reinstates the property tax relief fund sort of in the last of the line and puts the Quality Centers second after the Rainy Day Fund. I consulted with the good town manager from Corinth and he and I talked with people on the second floor and hence this amendment. Now having said all of that I need to tell you that the Maine Municipal Association has misgivings about it and you will

probably hear some things from them about it but this amendment, I think, is my best attempt to accommodate as many people as I know how.

On further motion by same Senator, Senate Amendment "K" (S-648) to Committee Amendment "A" (H-1081) **ADOPTED**.

Committee Amendment "A" (H-1081) as Amended by Senate Amendments "H" (S-627); "I" (S-628); "M" (S-659); "N" (S-663); and "K" (S-648) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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Off Record Remarks

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

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Off Record Remarks

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On motion by Senator **CIANCHETTE** of Somerset, **RECESSED** until 7:00 this evening.

After Recess

Senate called to order by the President.

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Off Record Remarks

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Senator **HANDY** of Androscoggin moved that the Senate extend until sine die pursuant to Joint Rule 12.

Senator **BEGLEY** of Lincoln requested a Division.

**THE PRESIDENT:** Senator **HANDY** of Androscoggin has moved to extend until Sine Die Pursuant to Joint Rule 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9:00 p.m. 24 Senators having voted in the affirmative, and 6 Senators in the negative, and 24 being more than two-thirds of the membership present and voting, on motion by Senator **HANDY** of Androscoggin the following proceedings were conducted after 9:00 p.m. and will continue until Sine Die.

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Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate off the Record.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Regarding State Government Evaluation and Justification" (Emergency)  
H.P. 1485 L.D. 2011

In Senate, April 11, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1122)**, without reference to a Committee, in **NON-CONCURRENCE**.

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

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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. 1494

**JOINT RESOLUTION COMMEMORATING THE 125TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF LIMESTONE**

WHEREAS, the Town of Limestone was incorporated by the Senate and the House of Representatives of the State of Maine on February 26, 1869 and will celebrate its 125th anniversary during 1994; and

WHEREAS, the Town of Limestone has been a focal point of agricultural production in the State and has earned a worldwide reputation for the quality of the potatoes grown there; and

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

WHEREAS, the Town of Limestone, as home to Loring Air Force Base and some of the nation's mightiest bombers, fastest fighters and most reliable tankers, has served for nearly 50 years on the front lines of America's defense in the Cold War; and

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

WHEREAS, the people of the Town of Limestone in all their endeavors have brought great honor to Arrostook County and the State; now, therefore, be it

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

RESOLVED: That We, the Members of the 116th Legislature of the State of Maine, now assembled in the Second Regular Session, join in the commemoration of the 125th anniversary celebration of the Town of Limestone and extend our best wishes for good health and continued success to the town's inhabitants; and be it further

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

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of the Town of Limestone in honor of this occasion.

**ENACTORS**

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

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

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

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services  
S.P. 356 L.D. 1070  
(S "A" S-602 to C "A" S-505)

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

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

**COMMUNICATIONS**

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

The Following Communication:

A Division has been requested.

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

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

April 13, 1994

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

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

20 Senators having voted in the affirmative and 13 Senators having voted in the negative the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Dear Madam Secretary:

**ORDERS OF THE DAY**

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939)

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

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

**Emergency Mandate**

Representative **CLOUTIER** of South Portland  
Representative **MELENDY** of Rockland  
Representative **REED** of Falmouth

An Act to Amend the General Assistance Standard of Need

H.P. 1396 L.D. 1905  
(C "A" H-863)

Senate at Ease

Senate called to order by the President.

Tabled - March 28, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863)**, in concurrence.)

(In House, March 28, 1994, **PASSED TO BE ENACTED.**)

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a bill I have some concerns about. It would affect the general assistance reimbursement for housing. What is currently in effect now for general assistance laws and what is proposed in L.D. 1905, some counties will be dramatically hard hit by these changes, specifically Oxford County. For those of you who have concerns I'm sure you've looked through the sheets to see how it will effect your own areas and your municipalities.

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 22 Members of the Senate, with 11 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT** in **NON-CONCURRENCE**.

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

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

An Act to Enable Parents to Retain Custody in Voluntary Placements

H.P. 1377 L.D. 1864  
(C "A" H-902)

Tabled - April 12, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 12, 1994, **RECONSIDER INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers. Subsequently, motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers withdrawn.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

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

**THE PRESIDENT** was granted unanimous consent to address the Senate on the Record.

**THE PRESIDENT;** The Chair is pleased to indulge in your attention while he makes a few presentations to some members who have served as President Pro Tem in this session for their work as acting in my position when I needed a break or was away. The Chair would ask the following Senators to approach the rostrum, Senator Pearson, Senator Esty, Senator Conley, Senator Cahill, Senator Foster, Senator Baldacci. The Chair would also like to thank these members and especially those members who will not be coming back to this body, Senators Pearson, Conley, Cahill, Foster, Baldacci. The Chair thanks you all.

The Chair would also like to have come up front those members who are not seeking office and I would like to present them also with a gavel which will be engraved at a later time so that they can have something to remember this place by. The service here, I believe, is something that is important to all of us who serve in public office and I think it's important when you leave this place, you leave at least with a memento from this body that you have all served so proudly. So I would ask Senator Brannigan, Senator Luther, Senator Marden, Senator Summers, Senator Titcomb, Senator Vose and Senator Webster to please approach the rostrum.

The Chair would like to offer the very best to these departing members. Thank you.

Off Record Remarks

On motion by Senator **VOSE** of Washington, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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 Clarify the Jobs and Investment Tax Credit (Governor's Bill)

S.P. 778 L.D. 2008  
(S "A" S-615)

Senator **PEARSON** of Penobscot moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**. Subsequently, the same Senator requested and received Leave of the Senate to withdraw his motion to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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:

**ENACTORS**

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

**Emergency**

An Act Concerning Technical Changes to the Tax Laws

S.P. 613 L.D. 1711  
(C "A" S-632)

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.

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 Increase Access to Primary Care by Redefining the Practice of Advanced Nursing

S.P. 390 L.D. 1185  
(CC "A" S-650)

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

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 **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **VOSE** of Washington who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **TITCOMB** of Cumberland who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, HARRIMAN, LAWRENCE, MARDEN, MCCORMICK, O'DEA, PARADIS, PINGREE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

**NAYS:** Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, KIEFFER, LUDWIG, LUTHER, PEARSON, SUMMERS**

**ABSENT:** Senator **BALDACCI**

**PAIRED:** Senators **TITCOMB, VOSE**

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(See Action Later Today)

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Emergency Mandate**

An Act to Amend the General Assistance Standard of Need

H.P. 1396 L.D. 1905  
(C "A" H-863)

In House, March 28, 1994, **PASSED TO BE ENACTED**.

In Senate, April 13, 1994, **FAILED OF ENACTMENT**.

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

The Chair moved that the Senate **RECEDE** and **CONCUR**.

Senator **HANLEY** of Oxford requested a Division.



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 19 Members of the Senate, with 13 Senators having voted in the negative, and 19 being less than two-thirds of the entire elected membership of the Senate, the motion to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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Senator **HANDY** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Is the Senate in possession of L.D. 1185?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator **WEBSTER** of Franklin moved that the Senate **RECONSIDER** its action whereby it **PASSED TO BE ENACTED**:

An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing  
S.P. 390 L.D. 1185  
(CC "A" S-650)

(In Senate, April 13, 1994, **PASSED TO BE ENACTED**, in concurrence.)

(In House, April 13, 1994, **PASSED TO BE ENACTED**.)

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

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **WEBSTER** of Franklin that the Senate **RECONSIDER** whereby this Bill was **PASSED TO BE ENACTED**.

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.

9 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **RECONSIDER** whereby this Bill was **PASSED TO BE ENACTED**, **FAILED**.

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

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Senate at Ease

Senate called to order by the President.

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#### ORDERS OF THE DAY

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

An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds  
H.P. 1303 L.D. 1758  
(C "B" S-575 to  
C "A" H-865)

Tabled - April 7, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865) AS AMENDED BY SENATE AMENDMENT "B" (S-575) thereto**.)

(In House, April 7, 1994, **PASSED TO BE ENACTED**.)

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

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

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 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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 Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill)

S.P. 717 L.D. 1939

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 O'DEA of Penobscot  
Senator LUDWIG of Aroostook  
Senator DUTREMBLE of York

Signed on the part of the House:

Representative CLOUTIER of South Portland  
Representative MELENDY of Rockland  
Representative REED of Falmouth

Which Report was **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF THE CONFERENCE REPORT**.

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **BALDACCI**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the last session for many of us that came together in 1982 to the State Senate and I guess we've been so busy trying to get legislation out of our Committees that we really haven't had an opportunity to reflect on that twelve year period. It seems just like yesterday. Having come to this chamber in 1982 with the presiding officer, among many others that are still here today, the good Senator from Penobscot, Senator Pearson, the good Senator from Kennebec, Senator Bustin, the good Senator from Hancock, Senator Foster, the good Senator from Kennebec, Senator Carey, and my good buddy the Senator from Washington, Senator Vose. It's been a very tumultuous twelve years and I was trying to stop and reflect and when you gave us the gavels I said to myself "My God, this is the presiding officer's last night and what have we done for the presiding officer other than give him heart attacks probably?" God knows, I've tried to adhere to your wishes. You've been a terrific leader and someone who I know most people in this chamber and in this Legislature respect. I started to reflect as to why I had been so close to you in those twelve year periods. There were many people who had offered anecdotes and jokes but I decided that tonight was not that kind of a night. I decided that tonight was the end of a career in the Maine State Senate that has seen many, many battles, many, many wars fought over the years but you and I have been very close over the years and tonight on our last official night together I began

to reflect about why our relationship has been so strong. The family, there is nothing more important to me than my family. There is a great sense of tradition in my family. The same as that for the Senate President, Senator Dutremble. He loves his family. Nothing is more important to him and he cherishes his family tradition and heritage. When he was first elected President of the Senate, it seemed like the entire State of Maine, if not the entire First District, was here represented in the back of the chamber and we went downstairs to take the oath of office from the Governor and that was one of the more emotional times in the Senate's history. I know that family is very important to you. I have always loved the Legislature, mostly because of the people and of the varied experiences and ideas and backgrounds assembled here today because this is truly a citizen legislature. I have tried to be open and learn from all of those different view points and I believe that Senator Dutremble also values the variety of ideas and he cherishes those ideas and he builds upon those ideas.

I have always loved the institution. I have never had the heart to tear it down. When I first came to the chamber, Senator Gerard Conley, Sr. was the presiding officer and Senator Conley, Sr. was one who instilled in me the respect for the institution and I'll never forget the time going up to him during a late night session like this, wanting to go home and leave and go onto other responsibilities while the Senate was still in session, he looked up at me and said, "Didn't you run for this office". He had a way of putting responsibility on your shoulders and when I walked in here the other day and I saw Gerard, Jr. at the rostrum I said, "My God. One of them brought me in and the other is taking me out". It's been a fun twelve years and the presiding officer has been my friend for many of those adventures that we've had. It's also been a great honor to serve here and the greatest honor an American can enjoy and I know that Duke feels the same way because nothing is more important to him than public service and the institution and he's demonstrated that throughout his careful and thoughtful actions. It'll be a great honor to leave the chamber along side my good friend. Thank you.

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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 to Continue the Maine Health Program  
S.P. 781 L.D. 2012  
(S "B" S-662)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 5 Senators having voted in the negative, and 27 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:

**COMMUNICATIONS**

The Following Communication:

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

April 13, 1994

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

Dear Madam Secretary:

House Paper 1243, Legislative Document 1670, AN ACT to Amend the Harness Racing Laws, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-eight voted in favor and forty-nine against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

S/Joseph W. Mayo  
Clerk of the House

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

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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 Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry

H.P. 1466 L.D. 1993  
(S "C" S-660 to C  
"A" H-1104)

Senator **LUTHER** of Oxford requested a Division.

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

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.

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Senate at Ease

Senate called to order by the President.

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 Establish a Catastrophic Health Expense Program (Governor's Bill)

H.P. 1473 L.D. 2001  
(S "C" S-657 to C  
"A" H-1061)

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:

**ENACTORS**

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

**Emergency**

An Act Regarding State Government Evaluation and Justification

H.P. 1485 L.D. 2011  
(H "A" H-1122)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Nineteen and a half years ago I was elected as a representative for the 107th Maine Legislature to represent Indian Island and Old Town. It was for me a dream come true. Ever since I was a boy I had always wanted to be a member of this Legislature. Little did I dream that I would be here for almost two decades, from my youth into my middle age. I, like everyone else here in this chamber, am a product of many currents and many events and I'd like to share with members of the Senate, for the record, some of my final thoughts.

My father's people came from Ireland. My father's grandfather from Longford, my great-grandmother from Tipperary in the Glen of Arhalo, where I still have relatives. I was thinking, and have been thinking over the last several weeks, of how I would love to be there at the Caravansarie, my favorite pub in that lovely Glen, tipping a pint with Danny Condon and the boys in the vale of Tipperary at the foot of the beautiful Galti

mountains. I know that both of my grandparent's families were devastated by the potato famines of the 1840's and of British oppression and indifference and that they were desperately poor. Millions in Ireland died and millions immigrated. Each one of my grandparents ended up coming to America on ships. They stopped temporarily in Newfoundland to earn passage to continue on. That was the plight of the most desperately poor. One generation or so later, my father was fortunate to have a couple of unmarried aunts who helped him to go through Hebron Academy here in Maine, the University of Maine and then through Tufts Medical School and to do his internship at Eastern Maine General Hospital in Bangor where he met my mother, a nurse. While I was serving here in this Legislature, I lost him. I know that he was proud of me, he gave me my good name and he gave me great memories. I think he would have been proud of my service and my faithfulness to his religious teachings.

My mother's people are more deeply rooted in Maine and in its history. One of my ancestors, Thomas Fowler, Jr., served in the Maine House of Representatives in 1874, representing what is now the town of Medway. In 1816 his father, Thomas Fowler, Sr., married a Betsy Martin and with a family of five he left Pittsfield where they had been one of the first settlers in that town and moved to Millinocket, or what was to be Millinocket, with two oxen, a milk cow and a household full of goods. He crossed many lakes in the winter and ended up in what is now Millinocket where he became it's very first settler. Later, his family sold the land they had which eventually became the site of the Great Northern paper mill. They only left the Millinocket area once, when the Mohawk tribe of Indians declared war on the Penobscots of Old Town. The Penobscots had rushed north to warn them that the Mohawks were coming. When Henry David Thoreau came to Maine to visit Mt. Katahdin, my relative Thomas Fowler, was his guide. My people on my mother's side were involved in the American Revolution in the French and Indian War and one of my cousins is now the current Bishop of Portland, Bishop Gerry. My people are located in communities that I've had the good fortune to eventually represent, Old Town, Mattawamkeag, Winn, Lincoln and many other towns that I did not have in my district but where my relatives were located, for example, Woolwich, Fort Fairfield, Milford, Skowhegan, Hodgdon, Macwahoc and many, many more. Mr. President, and members of the Senate I love this blessed state and when military service called me away for three years, my thoughts were constantly of home. I can still remember crossing the old Kittery bridge in 1964 and viewing heaven through blurred eyes on the other side as I headed north to Old Town, never, ever to leave again for so long a time. Mr. President, I have been very much blessed by the opportunity here in Augusta. I have met so many great people and have been involved in shaping Maine's future in so many different ways that few people have ever had the chance to do. I take some pride, especially now, remembering that one year the Committee on which I served had all unanimous reports. All that we have done has not been easy. I have chaired the Committee which has had to cut, cut and cut and do some more cutting during a very difficult period, a period unparalleled since the Great Depression. All that time I have kept in mind a true story that my mother told me one time when I was complaining about having to cut. Her father was a foreman on the Maine Central Railroad and during the Depression she asked him for a new pair of shoes because she got tired of putting cardboard in the bottom and he said to my mother, "I can get you a new

pair of shoes but I'll have to work some extra days and you know I've given those days to the Johnson family down the road so they won't starve". My mother said, "I guess I can do without the shoes". Well, she sacrificed. We have called on people to sacrifice in this State for a long time now. I can hardly believe how good Maine state employees and others have been in helping us these last few years and how difficult it has been for legislators to cut and do what had to be done. I wish I could relate all that has happened here but I can't and memory won't allow me to do so.

I have a few other thoughts I'd like to pass onto you. I miss Don Carter. I shall miss serving with Priscilla Attean. I shall miss Senator Harry Vose. He is the very, very, very, very best. I will miss Spike Carey and his wit and his intelligence. I will miss Omar Norton, a man who Winthrop thinks he represents but I know he really represents Eastport. I will miss Lorraine Chonko, my very best girl friend. I will miss Eleanor Murphy, who told me last week that she had never taken a valium in her entire life. I shall remember always Judy Kany and Bonnie Post who both sat on a whoopie cushion in the House. I remember John Lisnik, who served on the Appropriations Committee with me and who one day gave away the General Fund to the sand and gravel crowd. I will miss my good friend, de le nort, Madame Paradis. I shall miss Duke for staying with me and doing the job regardless of whatever called on him outside. I shall miss Ruth Foster, who is a great Senator and Joy O'Brien who runs a tight shop and Ed Kelleher, a fellow legislator and my friends, Jack and David Cashman, who I grew up with. I shall miss Margaret Ludwig's impersonations of Willis Lord and others. I shall also miss Sawin Millett, who is overworked and underpaid and the best administrator I have ever seen. I shall miss the Governor. He has been my friend since long before we got here and long after we leave. I shall miss Mary Cahill and remember her and her husband, Gerry, and all the rest and particularly the staff - Jim Clair and others. I tried to be fair to members of both parties and to act in the interest of all of Maine regardless of the next election. Mr. President, before I bore you to tears, I want to tell you how exciting it has been for me to represent the Penobscot tribe. As I watched them move through my fifty some odd years I have seen them move from some very, very poor housing to some decent housing and a brighter future and I'm so pleased for them. It has been the honor of my life to walk with them, they are such good, and proud people. Thank you everyone. I will shortly be going home to Old Town enriched by my days spent here. I thank you all for your friendship.

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Senator **VOSE** of Washington was granted unanimous consent to address the Senate on the Record.

Senator **VOSE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. May I be slightly informal, Mr. President. My good friend, Michael and he is my good friend, I can't let him go without a few memories, at least one in particular and I think Senator Foster would remember this and others who served in the House with Michael. Having served on the Appropriations Committee all those years, whenever the table, the so called table, had to be read off and also there are certain monies that different people wanted because of bills they put in, obviously if you were a good friend of Michael you

stood a good chance. Michael did get a few notes in the House. Well actually Michael wrote a few notes in the House, to all the women in the House. He said that we are going to be going over the table and we have some money so if in the event you want something from the Appropriations Table perhaps you should see me and the notes began to come quite regularly. Michael became a little alarmed at the number of notes he was getting so finally he got up in the House and he wanted to know how many got those notes and maybe some favors that could be achieved by those notes. Well, every woman legislator in the other body all raised their hands because Michael had written, or someone had written, those notes on Michael's paper. Michael figured out that it might have been me. It's possible, I'm not sure. I received a note from Representative Hilda Martin that said to me "your note to me was absolutely disgusting and not only that I think it's insulting". I became alarmed because any notes that I had ever sent out were certainly not like that. So she said she was going to report me to the Speaker. Well I don't have to tell you I got a little shook up about that one because I didn't know what I had written. Well then I was sitting there and Representative Diamond, Bill Diamond at the time was Majority Leader, he came up and said to me, "The Speaker wants to see you during recess". I said I don't know what he is going to say, I don't know what the note said and I was a little shook up. Well pretty soon Michael came up along with Bill all grins and everything. It seems to me that I got caught in my own trap. They had written a note, Hilda never received a note from me, and of course the note I received her message on was terrible. It was a copy of what I supposedly had written out and I found out about it and believe me Michael has quite a sense of humor. Maybe you don't know that. I certainly know that.

One last thing, Michael called me up running for election. He said I'd like to meet you in Topsfield and I'd like to discuss our plans on election. I said sure. So I went up there and Michael showed up in his pickup truck and I in turn had a pickup truck. We talked. I said, "How are you doing, Michael?" He replied, "Oh Harry, it's going to be awful tough. I'm really quite upset about this thing". A two thousand vote majority later, Michael won his election so I don't think he had to be that worried but I do want to say one thing, that in the years that I've been down here I've never met a more genuine gentleman than Mike Pearson. He did something for a good friend of mine, we worked together, we got a fellow named Dr. Bates who had never gotten his diploma from the University of Maine. We were able to arrange that and unbeknown to him and after all these years a person who is around eighty, he had been a doctor for all those years and a very, very personal friend of Mike's dad received his diploma through his efforts and was just absolutely tickled to death. That's the other part of Mike too, with a heart yea big. I just wanted to say those few words in Mike's behalf.

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Off Record Remarks

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On motion by Senator **CAHILL** of Sagadahoc,  
**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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The following proceedings were conducted after  
12:01 a.m., Thursday, April 14, 1994.

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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 Make Supplemental Appropriations  
and Allocations for the Expenditures of State  
Government and to Change Certain Provisions of the  
Law Necessary to the Proper Operations of State  
Government for the Fiscal Years Ending June 30, 1994  
and June 30, 1995" (Emergency) (Governor's Bill)

H.P. 1306 L.D. 1761  
(S "H" S-627; S "I"  
S-628; S "K" S-648;  
S "M" S-659; S "N"  
S-663 to C "A"  
H-1081)

In House, April 11, 1994, **PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081) AS  
AMENDED BY HOUSE AMENDMENTS "D" (H-1100), "E"  
(H-1101) AND "F" (H-1102)** thereto.

In Senate, April 13, 1994, **PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"  
(H-1081) AS AMENDED BY SENATE AMENDMENTS "H" (S-627),  
"I" (S-628), "K" (S-648), "M" (S-659) AND "N"  
(S-663)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-1081) AS  
AMENDED BY SENATE AMENDMENTS "H" (S-627), "I"  
(S-628), "M" (S-659) AND "N" (S-663) AND HOUSE  
AMENDMENTS "D" (H-1100), "E" (H-1101), "F" (H-1102)  
AND "H" (H-1121)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, the  
Senate **ADHERED**.

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

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**THE PRESIDENT** was granted unanimous consent to  
address the Senate on the Record.

**THE PRESIDENT:** While we are all joined  
together tonight I want to take the time to say thank  
you and, although we don't like it, to say good-bye.  
I want to take the time to point out some people and

to thank them. I guess I need to go through some  
members of the Senate, those of us who have been here  
a number of years. I want to thank the members of my  
caucus, for the support you have shown in the last  
two years and over the years, and to the members of  
the Republican caucus also for the support you have  
given this body. I want to take a few minutes to  
talk about some members. I have been here a number  
of years. I know that Harry and I came in together  
in 1979 along with Joe Brannigan. We were maybe wet  
behind the ears as far as politics goes but I think  
that we have had a pretty good experience here. I  
still remember serving in the House with both of  
these fine gentlemen when we started in 1979 and I  
appreciate the time we spent together. Senator  
Baldacci, obviously the friendship that we have had  
probably cannot be matched by too many people. I've  
always had a great relationship with John and I  
certainly hope that we get the opportunity to work  
together again in the future. I also want to make  
mention of my good friend Senator Titcomb. She and I  
have become the very best of friends and I have  
dearly enjoyed her support as President of the Senate  
and her support when I ran for this position. I will  
never forget that. To Senator Berube, who for all  
the years I have been here, believe it or not, has  
been my advisor. Whenever I got a little tempestuous  
or out of hand I would always remember seeing  
Georgette say "calm down, calm down", and Senator  
Cianchette, who came forward afterwards and did the  
same thing. So I do thank you for that. To my  
Republican leaders, Pam and Dave, I can't tell you  
how much I appreciate what you have done for the  
Senate in the last two years in keeping the civility  
which all of the people of the State of Maine have  
been looking for. I have nothing but respect for  
both of you and I hope for the very best for you.  
Pam, I feel that you and I have had a relationship  
that has been able to work and keep this place going,  
along with our Democratic leaders, to the point where  
we can all be proud. To Don and Bev. Bev, you and I  
have had a lot of discussions in our years together.  
We came into the Senate the same year. We are the  
longest serving members of this body. I don't know  
if that makes me feel old or not, but we have had  
some good discussions one on one on a lot of issues  
and we have talked about a lot of issues that are  
important to us, the Democrats, and the people of the  
State of Maine and I'll never forget those  
discussions. To Don, he and I are very good friends  
and I just go back to three years ago and to then to  
where we are today, a lot of people may not have  
thought it was possible for you and I to become the  
friends that we are and I really appreciate your  
support and the leadership you have given this body.  
Mike, what can I say? I do appreciate, again, the  
work that you have done on the Appropriation's  
Committee and I think the State of Maine is rewarded  
by your service to the state.

I would like to go through each one of you but I  
am sure that I would miss somebody, but I do  
appreciate all of the support that you have given  
me. I want to thank you for the term that you have  
given me as your presiding officer, for the honor you  
have shown me and the trust you have invested in me,  
but especially I want to thank you for the honor,  
respect and cooperation that you have invested in  
each other, for the indispensable good faith you have  
shown, for the social contract you have upheld and  
for the institution you have preserved. Do not  
doubt, do not discount the magnitude of your  
achievement. What was two years ago an institution  
divided, like Lincoln's union, against itself is  
today restored to a strong foundation of cooperation  
in the middle of competition, of personal respect in  
the face of political differences, of loyalty in the

exercise of opposition. What was two years ago an untried assembly of strangers, uncertain of each other, mistrustful even of the rules, the leadership, the traditions of our institutional life together, is today a governing coalition. What was two years ago an institution shaken by a close encounter with failure today is driven by a renewed sense of duty and accountability to the people we serve. Nearly two years ago I stood here before you and asked for your trust and cooperation, like many things, trust is harder to give than to receive. I will always be grateful that you have given me your trust. Nearly two years ago I asked that we all work together to eliminate the mistrust Maine people had developed for the government that is their birthright. I believed then, and I believe today, that there is nothing that cannot be achieved even from opposing view points or from opposing parties when it is done in the spirit of compromise, consensus and cooperation. Is there anyone who doubts that today? Who could doubt that when you take the competence and knowledge of a Mike Pearson and blend it with the ability to get things done of a Ruth Foster, that a billion dollar budget problem could not be solved? Who could doubt that when you take the intelligence of a Chellie Pingree and the balanced perspective of a Phil Harriman, that 10,000 jobs could be created from a dead standstill in a State deep in recession? By the way, I do want to take special notice of Senator Harriman's outstanding courage that he displayed this week working beside me, sponsoring our bill with me to preserve the Maine Health Program. I think that took a tremendous amount of courage, to work right from the beginning and I appreciate the work that you've done. I also want to thank Leo Kieffer for your work in forging a compromise and persuading the members of this body to approve it with such an overwhelming vote of confidence. Who could doubt that with the talent, effort and dedication of the elected leaders in this body, the chosen representatives of their towns and neighborhoods, the challenge of democracy would not prove too great. Are there really any who doubt that cooperation, consensus, compromise, good faith, good will and fair dealing can work, even here in the heart of the political arena. Look at the overwhelming bipartisan solutions that have produced health care reform, welfare reform, a targeted economic development policy, land use reform, electric power compromise and dozens of others, real bipartisan solutions to the problems that beset the people whom we serve.

Who would have thought that two years ago the Democrats and Republican Senators could sit down and break bread together, look each other in the eye and do what needed to be done in this State. Who would have thought that our differences could be set aside in order to deliver on the things on which we all agree. We have agreed on more than we have imagined and I am proud of you beyond my ability to describe. For myself, I have learned from you to disagree with George Washington who said "the spirit of party serves always to distract the public councils and enfeeble the public administration". I have seen with my own eyes during this term the spirit of party at work to improve good proposals, to redefine and refine raw ideas, to force new thinking when ideas have not met the test. I have seen with my own eyes that it was not George Washington, but Fiorello LaGuardia, who got it right when he said "there is no Democratic or Republican way of cleaning the streets". We have spent the last sixteen years cleaning the streets in the halls of this body, the halls of this institution and you have worked to clean those streets right along with me.

I will end by saying that I am proud of this institution, I love this state, I love this institution, I will never forget the two years and all the years I have spent in this body. Before I end, I do want to take the time to thank Joy and all the support that she's given me, standing next to me or sitting next to me, or working in the office or making sure I did the right things and learned the rules. It can be quite nerve wracking when you get up here and you really need the assistance from somebody who has been here and has that experience. Joy, I will always remember the help that you have given me and I thank you for it. Pam, I thank you for the work that you have done and the help that you have given me and the assistance and all the help you have given this body. Jim Gormley, our Postmaster General, we thank you for the work that you have done for this institution and to all of you - Mike Bigos, Mark Gallant, Don Conley, Denise Guilmette, Brad Severence and Adam Lewis, we thank you for all the work you've given and the service that you've given to these members and I am sure they are all as appreciative as I am. To all of those who work in the office with Joy - Judi Delfranco, Marie Rankin, Susan Cyr, Lisa McKenney and Jano Bryant and all the offices downstairs - Sally Tubbesing and Dick Sawyer, Meg Matheson, Martha Freeman, Lyn Randall, John Wakefield, and Jean Blair in Engrossing. Finally, I do want to thank my staff - Joe McGonigle, Dan Paradee, who is no longer here, Greg Nadeau, who is no longer here, Dave Kerry, Mary Ellen Beaulieu and Diane White. One final note. I want to thank the Governor of this state for the way he has served the last two years and the way he has shown respect to me and to this body and to the whole Legislature. I thank you for all of your support. Thank you.

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

#### COMMUNICATIONS

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333**

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, S.P. 580, L.D. 1624, "An Act to Ensure Quality Psychological Services."

This bill limits the ability of Health Maintenance Organizations and other managed care organizations to control the quality of care provided in a managed care environment. The provisions of the bill specifically prohibit health plans from requiring superior standards other than those minimum standards required for state licensure.

This bill would interfere with managed health care companies' ability to enter into agreements with providers of their choosing. It would restrict their bargaining power and represents unwarranted meddling by the State into their business affairs.

Managed care is a concept that is central to current health care reform efforts and to most, if not all, health care reform plans being considered nationally. Managed care is critical to promoting the competition necessary to the development of cost-effective, quality health care for Maine citizens. It is inappropriate for the State to mandate the components of health maintenance organization plans. I oppose this legislation because it will hinder the natural expansion of managed care in Maine.

This kind of state intervention in today's rapidly changing health care market is poor public policy. For these reasons, I am opposed to L.D. 1624 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

Bill "An Act to Ensure Quality Psychological Services"

S.P. 580 L.D. 1624

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask us to override this veto. This is a very, very narrow bill. The issue here is whether multi-state insurance managed care organizations can control and override states in their licensing procedures. The Committee said no, the Legislature said no and I believe this is a dangerous precedent. Thank you.

The President laid before the Senate the following:

Shall this Bill become Law notwithstanding the objections of the Governor?

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

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**, **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: Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, and 20 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

**Emergency**

An Act Related to Multiple-employer Welfare Arrangements

H.P. 1122 L.D. 1521  
(C "A" H-917)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-917)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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.



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

**Emergency**

An Act to Maintain State-staffed Crisis Programs  
H.P. 1296 L.D. 1751  
(C "A" H-907)

Tabled – March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending – **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

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

**Emergency**

An Act to Preserve Productive Forests  
H.P. 1309 L.D. 1764  
(C "A" H-846)

Tabled – March 28, 1994, by Senator **PEARSON** of Penobscot.

Pending – **ENACTMENT**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)**, in concurrence.)

(In House, March 28, 1994, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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.

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

**Emergency**

An Act to Establish the Municipal Cost Component for Unorganized Territory Services to Be Rendered in Fiscal Year 1994-95

H.P. 1410 L.D. 1920  
(C "A" H-890)

Tabled – March 29, 1994, by Senator **FOSTER** of Hancock.

Pending – **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

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

**Emergency**

An Act to Establish the Project Opportunity Demonstration Program

S.P. 729 L.D. 1950  
(S "A" S-626 to C "A" S-613)

Tabled – April 12, 1994, by Senator **PEARSON** of Penobscot.

Pending – **ENACTMENT**

(In Senate, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-613) AS AMENDED BY SENATE AMENDMENT "A" (S-626) thereto.**)

(In House, April 12, 1994, **PASSED TO BE ENACTED.**)

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.

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

**Emergency**

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education

H.P. 1431 L.D. 1956  
(H "C" H-1092 to C  
"A" H-909)

Tabled - April 11, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-909) AS AMENDED BY HOUSE AMENDMENT "C" (H-1092)**, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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.

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

**Emergency**

An Act to Amend the Date of Repeal of State Increment Financing Districts and to Allow the Finance Authority of Maine to Issue Revenue Refunding Securities

S.P. 767 L.D. 1987  
(S "A" S-546)

Tabled - April 1, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-546).**)

(In House, April 1, 1994, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

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

**Emergency Resolve**

Resolve, Establishing the Commission to Study Biotechnology and Genetic Engineering

H.P. 1015 L.D. 1361  
(H "A" H-1058; S  
"B" S-554 to C "A"  
H-877)

Tabled - April 7, 1994, by Senator **PEARSON** of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877) AS AMENDED BY HOUSE AMENDMENT "A" (H-1058) AND SENATE AMENDMENT "B" (S-554)** thereto, in concurrence.)

(In House, April 7, 1994, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Mandate**

An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers

H.P. 828 L.D. 1114  
(H "B" H-1062 to C  
"A" H-969)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062)** thereto, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

This being a Mandate, under the Constitution Article 9, section 21, it requires the affirmative vote of two-thirds the entire elected membership of the Senate. 31 Members of the Senate having voted in the affirmative and 2 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.

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

An Act to Expand Protection to Persons with Mental Illness and Mental Retardation  
H.P. 347 L.D. 450  
(C "A" H-934)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-934)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act Concerning Sexual Abuse Laws  
H.P. 919 L.D. 1243  
(C "A" H-898)

Tabled - March 29, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898)**, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Establish an Ambient Water Toxics Program  
H.P. 1080 L.D. 1446  
(H "A" H-1091 to C  
"A" H-1072)

Tabled - April 11, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072) AS AMENDED BY HOUSE AMENDMENT "A" (H-1091)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Establish Limited Liability Companies  
H.P. 1123 L.D. 1522  
(C "A" H-980)

Tabled - April 1, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease

H.P. 1204 L.D. 1612  
(C "A" H-735)

Tabled - March 1, 1994, by Senator **TITCOMB** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 1, 1994, **PASSED TO BE ENACTED**. Subsequently, **RECONSIDERED**.)

(In House, March 1, 1994, **PASSED TO BE ENACTED**.)

(In Senate, February 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**, in concurrence.)

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

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

An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime

H.P. 1214 L.D. 1633  
(C "A" H-897)

Tabled - March 29, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897)**, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED**.)

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

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

An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians

H.P. 1254 L.D. 1681  
(C "A" H-796)

Tabled - March 24, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENACTED**. Subsequently, **RECONSIDERED**.)

(In House, March 23, 1994, **PASSED TO BE ENACTED**.)

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**, in concurrence.)

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

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

An Act to Clarify the Licensing Authority of the Department of Public Safety

S.P. 614 L.D. 1712  
(H "A" H-933; H "B" H-1056; H "C" H-1093 to C "A" S-518)

Tabled - April 11, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 11, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENTS "A" (H-933), "B" (H-1056) AND "C" (H-1093)** thereto, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED**.)

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

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

An Act to Protect Maine Children from Child Pornography Contraband

H.P. 1274 L.D. 1718  
(C "A" H-935)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Increase the Jurisdiction of the Loring Development Authority of Maine

H.P. 1275 L.D. 1723  
(S "A" S-586 to C  
"A" H-974)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974) AS AMENDED BY SENATE AMENDMENT "A" (S-586)** thereto.)

(In House, April 8, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Establish the Public Access to Maine Waters Fund

H.P. 1312 L.D. 1767  
(C "A" H-879)

Tabled - March 28, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**, in concurrence.)

(In House, March 28, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act Concerning Alewives

H.P. 1323 L.D. 1785  
(C "A" H-766)

Tabled - March 10, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 4, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**, in concurrence.)

(In House, March 9, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Adopt the Uniform Interstate Family Support Act

H.P. 1339 L.D. 1802  
(C "A" H-939)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Develop Standards for the Licensure of Hospice Programs

H.P. 1355 L.D. 1821  
(C "A" H-946)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-946)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State  
S.P. 655 L.D. 1824  
(C "A" S-508)

Tabled - April 11, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 8, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)**, in concurrence.)

(In House, April 11, 1994, **PASSED TO BE ENACTED.**)

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

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

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.

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act to Reinstitute Stipends  
H.P. 1358 L.D. 1833  
(C "A" H-892)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENACTED.**)

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

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

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 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act to Subject Motorists with Prior Out-of-state Operating-under-the-influence Convictions to the Sentencing Provisions of the State's Operating-under-the-influence Laws  
S.P. 669 L.D. 1837  
(H "A" H-923 to C "A" S-484)

Tabled - March 29, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484) AS AMENDED BY HOUSE AMENDMENT "A" (H-923)** thereto, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Facilitate Collection of Tolls on the Maine Turnpike  
S.P. 687 L.D. 1873  
(C "A" S-494)

Tabled - March 30, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-494).)

(In House, March 30, 1994, **PASSED TO BE ENACTED.**)

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

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

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

An Act to Encourage Electric Rate Stabilization  
S.P. 774 L.D. 1997  
(H "A" H-1029)

Tabled - April 6, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(Reference to the Committee on **UTILITIES** suggested and **ORDERED PRINTED.**)

(In Senate, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-1029), without reference to Committee, in concurrence.)

(In House, April 6, 1994, **PASSED TO BE ENACTED.**)

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

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

An Act to Provide Equity in the Laws Concerning Tax Exemptions for Veterans  
H.P. 1413 L.D. 1923  
(C "A" H-837)

Tabled - March 29, 1994, by Senator **FOSTER** of Hancock.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-837), in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

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

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

**Resolve**

Resolve, Concerning Reauthorization of the \$6,500,000 Unissued Balance of the \$9,520,000 Bond Issue for Construction and Renovation of Juvenile Correctional Facilities  
S.P. 673 L.D. 1845  
(C "A" S-522)

Tabled - March 30, 1994, by Senator **PEARSON** of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-522).)

(In House, March 30, 1994, **FINALLY PASSED.**)

Which was **FINALLY PASSED**, in concurrence, and having been signed by the President was Presented by the Secretary to the Governor for his approval.

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

An Act to Conserve Sea Urchin Resources  
H.P. 1459 L.D. 1984  
(H "B" H-983)

Tabled - April 5, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 5, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-983), in concurrence.)

(In House, April 5, 1994, **PASSED TO BE ENACTED.**)

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

**Resolve**

Resolve, to Create the Blue Ribbon Commission on Hunger and Food Security

S.P. 715 L.D. 1930  
(C "A" S-476; H "A" H-964)

Tabled - March 31, 1994, by Senator **PEARSON** of Penobscot.

Pending - **FINAL PASSAGE**

(In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476) AND HOUSE AMENDMENT "A" (H-964)**, in concurrence.)

(In House, March 31, 1994, **FINALLY PASSED.**)

Which was **FINALLY PASSED**, in concurrence, and having been signed by the President was Presented by the Secretary to the Governor for his approval.

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

An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee

H.P. 1083 L.D. 1449  
(H "A" H-1105 to C "A" H-951; H "A" H-1063)

Tabled - April 12, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 12, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951) AS AMENDED BY HOUSE AMENDMENT "A" (H-1105) AND HOUSE AMENDMENT "A" (H-1063)** thereto, in concurrence.)

(In House, April 12, 1994, **PASSED TO BE ENACTED.**)

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

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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 Amend the School Funding Formula

H.P. 682 L.D. 924  
(H "D" H-1119 to C "A" H-1110)

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

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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 Establish the Maine School of Science and Mathematics (Governor's Bill)

S.P. 733 L.D. 1958  
(H "A" H-1054; H "B" H-1118 to C "A" S-511)

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

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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 Ensure Proper Funding of the Department of Environmental Protection

H.P. 1385 L.D. 1884  
(CC "A" H-1120)

On motion by Senator **WEBSTER** of Franklin, 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 **ENACTMENT**.

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

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, KIEFFER, LAWRENCE, LUDWIG, 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, MARDEN, SUMMERS, WEBSTER

ABSENT: Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 to Provide Funding to the Maine Criminal Justice Commission

H.P. 1370 L.D. 1854  
(S "A" S-609)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 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:

**ENACTORS**

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

**Emergency**

An Act to Implement the Recommendations of the Health and Social Services Transition Team

H.P. 1330 L.D. 1793  
(S "B" S-644 to C "A" H-1008)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 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:

**ENACTORS**

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

An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws

H.P. 665 L.D. 903  
(S "C" S-645 to C "A" H-953)

An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws

H.P. 1100 L.D. 1487  
(S "A" S-600 to C "A" H-942)

An Act to Modify the Taxation of Leases on Automobiles

S.P. 545 L.D. 1570  
(S "A" S-625 to C "A" S-527)

An Act to Clarify Maine Election Laws

H.P. 1201 L.D. 1609  
(S "A" S-557; S "B" S-612 to C "A" H-947)

An Act to Amend the Structure of Veterans' Services

S.P. 583 L.D. 1627  
(S "A" S-623 to C "A" S-397; S "A" S-411)

An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998  
S.P. 601 L.D. 1699  
(S "A" S-610)

An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services  
H.P. 1284 L.D. 1732  
(C "A" H-794; S "A" S-630)

An Act to Strengthen the Maine Bottle Deposit Laws  
H.P. 1343 L.D. 1810  
(S "A" S-605 to C "A" H-839)

An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices  
H.P. 1380 L.D. 1867  
(S "B" S-585; S "D" S-646 to C "A" H-1026)

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

**ORDERS OF THE DAY**

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

CONFERENCE REPORT - on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (Governor's Bill)  
S.P. 717 L.D. 1939

Report - **Unable to Agree**

Tabled - April 13, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 13, 1994, Report **READ**.)

**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. If I dare speak for the Committee of Conference, as you can see from the supplement, there was no agreement on the bill. There was certainly agreement among the conferees. We decided that while we all supported the initiative and the idea of moving the state ahead in telecommunications, we realized that there were still some avenues that needed to be explored. As a result, we have asked the department and the university to continue with the working group that they've had, to report back to the 117th on this issue and to be ready with a bill in January so that

we don't waste any time but also taking into account some of the concerns that were raised during the discussion on this. Thank you.

Which Conference Report was **ACCEPTED**.

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:

**ENACTORS**

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

**Emergency Resolve**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry

S.P. 773 L.D. 1996  
(S "A" S-624 to S "A" S-582; H "A" H-1048; H "B" H-1115)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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**

**House Papers**

Bill "An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees"  
H.P. 1493 L.D. 2013

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-1126), without reference to a Committee.

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

House Amendment "B" (H-1126) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

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**ORDERS OF THE DAY**

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

An Act to Enable Parents to Retain Custody in Voluntary Placements

H.P. 1377 L.D. 1864  
(C "A" H-902)

Tabled - April 13, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902)**, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

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

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

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333**

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, S.P. 390, L.D. 1185, "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing."

While I appreciate and support the work performed by nurse practioners, I cannot support a bill which changes the legal relationship between nurse practioners and physicians without also changing the liability standard which governs physicians supervising nurse practioners.

Under the language proposed, physicians collaborating on an ad hoc basis with nurse practioners would be subject to increased liability risk. I have offered language providing immunity to such physicians under appropriate circumstances but this language has been rejected.

The positive portions of this bill are outweighed by the increased liability risk that will cause physicians to not collaborate. Such action will result in less access to health care rather than improving access. For this reason, I am opposed to LD 1185 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"  
S.P. 390 L.D. 1185

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to urge us to vote against sustaining this veto. This bill that we have before us is the only health care reform measure that we will be able to decide on this year and I am saying that not to belittle the consensus document that our committee worked on so diligently and that the Governor will sign because that will take us into the future but it does put off every decision until a year from now. This decision over whether we will let mid-level practitioners, advanced practice nurses, practice to the level of their education and not be confined by the laws of our state or what level doctors wish them to practice at. That is the question before you. Believe it or not this is not a tort measure. This is not a liability question. This is a health care reform bill, pure and simple, it's a major piece of the President's health care reform bill. If we want to have the primary care and preventive health care that we need in this state and in this nation, then we must free up advanced level nurse practitioners to practice at their level of education and not keep them encumbered by statutes and under the thumb of other practitioners. It is not a tort issue as it has been maneuvered to be by both the physician's organizations of this state and by our Governor. When you vote on this do remember that this is only decision on health care reform that you will be able to decide this year. I say it is not a tort measure because the same collaboration language that was adopted by the Committee on Business Legislation from Washington, DC, the exact same language. The medical practice insurance company there tried to tack on a surcharge on physicians' liability because of the same argument that you heard ballied around here, that there be an increased liability to physicians who collaborated with a nurse practitioner and guess

what, the Superintendent of Insurance down in Washington, DC, says absolutely not. Studied it for two years, said no increased liability at all. I tell you this is not a tort issue, it is a health reform issue and if you're in favor of health reform you will be voting against this veto.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we take the vote on this let me just state that many of us in this chamber worked extremely hard to have this legislation passed, including myself. In the final analysis, the Governor of the State of Maine said bring me the bill that will give the opportunity for doctor's to not get swept into the liability and I'll sign it. The nurses agreed, we'll accept that language and as soon as that language was inserted into the bill anyone who had an interest in tort objected to it. That's why the bill is back here. The good Senator from Kennebec, Senator McCormick, is right. This is a health reform bill and I agree with it and the nurses and the consumers of this state had a chance to do something about it and they agreed to the language that got rejected. That's why this bill is back before us. Thank you, Mr. President.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senator LUTHER

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, and 15 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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 to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (Governor's Bill)

H.P. 1306 L.D. 1761  
(S "H" S-627; S "I" S-628; S "K" S-648; S "M" S-659; S "N" S-663 to C "A" H-1081)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 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.

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

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333**

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, S.P. 356, L.D. 1070, "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Services."

This bill would increase the cost of health care to the State Employee Health plan and to the employers in this State who provide health care coverage to their employees. Access to these services is currently available. By mandating the inclusion of these additional providers, utilization will increase with no correlation to increased needs. More importantly to Maine businesses, the newly covered providers would increase their rates, causing health care costs to rise. The Bureau of Insurance's analysis concluded that, "generally it appears that when a lower costs provider becomes reimbursable, their costs tend to rise toward the cost of other providers."

Layering additional mandates on to already costly health insurance plans could have several adverse consequences. First, the increased costs could drive those who are providing health insurance to reduce or eliminate non-mandated benefits. Second, it could lead to increased employee co-pays or deductibles. Most dramatically, in face of ever increasing health care costs, it could lead in some instances to the elimination of health insurance as an employee benefit altogether.

The State should not be raising barriers to affordable health insurance. Nor should this State be increasing the burdens on Maine employers as we struggle out of our recessionary economy. Instead, we should be considering legislation that enables employers and other purchasers of health insurance to have access to affordable health insurance.

This kind of state intervention in today's rapidly changing health care market is poor public policy. For these reasons, I am opposed to L.D. 1070 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

S.P. 356 L.D. 1070

**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 like to explain the health care reform issue on this bill and I take the time to do this even at this late hour because believe me this issue will be with us, we don't have to decide it now but it'll be with us for the next ten years. The issue here is who gets to decide what kind of providers we seek. Do HMO's get to decide that? Do utilization review organizations get to decide that or do we? That is one of the main issues in this bill. This bill will not cost money according to a Massachusetts Blue Cross/Blue Shield study. It is being vetoed probably because the insurance companies and HMO's want it to be vetoed because they will tell you that to eliminate whole sectors of providers from our ability to be reimbursed is the only way they can save money on health care. But what I want to say to you is if you notice, if you look, if you start watching the way

that costs are being controlled right now there are only a couple of ways and they all limit either our choice of provider or they limit the amount of care that we get. None of them limits the costs or puts global cost controls on health care and I think that issue is going to be with us until we deal with it. I urge us to override this veto.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't want to take your time either. I didn't speak on the other veto. This happens to be a bill that I sponsored and a member of the other body had sponsored a similar one and we melded the two and this is the one that seemed to go. I wouldn't even get up on it now because I obviously can count votes, I've been known to know how to count votes since I came here. I need to speak on this one because, one if we are going to get a veto message, I think it ought to be accurate. I think that it ought to, when it is stating the facts, that they ought to be accurate facts, especially coming from the chief executive of the state. From everything we knew when we presented this bill, everything the committee knew when they passed this bill, everything that was said on this floor and the study that was presented from the Massachusetts Blue Cross/Blue Shield study on exactly the same kind of thing, we found that, in fact, costs did not increase, that services increased, yes. It served more people, yes. That's good for society because it makes us a healthier society but it found it did not increase costs. That's what this veto message is about. So I wish, when veto messages come up, that they would at least us tell us a good reason for not signing the bill. I wish that I could find in this veto message some reason to agree with the Governor. I find none. Let's at least have some strength here and at least override this veto.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

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, HARRIMAN, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - Dennis L. DUTREMBLE

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

ABSENT: Senator LUTHER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333**

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, S.P. 724, L.D. 1945, "An Act to Amend the Public Smoking Laws."

This bill was originally intended to relieve the hardship of L.D. 904, "An Act to Amend the Public Smoking Laws" on establishments such as pool halls. The result is less acceptable than the current law to the people operating these establishments.

Rather than clarifying the law, this bill creates additional confusion for this type of business in the State of Maine. Therefore, I am requesting the Department of Human Services work with the Maine Lung Association, the Maine Merchants Association, the Maine Grocers Association and other interested parties to review the issue of mixed use facilities and the effect the passage of L.D. 904 has had upon businesses such as pool halls and billiard parlors.

Because of my concern, I am in opposition to L.D. 1945 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

Bill "An Act to Amend the Public Smoking Laws"  
S.P. 724 L.D. 1945

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular bill, "An Act to Amend Public Smoking Laws" is my bill and I read the Governor's veto message and I kind of agree with it. I urge you to support him.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators BUSTIN, HANLEY, MCCORMICK, PARADIS

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

ABSENT: Senator LUTHER

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent, and 4 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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

Off Record Remarks

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **BUSTIN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to say in my simple way a fond good-bye to those who are leaving us. I want to give some credit to what I am going to say to the person who wrote it. I am giving you a copy of it because I think it is quite unique. The person who wrote it is my staff member, Darryl Fort, and I think he did a wonderful job and I may not do as good a job delivering it as he did in writing it. You'll know what it is when I read it.

"My beloved peers,  
Through this amendment farewell,  
I offer haiku.

Division, debate,  
the power and the passion,  
bonds born of battle.

Outstanding service,  
integrity, commitment  
for the love of Maine.

Our thanks to you all  
with unanimous consent,  
a final roll call".

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Senate at Ease

Senate called to order by the President.

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Off Record Remarks

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

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Continue Health Care Reform in Maine and Prepare for Federal Reforms" (Governor's Bill) (Emergency)

H.P. 1429 L.D. 1954

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

MCCORMICK of Kennebec  
CAREY of Kennebec

Representatives:

PINEAU of Jay  
HALE of Sanford  
TRACY of Rome  
RAND of Portland  
ERWIN of Rumford  
JOSEPH of Waterville  
TOWNSEND of Canaan

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-960).**

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

KUTASI of Bridgton  
CARLETON of Wells  
CAMPBELL of Holden

Comes from the House with the Reports **READ** and the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Which Reports were **READ.**

Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Provide Family Security through Quality, Affordable Health Care"

H.P. 956 L.D. 1285

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-961).**

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

HALE of Sanford  
TRACY of Rome  
ERWIN of Rumford  
RAND of Portland  
JOSEPH of Waterville  
TOWNSEND of Canaan

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

Signed:

Senators:

CAREY of Kennebec  
KIEFFER of Aroostook

Representatives:

PINEAU of Jay  
CARLETON of Wells  
CAMPBELL of Holden  
KUTASI of Bridgton

Comes from the House with the Reports **READ** and the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Which Reports were **READ.**

Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

\_\_\_\_\_  
Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

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

\_\_\_\_\_  
Off Record Remarks

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

\_\_\_\_\_  
Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication:

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

April 14, 1994

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

Dear Madam Secretary:

House Paper 1303, Legislative Document 1758, AN ACT to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-five voted in favor and fifty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

S/Joseph W. Mayo  
Clerk of the House

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

\_\_\_\_\_  
Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Off Record Remarks

\_\_\_\_\_  
Senate at Ease

\_\_\_\_\_  
Senate called to order by the President.

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

**COMMUNICATIONS**



The Following Communication: H.P. 1495

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA 04333**

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, H.P. 1461, L.D. 1986, "An Act Regarding Access to Chiropractic Services."

This bill limits the ability of Health Care Maintenance Organizations to control the quality of care provided in a managed care environment. Managed care is recognized as a key component to health care cost containment. Managed care ensures that consumers of health care use the necessary amount of health care and visit the appropriate health care provider. The gatekeeper in managed care is a primary care physician whose role is to diagnose and treat a broad range of ailments. The gatekeeper serves the function of referring patients to a broad range of specialists. In the event that a consumer requires a specialist, the gate keeper is responsible for referring the patient to the appropriate specialist.

This bill requires insurance companies to use chiropractors as gatekeepers. I believe it is inappropriate to use any specialist in such a role. Instead we should be focusing on expanding the role of primary care physicians in order to reduce the costs of health care.

It is also inappropriate for the state to enter into mandating the components of health maintenance organization plans. I oppose this legislation because it will hinder the natural expansion of managed care in Maine. This bill would also interfere with managed health care companies' ability to enter into agreements with providers of their choosing. It would restrict the bargaining power and represents unwarranted meddling by the State in the business affairs of these companies.

This kind of state intervention in today's rapidly changing health care market is poor public policy. For these reasons, I am opposed to L.D. 1986 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

Which was **READ** and **ORDERED PLACED ON FILE**.  
The Accompanying Bill:

Bill "An Act Regarding Access to Chiropractic Services"

H.P. 1461 L.D. 1986

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

**Senator MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to just read you one sentence of this veto message because it couldn't be more inaccurate. "This bill requires insurance companies to use chiropractors as gate keepers." No. It does not. The bill is the mildest of bills because we ran into the mandate rules left and right and all our attempt was to try to create some parity between HMOs and Indemnity Plans where chiropractors are concerned. So when the Governor says he is returning this bill to us because it requires insurance companies to use chiropractors as gate keepers, he is absolutely mistaken. He goes on to say he believes it is inappropriate to use any specialists in such a role. Please, this bill is very mild. It did not trigger the mandate requirements review of the Superintendent of Insurance, you know that it's very mild and the Committee amended the bill. It asks for a report concerning complaints, concerning access to chiropractic services with HMOs. That's one part of the bill. Here is the second part of this bill. The second part of the bill just says that Health Maintenance Organizations shall provide benefits covering care by chiropractic providers at least equal to and consistent with the benefits paid to other health care providers treating similar neuro-muscular skeletal conditions. Is that so bad? No, it's not bad and I believe the Governor is mistaken on this one and I urge us to override his veto.

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

**Senator BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just can't resist standing up on this bill, if I can continue to stand up on this bill. As all of you or most of you are aware, I have been shuffling and gaiting in whatever way I can to get through these long hours of these last days because I put my back out on Monday. I didn't go to a chiropractor on Tuesday because I had to wait to go to my primary care physician, who incidentally has never, I am told by his staff, referred a patient to chiropractic services until I convinced him about two months ago to allow me to go. I have had this back problem since I was in my twenties. It is very easily taken care of if I can get to my chiropractor right off and if I can maintain the services of that chiropractor so my back says in shape, but under the new primary care gate keeper system, which I totally believe in, I spent a year when I did not go to the chiropractor because he had left a message on my machine saying this may one of the places where we will disagree and disagree we did until I went to get my physical at which point I said "Now let's talk about this problem with the chiropractor" and I showed him what I had to do in order to get up out of the chair and he said "well if it's just for maintenance, go ahead. You call me before hand, get the approval and have the chiropractor call me afterwards". Well I didn't go directly to the chiropractor this time because I had to go to my primary care physician and I thought this one is so bad that it's time this primary care physician saw what pain somebody can be in in order to get the thing done. He was concerned, and rightfully so, that I might have bone cancer and ordered more X-rays, the chiropractor had already taken some. I was glad for that because it relieved my mind. It was an extra cost for something we were pretty sure of what it was. He has now allowed me to go three times. I suspect with the back I have right now it's going to take more than three times and I'm going to have to go back to my primary care physician

and he's going to have to decide again whether I go to the chiropractor. I think there is something wrong with that. I think there is a better way. I think this bill tried to address that better way even though I am under the State Employee Health Program and not an HMO as mentioned there. It points out that this is as the good Senator from Kennebec, Senator McCormick, had said this is one of the complaints. If I had simply been able to pick up the phone and go directly to the chiropractor I would be in the shape I am going to be in tomorrow because I was able to get that adjustment done. So I urge you to override this veto.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It's quite clear in reading the amendment that was attached to this bill in our Committee, and I'll make this very short, in my opinion and in the opinion of many people the amendment that was added makes this bill a mandate. It requires the HMOs to accept the chiropractors as primary providers, therefore, it is a mandate and, therefore, I oppose the bill itself. Thank you, Mr. President.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is just one more comment I want to read to you from the Governor's message. In the next paragraph, after the one I read which is mistaken, he says "it is also inappropriate for the state to enter into mandating the components of Health Care Maintenance Organization Plans," although remember it is not inappropriate or it is the policy of the State of Maine to make sure that indemnity plans cover certain things. He says, "It would restrict the bargaining power and represent unwarranted meddling by the state in the business affairs of these companies". One thing that you should know is in the next year or two, 90% of all of us who are covered by health insurance will move from indemnity plans to HMO plans. In so doing, we will leave behind the protection of those mandates. That is an issue we must deal with. It is a public policy issue and it is one that I do not think should be left up to insurance companies. The Governor writes as if, instead of it being 1984 and Big Brother watching over us, it's going to be big Aetna watching over us deciding what our lives will be like and what we will be covered. I think we must retain that decision here to publicly accountable elected members of the Legislature.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to address a couple of the comments that I heard and I know very little about this legislation but my understanding is that it is a mandate, and the reason the Governor felt the need to veto it is because the cost that it would put on not only HMOs, but mostly the HMOs, and in the time we are trying to encourage people to go to a managed care form of insurance it seems to us that it doesn't make a lot of sense to mandate an expensive service like chiropractic services.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My father was a medical doctor. He passed away and several years later I had a back injury that was really pretty bad and I couldn't walk for almost a month and a half. It was very difficult for me to do it because I came from a family where chiropractors were not included in our care. I called up a former student of mine at Brewer High School who is a chiropractor in Bangor and within a week and a half I was walking again and I was comfortable. This may be a mandate, I don't know. Maybe it has to be a mandate because there is a built in bias within the medical profession against chiropractors.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

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, HALL, HANDY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

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

**ABSENT:** Senators HARRIMAN, LUTHER

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, and 22 being two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN**.

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Under suspension of the Rules, ordered sent forthwith to the Governor's Office.

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Senate at Ease

Senate called to order by the President.

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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 Clarify Reporting Requirements for Party Committees and Political Action Committees  
H.P. 1493 L.D. 2013  
(H "B" H-1126)

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

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

**ORDERS**

On motion by Senator **ESTY** of Cumberland the following Order:

ORDERED, that a message be sent to the Governor, John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day and is ready to receive such communication as he may be pleased to make.

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

The President appointed the Senator from Cumberland, Senator **ESTY** to deliver the message to His Excellency, the Governor.

Subsequently, the Senator from Cumberland, Senator **ESTY** reported that he had delivered the message with which he was charged.

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

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The President appointed the Senator from Kennebec, Senator **BUSTIN** to deliver the message.

Subsequently, the Senator from Kennebec, Senator **BUSTIN** reported that she had delivered the message with which she was charged.

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Senate at Ease

Senate called to order by the President.

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Off Record Remarks

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At this point, a message was received from the House of Representatives, borne by Representative JACQUES of Waterville, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

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Off Record Remarks

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At this time the **HONORABLE JOHN R. MCKERNAN, JR., GOVERNOR** of the State of Maine, entered the Senate Chamber and was escorted by the Sergeant-At-Arms to the Rostrum. (Amid applause, the Members rising.)

**GOVERNOR JOHN R. MCKERNAN, JR.:** To everything there is a season. You remember that's the way I began my State of the State address back in January of this year and the season of the 116th Maine Legislature is about to end and I am pleased to be able to make a few remarks because I truly believe that this session of the Legislature will go down in history as the turning point in our ability to prepare this state for the 21st century. Together we have improved the business climate. We have led our nation in education reform and we have joined the cutting edge of states in terms of improving the skills of our work force which will mean more jobs for the people that we all represent. I want to congratulate all of you for returning civility and bi-partisanship to Maine State government. I want to thank your presiding officer, President Dutremble, for the tone that he set even before he became the presiding officer in this House. I want to thank him for understanding the importance of public officials working together. I want to thank the Majority leadership. Both Don and Bev have been as accommodating as any governor of the other party could have hoped for, trying to work together jointly to try to meet the challenges that we face as a state. I want to thank the Minority leadership, Pam and Dave, for being such good friends and for being so supportive of all that we've done and particularly

for demonstrating their good will and their appreciation to the Majority party in terms of allowing you to override at least one of our vetoes. I also want to thank the Appropriations Committee because without the leadership that that Committee has demonstrated for all of us in this building, in trying to find bi-partisan solutions to the difficult challenges we have faced during this session, I do not believe we would have had as successful a session as we have had these last two years. To the Chairmen of the Appropriations Committee, the Senator from Penobscot, Senator Pearson, my good friend, which I would not have dared say if either of us were seeking reelection knowing that he has generally donned a disguise as he has come into my office so that none of you in the Majority party would know of his continuous willingness to try to break log-jams and to find new ways to bring Republicans and Democrats together to meet the difficult budget challenges that we have faced. Mike, I want to just publicly thank you for always going the extra mile, always making sure the doors were open so that we could truly do the people's business and I appreciate that. I should also say to Senator Foster, my other good friend on the Appropriations Committee, who I have known for a long time, I appreciate all that you have done, especially during this session as we had that difficult budget discussion and in your support for our efforts.

To my staff and to my Cabinet and other members of our administration, you can't appreciate the long hours that they work, they have jobs to do, not only when you're in session, but other aspects of what they are charged with. I know how hard they have worked to make sure that my views were adequately expressed before your deliberations. It really has been their hard work that has allowed us together to achieve what I believe is going to be viewed as a monumental step forward for this state. Lastly, I want to thank all of you. I want to thank you for caring enough to serve. You, by your efforts, have begun the process of restoring the people's confidence in their government. As a citizen of this State, I want to say how much I appreciate and congratulate your willingness to be a part of this process. Representative democracy only works when the caring people get involved in their government. All of you are those types of people. I believe that this state is fortunate people like you are willing to serve and as Governor I want to thank each and every one of you and wish you well as we leave the Second Regular Session of the 116th Legislature. Thank you.

The Sergeant-At-Arms escorted Governor **JOHN R. MCKERNAN, JR.** from the Senate Chamber.

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Senator **SUMMERS** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **SUMMERS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have to say this is the first time I have been preempted by the Governor. I just wanted to add a couple of quick words and let the members in this chamber know that I have considered it a true honor to be a part of this body. Next to my wife and my kids and my Mom and Dad, and brothers and sisters, this is truly the highest honor I've ever had. Thank you, Mr. President.

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

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Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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Senator **HANDY** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Senator **FOSTER** of Hancock was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **MARDEN** of Kennebec at 2:27 a.m. on Thursday, April 14, 1994, the Honorable **DENNIS L. DUTREMBLE**, President of the Senate, declared the Second Regular Session of the 116th Legislature, **ADJOURNED SINE DIE**.