

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

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

In Senate Chamber
Monday
February 6, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by Reverend Richard Swan of the United Methodist Church in Saco.

REVEREND RICHARD SWAN: I bring you the greetings of the people of the United Methodist Church in Saco, of the 190 Methodist Churches here in the State of Maine, and of the members and churches of the Maine Council of Churches. I have had the opportunity recently to be transferred to Maine from Massachusetts. There is an old wives' tale of wisdom in the Massachusetts legislature that the only persons more long-winded than Legislators themselves are the Clergy who come to deliver prayers. Will you pray with me?

In the name of the Father, and of the Son, and of the Holy Spirit, amen. Lord God of hope, we come before you today seeking your blessing upon the leaders and members of this Senate, and upon the Governor and other legislative leaders of this State of Maine. We come praying that you will be with each of these men and women as they seek to serve the truly awesome responsibility of leading this State and its people in this time, this era, this place. Lord, we know that theirs can be a confusing task as they seek to balance budgets, yet still provide the programs and protections that can safeguard even the weakest among us. Guide us, guide them, as they seek to care for our todays, while empowering this State and its people, for its tomorrows. Lord, we know that the decisions which are made here will touch the lives of hundreds of thousands of people. We know that those who are before you now wrestle daily with questions of health care, food and shelter for our children and our infirm, with questions that touch the day to day reality of our parent's and grandparent's and our children's lives. We know that the decisions made here will affect, not only persons in our time, but will touch the lives of the next generations, our children and our grandchildren who will follow us. We pray that you will guide these persons as they seek for wisdom and compassion. Help us to remember that we are riders on this earth together, that we share, together, these moments of decision and history and that the successes of our moments will be measured, not by the dollars we have saved, but rather by the lives we have touched and improved, and the compassion we have shown to each other. Give us the wisdom to measure our decisions,

not in terms of how they affect us as individuals, but rather by the understanding that each of us and all of the people we serve - men, women and children, people like us, people different from us - are all of equal value to you and that we are called, like the best of parents, to love and to treasure and to safeguard the lives and the futures of each person. All of these things we ask in the name of the Living Christ who taught us to say when we pray, "Our Father, who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done, on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for thine is the kingdom and the power and the glory forever. Amen." May the spirit of God be with you. Amen.

Pledge of Allegiance led by **SENATOR MILLS** of Somerset.

Reading of the Journal of Wednesday, February 1, 1995.

Out of order and under suspension of the Rules, on motion by Senator **KIEFFER** of Aroostook, the following Joint Order:

S.P. 175

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, February 10, 1995, at 10 o'clock in the morning.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Increase the Number of Primary Care Practitioners in the State"

S.P. 119 L.D. 294

In Senate, January 27, 1995, referred to the Committee on **HUMAN RESOURCES**.

Comes from the House referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

The Senate RECEDED and CONCURRED.

To recommend corrective actions for any deficiencies noted, and to include management's responses to our findings and recommendations.

COMMUNICATIONS

The Following Communication: S.P. 178

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

Honorable Jeffrey H. Butland
President of the Senate
State House Station #3
Augusta, Maine 04333

Dear President Butland:

We are pleased to submit the seventh Single Audit of the State of Maine, covering the fiscal year ended June 30, 1993.

The state expended \$3.9 billion during fiscal year 1993 of which \$1.2 billion was for various federal programs. The audit was conducted to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established by the U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments."

We also conducted the audit pursuant to Title 5 MRSA, Chapter 11 which authorizes the Department of Audit:

To perform a post audit of all accounts and other financial records of the state government or any department or agency thereof, including the Judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

The objectives of the audit were:

To examine the state's financial statements and determine if they were presented fairly and in accordance with generally accepted accounting principles;

To assess whether the state's systems and procedures for financial accounting, reporting and internal controls were adequate;

To assess the state's accountability for revenues; to determine the propriety of expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations; and to examine the state's compliance with federal regulations pertaining to financial reports and claims for reimbursements; and

During the course of our audit we identified certain weaknesses in the State of Maine's accounting system and procedures, internal control, and compliance with rules and regulations which we have included in the following reports:

Reports on Compliance and Internal Controls - include those audit findings which, in our opinion, represent material weaknesses. There are five findings which identify material weaknesses in internal control; these can be found on pages 67 and 75; one that affects compliance with state laws and regulations is on page 125.

Schedule of Reportable Conditions - includes those audit findings which we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. The thirty-five reportable conditions begin on page 79.

Schedule of Findings and Questioned Costs - includes sixty-five findings which resulted from our review of certain federal programs administered by the State of Maine. These findings begin on page 133.

Management Letter - includes seventy audit findings with recommendations to strengthen internal controls and operating efficiencies that affect many state agencies. These findings begin on page 215.

We again must render a qualified opinion on the state's financial statements because the state's accounting records for the General Fixed Assets Account Group are incomplete. The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on the General Fixed Assets Account Group.

Since 1987 seven Single Audit reports have been issued. We believe each one has had a significant impact on the state's accounting policies and procedures, systems of internal control and compliance with its laws and regulations and those of the federal government. We would like to express our gratitude to all of those who assisted in the preparation of this document. We continue our efforts to provide the Governor, Legislature and management of state government with meaningful information useful in their decision making process.

We would be pleased to respond to any of your questions or comments about the 1993 Single Audit Report.

S/Rodney L. Scribner, CPA
State Auditor

February 1, 1995

Which was READ and, with accompanying report, ORDERED PLACED ON FILE.

Sent down for concurrence.

February 2, 1995

The Following Communication: (S.C. 55)

**Department of Agriculture, Food and Rural Resources
Deering Building
State House Station 28
Augusta, Maine 04330-0028**

January 30, 1995

Senator Jeffrey H. Butland, President, Maine Senate,
and
Representative Dan A. Gwadosky, Speaker,
Maine House of Representatives
State House Station 2
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky,

It is my pleasure to submit, in accordance with Title 7, Section 2.5., the biennial report of the Commissioner of Agriculture.

I continue to believe that agriculture in Maine is an often-overlooked business sector. With nearly a half billion in sales each year at the farm level, and additional processing in the State, agriculture contributes about 20,000 jobs and helps to maintain the economic viability of rural communities throughout the State. This report outlines the major issues facing the Department in the coming years. I would like to thank you, and the other members of the 117th Legislature, for your continuing support on agricultural legislation.

In the interest of minimizing costs, we are enclosing sufficient copies for you to distribute to leadership. We have provided copies directly to members of the Agriculture, Conservation and Forestry Committee. Copies are available upon request for any other members of the Legislature or general public.

Sincerely,

S/Bernard W. Shaw
Commissioner

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

The Following Communication: (S.C. 56)

**MAINE TECHNICAL COLLEGE SYSTEM
Office of the President
323 State Street
Augusta, Maine 04330**

The Honorable Jeffrey H. Butland
President, Maine State Senate
117th Maine Legislature
State House Station #3
Augusta, Maine 04333

Dear President Butland:

In 1994, the 116th Maine Legislature enacted Resolve, Chapter 55, which charged a study group to look at access to the Maine Technical College System. As chair of the study group, I am pleased to submit our Report on Improving Access to the Maine Technical College System.

After a careful review of the areas identified in the legislation, our committee is recommending a modest, long-term investment in the Technical Colleges. We believe this investment is critical to assuring access for an expanding applicant pool, and to addressing a shortage of technically-skilled workers for Maine businesses. Without this investment, our projections show that by the year 2006, the Technical Colleges will be forced to turn away six out of seven applicants - a waste of human potential as well as a hinderance to economic growth. This recommendation, we believe, takes into consideration the State's financial challenges, yet helps avert a bottleneck at the Technical Colleges in the next decade.

In fulfilling our charge, the committee came away deeply impressed with Maine's Technical Colleges - their high placement rate, the strong support they have earned from business and industry, the many innovative partnerships they've developed, and the leadership role they're playing in facilitating school-to-work efforts in Maine high schools. With adequate resources, the Technical Colleges could have a great and lasting impact on the lives of Maine people, the competitiveness of Maine businesses, and ultimately the strength of Maine's economy.

We welcome the opportunity to discuss our report and want to thank you for the opportunity to be a part of this important effort.

Sincerely,

S/Laurie Winsor, Chair
President, Androscoggin County Chamber of Commerce

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

The Following Communication: S.P. 176

117TH LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

February 3, 1995

Senator Vinton E. Cassidy
Representative Marge L. Kilkelly
Chairpersons
Joint Standing Committee on Agriculture, Conservation
and Forestry
117th Legislature
Augusta, Maine 04333

Dear Senator Cassidy and Representative Kilkelly:

Please be advised that Governor Angus S. King, Jr. has nominated Edward J. McLaughlin of Clifton as Commissioner of the Department of Agriculture.

Pursuant to Title 7, MRSA Section 1, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

Sent down for concurrence.

The Following Communication: S.P. 177

117TH LEGISLATURE

Jeffrey H. Butland
President of the Senate

Dan A. Gwadosky
Speaker of the House

February 3, 1995

Senator John W. Benoit
Representative Herbert E. Clark
Chairpersons
Joint Standing Committee on Criminal Justice
117th Legislature
Augusta, Maine 04333

Dear Senator Benoit and Representative Clark:

Please be advised that Governor Angus S. King, Jr. has nominated Joseph D. Lehman of Mechanicsburg, Pennsylvania for appointment as Commissioner of the Department of Corrections.

Pursuant to Title 34A, MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Criminal Justice and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was READ and referred to the Committee on CRIMINAL JUSTICE.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (Emergency)

S.P. 167 L.D. 428

Presented by Senator CIANCHETTE of Somerset
Cosponsored by Senator CAREY of Kennebec and
Senators: BEGLEY of Lincoln, BERUBE of
Androscoggin, HALL of Piscataquis, HARRIMAN of
Cumberland, HATHAWAY of York, KIEFFER of
Aroostook, LORD of York, PARADIS of Aroostook,
RUHLIN of Penobscot, STEVENS, JR. of
Androscoggin, Representatives: BAILEY of Township
27, CAMPBELL of Holden, CLOUTIER of South
Portland, DIPIETRO of South Portland, FISHER of
Brewer, GOULD of Greenville, GREENLAW of
Standish, JACQUES of Waterville, JONES, JR. of
Pittsfield, KEANE of Old Town, LIBBY of
Kennebunk, MURPHY of Berwick, POVICH of
Ellsworth, REED of Dexter, ROTONDI of Madison,
SAVAGE of Union, STEDMAN of Hartland, TUFTS of
Stockton Springs

Reference to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY suggested and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$15,000,000 to Expand Maine's Interactive Television System to Maine High Schools"

S.P. 171 L.D. 432

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senators: **ABROMSON** of Cumberland,
BUTLAND of Cumberland, **CASSIDY** of Washington,
HARRIMAN of Cumberland, **MILLS** of Somerset, **SMALL**
of Sagadahoc, Representatives: **AULT** of Wayne,
BARTH, JR. of Bethel, **BOUFFARD** of Lewiston,
BRENNAN of Portland, **CLOUTIER** of South Portland,
DESMOND of Mapleton, **DIPIETRO** of South Portland,
GERRY of Auburn, **MARTIN** of Eagle Lake, **MARVIN** of
Cape Elizabeth, **MCELROY** of Unity, **MITCHELL** of
Vassalboro

Reference to the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and **ORDERED
PRINTED**.

Sent down for concurrence.

Resolve, to Direct the Bureau of Insurance to
Review the Uniform Classification System Used in
Workers' Compensation Insurance

S.P. 157 L.D. 419

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senators: **ABROMSON** of Cumberland,
GOLDTHAIT of Hancock, **RAND** of Cumberland, **SMALL**
of Sagadahoc, Representatives: **AHEARNE** of
Madawaska, **GERRY** of Auburn, **LANE** of Enfield,
SAVAGE of Union

Bill "An Act to Stabilize Health Insurance Rates
for Small Businesses"

S.P. 164 L.D. 425

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senator: **O'DEA** of Penobscot,
Representative: **CHASE** of China

Bill "An Act to Prohibit Insurers from Cancelling
the Policies of Elected Officials"

S.P. 174 L.D. 435

Presented by Senator **CLEVELAND** of Androscoggin

Reference to the Committee on **BANKING AND
INSURANCE** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING
AND INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend Real Estate Appraisal
Licensing and Certification Laws"

S.P. 168 L.D. 429

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Senators: **CARPENTER** of York,
CIANCHETTE of Somerset, **HATHAWAY** of York, **KIEFFER**
of Aroostook, **LORD** of York, Representatives: **AULT**
of Wayne, **BAILEY** of Township 27, **DEXTER** of
Kingfield, **GOULD** of Greenville, **KONTOS** of
Windham, **MAYO, III** of Bath, **MCALLEVEY** of
Waterboro, **MORRISON** of Bangor, **NADEAU** of Saco,
NASS of Acton, **REED** of Dexter, **STONE** of Bangor,
VIGUE of Winslow

Reference to the Committee on **BUSINESS AND
ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS
AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Juveniles Hunting without
Adult Supervision"

S.P. 163 L.D. 424

Presented by Senator **HALL** of Piscataquis
Cosponsored by Senators: **CARPENTER** of York,
KIEFFER of Aroostook, Representatives: **DONNELLY**
of Presque Isle, **GREENLAW** of Standish

Reference to the Committee on **INLAND FISHERIES
AND WILDLIFE** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **INLAND
FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Establish a Limit on Noneconomic
Damages in Medical Malpractice Actions"

S.P. 161 L.D. 423

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senators: **BEGLEY** of Lincoln,
BERUBE of Androscoggin, **CAREY** of Kennebec,
CARPENTER of York, **CASSIDY** of Washington,
FERGUSON, JR. of Oxford, **HALL** of Piscataquis,
PENDEXTER of Cumberland, Representatives: **AULT** of
Wayne, **CLUKEY** of Houlton, **CROSS** of
Dover-Foxcroft, **DONNELLY** of Presque Isle, **DUNN** of
Gray, **JOY** of Crystal, **JOYCE** of Biddeford, **JOYNER**
of Hollis, **KNEELAND** of Easton, **NASS** of Acton,
PLOWMAN of Hampden

Bill "An Act to Improve Access to Public Records"

S.P. 173 L.D. 434

Presented by Senator **PENDEXTER** of Cumberland (By
Request)
Cosponsored by Representative: **POIRIER** of Saco

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require the Maine State Retirement System to Annually Report to Its Members and to Investigate the Issue of Privatization"
S.P. 159 L.D. 421

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senators: **ABROMSON** of Cumberland,
CARPENTER of York, **HARRIMAN** of Cumberland, **SMALL**
of Sagadahoc, Representative: **BIRNEY** of Paris

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning"
S.P. 169 L.D. 430

Presented by Senator **HANLEY** of Oxford
Cosponsored by Senators: **AMERO** of Cumberland,
BEGLEY of Lincoln, **CARPENTER** of York, **HALL** of
Piscataquis, **KIEFFER** of Arrostook,
Representatives: **BAILEY** of Township 27, **BIGL** of
Bucksport, **CARLETON, JR.** of Wells, **JOYCE** of
Biddeford, **ROBICHAUD** of Caribou, **WHITCOMB** of
Waldo, **WINSOR** of Norway

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require a License for Recreational Harvesting of Marine Organisms and for the Operation of Marine Party Boats" (Emergency)
S.P. 158 L.D. 420

Presented by Senator **MICHAUD** of Penobscot

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River"
S.P. 160 L.D. 422

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senator: **PENDEXTER** of Cumberland,
Representatives: **GOULD** of Greenville, **LOVETT** of
Scarborough, **PENDLETON, JR.** of Scarborough

Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003
S.P. 170 L.D. 431

Presented by Senator **RUHLIN** of Penobscot
Cosponsored by Senators: **AMERO** of Cumberland,
CARPENTER of York, **CIANCHETTE** of Somerset,
CLEVELAND of Androscoggin, **LONGLEY** of Waldo,
Representatives: **GOULD** of Greenville, **GREENLAW** of
Standish, **POULIN** of Oakland

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Restrict the Situations When a Taxpayer May Request an Abatement of Property Taxes"
S.P. 165 L.D. 426

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Senators: **BERUBE** of Androscoggin,
FERGUSON, JR. of Oxford, Representatives: **LOOK** of
Jonesboro, **RICE** of South Bristol, **SAVAGE** of
Union, **SPEAR** of Nobleboro

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

Reference to the Committee on **TAXATION** suggested
and **ORDERED PRINTED.**

Off Record Remarks

Which was referred to the Committee on **TAXATION**
and **ORDERED PRINTED.**

Sent down for concurrence.

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

Bill "An Act to Create an Intermediate License
for Minors"

S.P. 166 L.D. 427

After Recess

Presented by Senator **FAIRCLOTH** of Penobscot
Cosponsored by Senators: **CASSIDY** of Washington,
PARADIS of Aroostook, **STEVENS, JR.** of
Androscoggin, Representatives: **CHARTRAND** of
Rockland, **O'GARA** of Westbrook

Senate called to order by the President.

Reference to the Committee on **TRANSPORTATION**
suggested and **ORDERED PRINTED.**

Off Record Remarks

Which was referred to the Committee on
TRANSPORTATION and **ORDERED PRINTED.**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Bill "An Act to Reduce the Cost of Electricity
and to Provide for Market Competition in the
Production and Sales of Electricity"

S.P. 172 L.D. 433

House Papers

Presented by Senator **CLEVELAND** of Androscoggin

Bill "An Act to Restore Funding to the Property
Tax Relief Fund"

H.P. 310 L.D. 414

Reference to the Committee on **UTILITIES AND
ENERGY** suggested and **ORDERED PRINTED.**

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$4,000,000 for Facilities
Serving People with Mental Illness"

H.P. 313 L.D. 417

Which was referred to the Committee on **UTILITIES
AND ENERGY** and **ORDERED PRINTED.**

Reference to the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED.**

Sent down for concurrence.

Come from the House, referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and **ORDERED
PRINTED.**

Senate at Ease

Senate called to order by the President.

Which were referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans"

H.P. 287 L.D. 391

Bill "An Act to Require Insurance Companies to Make Discounted Premiums Available to Drivers 55 Years of Age or Older Who Complete Motor Vehicle Accident Prevention Courses"

H.P. 298 L.D. 402

Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws"

H.P. 321 L.D. 442

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

Bill "An Act to Expand Maine's Bottle Law"

H.P. 281 L.D. 385

Bill "An Act Concerning the Rights and Responsibilities of Innkeepers"

H.P. 291 L.D. 395

Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets"

H.P. 307 L.D. 411

Bill "An Act to Expand the Shelter Operating Subsidy Program and the Temporary Housing Assistance Program"

H.P. 312 L.D. 416

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody"

H.P. 305 L.D. 409

Bill "An Act to Protect Minors from Child Molestation"

H.P. 316 L.D. 437

Bill "An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person"

H.P. 317 L.D. 438

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

Bill "An Act to Amend the Laws Governing Wrongful Death Caused by Truck Drivers"

H.P. 292 L.D. 396

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Provide for an Appeals Process for Teacher Certification"

H.P. 289 L.D. 393

Bill "An Act to Allow a School District to Print the District's Name on School Buses"

H.P. 299 L.D. 403

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Promote Apprentice Education in the State"

H.P. 320 L.D. 441

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

Resolve, to Install Fish Screens in the West Grand Lake Dam

H.P. 280 L.D. 384

Bill "An Act to Protect the Deer Population from Over-hunting"

H.P. 315 L.D. 436

Reference to the Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Bill "An Act to Exclude Out-of-court Statements by Juveniles in Child Protection Cases"

H.P. 279 L.D. 383

Bill "An Act to Continue Protection Under a Protection From Abuse Order"

H.P. 297 L.D. 401

Bill "An Act to Exempt Individual Retirement Accounts from Attachment"

H.P. 304 L.D. 408

Bill "An Act to Amend the Notice Requirements of the Maine Tort Claims Act"

H.P. 306 L.D. 410

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY**, in concurrence.

Bill "An Act to Establish a Minimum Percentage Markup for Alcoholic Beverages"

H.P. 276 L.D. 380

Bill "An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls"

H.P. 293 L.D. 397

Bill "An Act to Authorize Video Gaming"

H.P. 296 L.D. 400

Bill "An Act to Allow Name Tags at Polling Places during Election Day"

H.P. 319 L.D. 440

Bill "An Act to Place a Spending Cap on State Senate and House Campaigns"

H.P. 322 L.D. 443

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Bill "An Act to Credit Incineration as Recycling"

H.P. 278 L.D. 382

Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **NATURAL RESOURCES**, in concurrence.

Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures"

H.P. 277 L.D. 381

Bill "An Act to Establish the Maine Commission on Community Service"

H.P. 282 L.D. 386

Bill "An Act to Clarify the Collection of Sewer Charges"

H.P. 288 L.D. 392

Bill "An Act to Ensure Courteous Treatment of the Public by State Employees"

H.P. 294 L.D. 398

Resolve, That State Agencies Develop a Refund-for-Compliance Policy

H.P. 300 L.D. 404

Bill "An Act Relating to Building Permit Ordinances"

H.P. 308 L.D. 412

Bill "An Act to Amend the County Budget Approval Process for Cumberland County"

H.P. 314 L.D. 418

Bill "An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers"

H.P. 318 L.D. 439

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Bill "An Act to Increase the Tax Exemption on Church Properties"

H.P. 284 L.D. 388

Bill "An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities"

H.P. 286 L.D. 390

Bill "An Act to Expand Eligibility for the Circuit Breaker Program"

H.P. 290 L.D. 394

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals"

H.P. 295 L.D. 399

Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected"

H.P. 301 L.D. 405

Bill "An Act to Promote Economic Growth and Job Promotion by Phasing Out the Personal Property Tax, Capping the Corporate Income Tax and Returning Revenue to Communities"

H.P. 303 L.D. 407

Bill "An Act to Enable Municipalities to Expand the Use of Tax Increment Financing"

H.P. 309 L.D. 413

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION**, in concurrence.

Bill "An Act to Require the Use of Headlights on Vehicles Whenever the Windshield Wipers Are in Continuous Use"

H.P. 285 L.D. 389

Bill "An Act to Authorize the Use of Loon Plates on Vehicles of the Handicapped"

H.P. 302 L.D. 406

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

Bill "An Act to Repeal the Winter Harbor Water District"

H.P. 283 L.D. 387

Bill "An Act to Require Uniform Public Access and Tax Status for Water Districts"

H.P. 311 L.D. 415

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES AND ENERGY**, in 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:

COMMITTEE REPORTS

House

Change of Reference

The Committee on **JUDICIARY** on Bill "An Act to Exempt Rifle and Pistol Ranges from Noise Ordinances" H.P. 202 L.D. 261

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Which Report was **READ** and **ACCEPTED**, and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**, in concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 57)

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

February 3, 1995

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Janet E. Waldron of Vassalboro, for appointment as the Commissioner of the Department of Administrative and Financial Services.

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

YEAS: Sen. 2 Hanley of Oxford, Begley of Lincoln

Rep. 10 Kerr of Old Orchard Beach, Pouliot of Lewiston, Joseph of Waterville, DiPietro of South Portland, Morrison of Bangor, Townsend of Portland, Aikman of Poland, Ott of York, Donnelly of Presque Isle, Simoneau of Thomaston

NAYS: 0

ABSENT: 1 Berube of Androscoggin

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Janet E. Waldron of Vassalboro, for appointment as the Commissioner of the Department of Administrative and Financial Services be confirmed.

Signed:

Dana C. Hanley
Senate Chair

George J. Kerr
House Chair

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

THE PRESIDENT: The Joint Standing Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** has recommended the nomination of Janet E. Waldron of Vassalboro be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: PARADIS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Janet E. Waldron, for appointment as Commissioner of the Department of Administrative and Financial Services, was CONFIRMED.

The Secretary informed the Speaker of the House.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: (S.C. 58)

COMMITTEE ON NATURAL RESOURCES ONE HUNDRED AND SEVENTEENTH LEGISLATURE

February 3, 1995

The Honorable Jeffrey H. Butland President of the Senate of Maine 117th Maine Legislature State House Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Edward O. Sullivan of Sand Lake, NY, for appointment as the Commissioner of the Department of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the

motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 3 Lord of York, Hathaway of York, Ruhlin of Penobscot Rep. 9 Gould of Greenville, Jane W. Saxl of Bangor, Berry of Livermore, Meres of Norridgewock, Shiah of Bowdoinham, Greenlaw of Standish, Damren of Belgrade, Nickerson of Turner, Marshall of Eliot

NAYS: 0

ABSENT: 1 Poulin of Oakland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward O. Sullivan of Sand Lake, NY, for appointment as the Commissioner of the Department of Environmental Protection be confirmed.

Signed:

Willis A. Lord Senate Chair

Richard A. Gould House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on NATURAL RESOURCES has recommended the nomination of Edward O. Sullivan of Sand Lake, New York be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

Rep. 10 Gould of Greenville, Poulin of Oakland, Jane W. Saxl of Bangor, Berry of Livermore, Meres of Norridgewock, Shiah of Bowdoinham, Greenlaw of Standish, Damren of Belgrade, Nickerson of Turner, Marshall of Eliot

NAYS: 0

ABSENT: Senator: PARADIS

ABSENT: 0

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Edward O. Sullivan, for appointment as Commissioner of the Department of Environmental Protection, was **CONFIRMED**.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John S. Williams of Winthrop, for appointment to the Maine Waste Management Agency be confirmed.

Signed:

Willis A. Lord
Senate Chair

Richard A. Gould
House Chair

The Secretary informed the Speaker of the House.

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

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

THE PRESIDENT: The Joint Standing Committee on **NATURAL RESOURCES** has recommended the nomination of John S. Williams of Winthrop be confirmed.

COMMUNICATIONS

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

The Following Communication: (S.C. 59)

**COMMITTEE ON NATURAL RESOURCES
ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

February 3, 1995

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

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333

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

Dear Mr. President:

Is the Senate ready for the question?

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John S. Williams of Winthrop, for appointment to the Maine Waste Management Agency.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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

ROLL CALL

YEAS: Sen. 3 Lord of York, Hathaway of York, Ruhlin of Penobscot

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CAPRENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: PARADIS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of John S. Williams, for appointment to the Maine Waste Management Agency, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Senate at Ease

Senate called to order by the President.

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

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **KIEFFER** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (Emergency)

H.P. 270 L.D. 372

Reported that the same **Ought to Pass** Pursuant to Joint Order H.P. 184.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Which Report was **READ**.

On motion by Senator **HANLEY** of Oxford, the Bill was substituted for the Report and referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to the Maine Health Program" (Emergency)

H.P. 271 L.D. 373

Reported that the same **Ought to Pass** Pursuant to Joint Order H.P. 184

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **HUMAN RESOURCES**.

Which Report was **READ**.

Senator **HANLEY** of Oxford moved to substitute the Bill for the Report and refer the Bill to the Committee on **HUMAN RESOURCES**, in concurrence.

Senator **BUSTIN** of Kennebec moved to Table Unassigned, pending the motion by Senator **HANLEY** of Oxford to substitute the Bill for the Report and refer the Bill to the Committee on **HUMAN RESOURCES**, in concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator **HANLEY** of Oxford, Tabled until Later in Today's Session, pending the motion by the same Senator to substitute the Bill for the Report and refer the Bill to the Committee on **HUMAN RESOURCES**, in concurrence.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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 Year Ending June 30, 1995" (Emergency)

H.P. 120 L.D. 155

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-10)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-10) **READ**.

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "C" (S-5) to Committee Amendment "A" (H-10) **READ**.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What Senate Amendment "C" does is it pays the State employees on time. It takes the money out of the Rainy Day Fund to do so. I would like to compliment the Appropriations Committee on the fine job that they have done in the supplemental budget. There are a few changes I would like to see, and this is one of them. I feel very strongly that we should pay our State employees when they are supposed to be paid. That's what this amendment does.

State employees get paid every two weeks. There are two different cycles, Cycle A and Cycle B. Under the current gimmick, under the current statutes, Cycle A will be paid on June 7th. They will not get paid again until July 5th, a whole month later. I think that is wrong and it is very inappropriate. That's why I offer this Senate Amendment. During the Appropriation work session, and during different discussions with other legislators, members of the Appropriations Committee have said they will deal with it with rejections. Men and women of the Senate, I don't know if you have talked with the Budget Office, but rejections are not going to bring in the dollars to pay the State employees. They will be lucky if they get \$5 million when they do the rejections. So I do not fall for that argument, that that will take care of the State employees, because it will not.

Over the last few years we have been trying to build up the Rainy Day Fund. It should be built up, but I think we have an obligation to the work force of this State to pay them on time, and we do have the

money to do so. I also went back to check on the revenues that have been in the Rainy Day Fund for the last three or four years while we have been having this problem. In 1992 the amount in that fund was \$82,000. In 1993 it was \$756,000. So there is no huge amount of money that has been in that fund and I believe strongly that we should build that fund up, and we will as the times get better. I think it is a great disservice for a member of this Legislature to allow that gimmick to continue to go on, especially when we have the funds available to pay the State employees. I was also asked if there are any other clumps of money available to do this. Yes, there are. There is the salary plan that has roughly over \$12 million in it, which is the best it has been for quite a while. I chose to take it out of the Rainy Day fund, rather than the salary plan, because I think it is a better account to pay the State employees with. Mr. President, when the vote is taken I request a Roll Call. Thank you.

On motion by Senator **MICHAUD** 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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to applaud the remarks and echo the remarks of the good Senator, with respect to the obligation that the State has to make sure that the State employees are paid on time. Let me state on the Record what has been stated in the Appropriations Committee room. We, as a Committee of thirteen, united to address this issue. Yes, we do not think it is fair for State employees to work into the month of June and not expect to have a payment made until the next fiscal year. We further made the commitment that when the revenue rejections came out in March that we would put forth another bill which would specifically address the payroll push. The good Senator is correct, we may not be able to fund the entire amount at that point in time. We, as a Committee, would like the opportunity to see how much funds are available at that time and then look at the various options that we have. Maybe we will find out that the Rainy Day Fund is the best place to go at that point in time. We may decide that the salary plan has some more savings there for us to dip into. What the good Senator forgot to tell you was that this Rainy Day Fund, if we hadn't raided it as much as we have over the last few years, would be in the \$70 million range. Now it is at \$12.5 million.

I guess I do appreciate and I applaud the comments, I just don't think this is the appropriate place to make this payroll gimmick go away. As I stated, the Committee unanimously agreed to address this in March when the rejections come out. We are not going to shirk away from that responsibility. Therefore, I would move that this amendment be Indefinitely Postponed. Thank you.

Senator **HANLEY** of Oxford moved that Senate Amendment "C" (S-5) to House Amendment "A" (H-10) be **INDEFINITELY POSTPONED**.

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

Senator **MICHAUD**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I applaud the good Senator from Oxford, Senator Hanley's remarks. However, we do not know the amount of money that is going to be in the rejections. If, at that time, the Committee wants to put whatever the rejections money is, 100% of it, into the Rainy Day Fund, they can do so. We have an obligation to the State employees of this State to pay them on time. There has been a cap on the Rainy Day Fund of \$25 million. That is a cap that was established when they established the Rainy Day Fund, therefore it would not have reached the \$70 million mark that he suggests. We do have an obligation to pay the State employees and I think we ought to send a message today that they are our most valuable resource in State Government and they should be treated fairly. To say that the Committee and the Legislature will take care of it in March is the same as saying that they are not a top priority. By taking care of a \$7.5 million gimmick in the budget, which I applaud the Committee for doing so, and not taking care of the State employees payroll push is saying they are not a top priority. For those of you who own businesses in this chamber, can you get away with not paying your employees? I would suggest not. It is not right, and it is not fair. The money is there and we should pay them. When the rejections amount comes in, whatever amount that is, if this body wants to put 100% of that into the Rainy Day Fund, they can do so at that time. I think we are sending a wrong message to the workers of this State by saying, "You are not a top priority. We will take care of you in March when the rejections come in. We will take care of other gimmicks as we see them, but State employees are not a top priority."

Going door-to-door during the campaign, I have a lot more State employees in my district than in my previous House district. That was one of the things that they talked about, the payroll push and the gimmicks. I think they are a top priority and we ought to adopt this amendment because the money is there. My concern with another bill dealing with them later on is that that money might be used for something else. If the Appropriations Committee and this body choose to do so, they shall. I think we have an obligation to the work force of this State to pay them on time and not wait a month between paychecks. I disagree with that. I request a Roll Call on Indefinite Postponement. Thank you.

On motion by Senator **MICHAUD** 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 Kennebec, Senator Bustin.

Senator **BUSTIN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Hanley, mentioned salary savings and that that could go to what we now call the pull, since we gave a push to the State employee's salaries. Well, in the budget bill I noticed there is an awful lot of salary savings in here. None of which went to the pull, or to pay the employees on time. The second thing that I would mention is that Congress has made the decision that they will, in

fact, abide by the laws that they pass for other people. We have a law on the books that says that employees, no matter where, get paid in the week that they have earned the money, unless there is a collective bargaining agreement otherwise. The collective bargaining agreement for State employees is bi-weekly. We ought to stick to that. Thank you.

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have had an opportunity to go through the greatest part of this budget. I find areas where we, in fact, could find other monies out of Committee Amendment "A". For instance, under the Department of Economic Development there is \$1,350,000, apparently, to provide for allocations of funds for one Development Project Officer position, operating expenses, and for grants to Regional Development Organizations for loans to businesses that have suffered adverse economic effects from defense budget reductions. We are approaching the middle of February. By the time the grants are asked for and everything, this would be a better item for the biennial budget. We are looking at \$1,384,000 there. In this emergency bill we are also providing for the allocation of funds through a transfer from all other capital expenditures for office equipment in ten offices across the State. I hope their furniture doesn't fall apart in the meantime. That's \$200,000 right there. There is still some more to go but that is about as far as I have gotten. There is \$3 million allocated again for economic and community development to provide for allocations of funds for additional community development block grant funds to cities and towns. It seems as though the cities and towns could wait until the first of July. I am a selectman from one of the towns which would obviously apply, and there are other people here who are in municipal offices. We could certainly wait so that this money could then go towards paying people on 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. The topic of paying State employees has come to the front with the Governor, with the Legislature, and certainly with the Appropriations Committee. It was discussed, it was pointed out that it needed to be changed. It is not put away on some dusty shelf. The time frame has already been stated as to when they will discuss this issue and perfectly work it out to the satisfaction of everybody. It was then pointed out that if this budget, as proposed, is passed, then that clears the table for that discussion to take paramount position. Is it a second choice? Not in my mind. It is undoubtedly going to be handled before the time comes for their pay. It has been stated by the Appropriations Committee, it has been stated by the desire here and by the Governor's Office. There is no doubt in my mind that that will be the case. The fact that it was not in this budget that is coming up to us, that is being asked to be amended, is because it was agreed to by thirteen people. They said that that was their desire and they hoped that it would be

passed at that point. I believe that is the way it should be handled. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am not going to get involved in the debate but I would like to point out to you that when there are allocations in the budget, those are federal dollars, not General Fund dollars. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Kennebec, Senator Carey, as far as pointing out other areas. I would like to ask this body to give the Appropriations Committee that opportunity, as well, when we revisit this issue in March after the projections are in, to also look at other areas of potential that may come to light in the intervening period. Rather than just taking it all from the Rainy Day Fund. I think you have had expressed now, from the members of the Appropriations Committee, both in this chamber and in the other chamber, that we are adamant and steadfast in making sure that any payroll push gets remedied prior to the paycheck being issued in June and July. The only question I would like to pose to any member of this chamber is this, are any of the State employees at risk of not receiving any of their paychecks prior to the first of April? Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I cannot answer that as far as the first of April, but there are the State employees who will not be receiving their check when they are supposed to in June. That's the issue here, whether or not we are going to tell State employees they are not a top priority. If we do find funds under the reprojection, we'll pay you. The funds are not going to be there. I have talked to the Budget Office last week and they said they will be lucky if they get \$5 million. I think they are a top priority and I hope that this body will treat State employees like you would treat your own employees and pay them on time. The money is there to pay them. I don't think it's fair for the Maine Legislature to keep money in a Rainy Day Account when they know that State employees are out there and they will not be paid. I don't think it's fair for the Credit Union to have to extend loans to State employees because the State is not meeting its obligations. I applaud them for doing that but there are State employees across the State who do not have that luxury that some others might have if they belong to the Maine State Employees Credit Union. They barely can meet their expenses in these hard economic times and they should be paid on time. That is what this amendment does, it pays them on time, and it does not have any effect other than taking the money that is rightfully

owed to them out of the Rainy Day Fund to make sure that they are paid on time. If the Appropriations Committee and this Legislature wants to use whatever money comes in under the rejections and put it in the Rainy Day Fund I have no objections. We ought to send a message to the workers of this State that they do count and that they are important to the State of Maine. I hope you will vote against the pending motion to Indefinitely Postpone this amendment. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think as we discuss priorities it is important to remember that the overriding priority for us right now is the financial health of the State. It seems to me that it is the precarious nature of that health that has caused the problems for the employees in the first place. I am concerned that we keep sight of the goal. That until we get our financial house in order, and until we have a sound financial basis from which to act, no one, not the employees nor any citizen in this State, is going to be safe from the kinds of measures that we have had to resort to in the last few years. Having said that, I would like to pose a question through the Chair. I would like to know if anyone can answer, if I am following the numbers correctly, do I understand that there will be about \$3 million left in the Rainy Day Fund? If that is so, is that the highest level that Fund has been at for the last six years or so? Thank you.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer the first question, yes, that is roughly what is available. No, that is not the highest amount of money that has been in that fund. In the early 90's clearly that is the highest amount. In 1992 it was roughly \$82,000 and in 1993 it was roughly \$756,000. In the booming years the Rainy Day Fund did meet its max of \$25 million; but in the rough times, in the early 90's, there has been far less than that. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just to clarify any confusion that the good Senator from Penobscot may have had as far as my earlier statements. The Appropriations Committee is not relying solely on revenue rejections to fund the employee payroll push. Not at all. We would like to see what that figure is and then utilize that figure, along with whatever other measures, potential budget cuts, or the salary plan, or the Rainy Day Fund, that we will put together a framework in order to have the payroll push taken care of. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-5) to Committee Amendment "A" (H-10).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PINGREE, RAND, RUHLIN

ABSENT: Senator: PARADIS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-5) to Committee Amendment "A" (H-10), **PREVAILED**.

On motion by Senator McCORMICK of Kennebec, Senate Amendment "B" (S-4) to Committee Amendment "A" (H-10) **READ**.

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

Senator **McCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I applaud the Appropriations Committee and the Governor for their attempt at removing gimmicks from our budgeting. I am glad that the one gimmick, the hospitals, the \$7.5 million gimmick, was taken care of in this supplemental budget. However, there are many other gimmicks still to go. It seems to me that if we are going to make a statement to the people of Maine that Maine is on the move and Maine is on the right track, a statement that I certainly would love to make, that we need to start getting rid of all of the gimmicks. That is what this amendment does. Gimmicks, of course, cost money to get rid of. Because I know that there is a concern that we keep money in the Rainy Day Fund, I have written this amendment to make a payment on, if you will, two of the most egregious gimmicks that we have had to resort to in the past four years. This amendment would pay for the Cycle A State employees push. Those are the employees who would have to wait literally a month between a

paycheck that should be given to them on June 7 and will instead, unless we act today, be given to them on July 5. That is a part, it is not all but we have just failed an amendment to deal with all of them, so I felt that it was important for us to at least start and make a good faith effort at limiting this gimmick. The cost of that is \$4 million to take care of the Cycle A State employees.

The second and last part of this amendment is one that will concern all of you. The State has, for the last two years, been housing its prisoners in the county jails and basically not paying our bills. The total biennial cost of that, for the last biennium, is about \$4.5 million. I don't know if any of you, like I, have been going to your county budget meetings but it is causing great havoc at the county level. For instance, my county budget is off by \$282,000. It's off by a lot more, but \$282,000 of it, a good third of their overdraft, is because the State of Maine has not paid its bills to the County. Once again, because it would cost too much to pay all of that bill, this amendment seeks to make a good faith attempt at making good on the State's debts and pays half of that bill. If we were to pass this it would cover half of our debt to the counties for housing the prisoners that we sent to the counties. The total cost of the amendment is \$6.4 million. It all comes out of the Rainy Day Fund, leaving about \$6 million in the Rainy Day Fund, which is a goodly amount of money. When the vote is taken I ask for the yeas and nays.

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

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I must admit it is a new and exciting spirit here in the Senate as far as the two amendments that have been proposed. I am in favor of both of them, in fact I would like to see both of them addressed. As I think we discussed earlier in the previous amendment, there is a definite commitment on the part of our Committee to address the payroll push. Let me also say, as far as the reimbursement for the community corrections, our Committee has had discussion with the Governor. That is one of the other areas that he would like to see immediately addressed because he realizes that that is a past debt to the property taxpayers. I'm not exactly sure how we will address that, but we do have a commitment from the Governor and when the reprojections come in in March and the Appropriations Committee once again deals with the issue of the payroll push, at that point in time I hope to have a plan to at least make, as the good Senator from Kennebec pointed out, a down payment towards that. As everyone here is aware, the Governor has also made a commitment to address, in the biennial budget, the issue of community corrections and to make sure that the payments are made to the communities who deserve them. Having said that, the Committee did vote out a unanimous supplemental budget for the Legislature to consider. We have made a commitment to revisit those areas when the March reprojections come out. I would ask the members of the Senate to allow the

Appropriations Committee to do the work with which we have been charged and towards that end I would move that this amendment be Indefinitely Postponed. Thank you.

Senator HANLEY of Oxford moved that Senate Amendment "B" (S-4) to Committee Amendment "A" (H-10) be **INDEFINITELY POSTPONED**.

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 ask for a Roll Call on Indefinite Postponement and I would just like to add that I have sat in this chamber and helped other Senators deal with economic catastrophes in their districts, whether it be Kittery because of the possible closure of the Kittery Shipyard, for which we have appropriated money, or be it Loring, for which we have twice appropriated money. I don't think you have experienced what those of us in Kennebec County have experienced with the furloughs and the pushes in terms of economic catastrophe. I get business owner upon business owner, service employers, restaurants, hotels, and motels coming to me and saying, "This is killing us. My business is off." Even as far as Winthrop, twenty miles away, comes to me and says businesses are off 33% because of what you have been doing on the books in Augusta. It is about time that we give the business owners our ear here in this county as well, instead of everywhere else but here. I would really urge you to try to deal now with this economic disaster for our county. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-4) to Committee Amendment "A" (H-10).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, CAREY, CLEVELAND, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PINGREE, RAND

ABSENT: Senators: CIANCHETTE, PARADIS

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-4) to Committee Amendment "A" (H-10), **PREVAILED**.

On motion by Senator McCormick of Kennebec, Senate Amendment "A" (S-3) to Committee Amendment "A" (H-10) **READ**.

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

Senator McCormick: Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is your low-cost version of plugging gimmicks and fixing gimmicks. We have yet another chance to let the people of the State of Maine know that we are serious about this. This will only cost us \$2.4 million and it will be taken from the Rainy Day Fund, thereby leaving \$10 million in the Rainy Day Fund. It will pay half of our debt to the counties for housing prisoners that we sent to them last year that we have not yet paid for. I urge your positive vote on this amendment. Let me reiterate that in the Kennebec County budget this is a \$282,000 debt that is a good third of the problem in the Kennebec County budget. They will simply have to shift this to the property taxpayers if we don't take care of this today. Thank you.

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

Senator Carey: Thank you Mr. President, Ladies and Gentlemen of the Senate. This item is critical at this time because we are about to start getting the county budgets. This is one of the keys to us being able to reduce the demands on the municipalities for the county tax. Thank you.

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

Senator Rand: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to pass this amendment to the budget. I know that in Cumberland County, directly due to the cost of the Cumberland County Jail, we have had to reduce human services by over \$100,000. This is starting to hurt now. As the good Senator mentioned, county budgets are being developed now and this is an extremely important piece of legislation and I would urge you to pass this amendment. Thank you.

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

Senator Hanley: Thank you Mr. President, Ladies and Gentlemen of the Senate. I applaud the good Senator from Kennebec for her stick-to-itiveness. This is a very worthy goal and one that we, on the Appropriations Committee have discussed with the Governor. The Governor has strong concerns as far as meeting that obligation for the community corrections

programs. Once again, I would ask the members of this body to let the Appropriations Committee do their work and when the reprojection numbers come out in March allow us to deal not only with the payroll push but also the community corrections portion of the gimmicks. Admittedly so, it is a gimmick when you tell the local counties that you are going to pay for the prisoners and then you don't. I would move that this amendment be Indefinitely Postponed. Thank you.

Senator HANLEY of Oxford moved that Senate Amendment "A" (S-3) to Committee Amendment "A" (H-10) be **INDEFINITELY POSTPONED**.

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

Senator McCormick: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask for a Roll Call on Indefinite Postponement. I would just like to say to the good Senator from Oxford that I am glad that the commitment is there on both the Committee's part and the Governor's part, however timing is of the essence in this regard. I don't know about your county but my county is at the end of its budget process. The budget committee has met for eight meetings. They have drafted a budget. They are now in the process of having two hearings. I think we just had the last hearing and now they are about to present it to us. We told them it was too much of an increase and they said part of their increase was our debt that we have not paid. Basically, yet again in the way that we have done business, and I say have done because I hear that we have commitments to not cost shift anymore, but the way that we have done business in the past, that is not paying a bill to the county, which makes the county have to give an increase, which means that the towns either have to cut their budgets or raise property taxes to pay for that, that means yet again cutting here in an irresponsible way or not dealing with our debts as we should. That is just something our citizens cannot take. Please, let's deal with this now. I can't see how it will help Augusta if in March or April we find a way to give them part of this money. The debt is now and the property tax increase will be now. I urge you to vote against the motion to Indefinitely Postpone. Thank you.

Senator McCormick of Kennebec requested a Roll Call.

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

Senator Hanley: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to point out one interesting bit of information that I have gleaned during my short tenure in the Appropriations Committee room. Last fall, in October, when the rejections came through, there is a portion that we put into statute that said based on a percentage of this reprojection would get passed back to the municipalities. That in fact took place last fall and the communities received, depending on the size of each community, somewhat of a windfall, which was after their budgeting process had been put forward. I just raise that for the Chamber's information because I was not aware that that was

taking place. Additional monies will be sent to the municipalities based on rejections. That has taken place in communities across our great State. I just raise that to let members of this body know, as well as to reaffirm the commitment of the Appropriations Committee to address that in concert with the Governor. Thank you.

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

Senator McCormick: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. To the good Senator from Oxford, Senator Hanley, or whoever might know, can you enlighten me as to the reappropriation of funds that will happen when the rejections come in? Who has control of that? Is it the Committee or is it an already agreed upon formula? How much goes into surplus? How much goes into the Rainy Day Fund? What commitments have we made to that surplus? I know in the past there has been some talk of some to Committees, some to education. Can you enlighten us on that? I am going under the assumption that the Senator from Penobscot, Senator Michaud, explained to us that this reprojection will not be the amount that will cover these gimmicks that we have been discussing, but will be around \$5 million. So given that it will be \$5 million, where will it go and who decides where it will go? Thank you.

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 Oxford, Senator Hanley.

Senator Hanley: Thank you Mr. President, Ladies and Gentlemen of the Senate. To address the good Senators questions. There is a revenue forecasting committee, which has been put forward in statute. This committee, when they meet, reviews and analyzes all of the incoming revenue - sales tax, corporate tax, income tax, fees from the lottery, and other fees that are taken across state government. Of those rejections it has been set out in statute that certain percentages will go into the Rainy Day Fund, or will be sent back to the municipalities. That portion is 25%. Has the Appropriations Committee and the Legislature circumvented that in the past? Yes, they have. In fact, last time we were supposed to send more back to the communities but they only sent a portion of that percentage. Yes, there was a windfall to the communities that had already gone through their budgets. We are not sure exactly how much that will be. Having spoken with Jack Nicholas in the Bureau of the Budget, they can't be precise as to exactly how much money will come in. They won't know that until they have more information in front of them. Where will that money be spent? Our first initial concern is to address the payroll push for the state employees. Beyond that we also have other potential savings that we are looking into. Current vacant positions in state government that the Committee had asked for information on to be sent to us but that we did not have the time for prior to getting the supplemental budget out. That is another task that the Appropriations Committee is going to be looking into and hopefully we will find additional savings.

We, as a Committee, have made a commitment to put forward budgets which don't rely on any additional taxes and try and deal with the gimmicks as quickly as possible. As everyone in this chamber is aware, as soon as we were apprised of the \$7.5 million pull on the hospitals and for Medicare, we addressed that immediately. It hadn't been addressed in the Legislature before because the Appropriations Committee was not aware of that. How the money will be spent will be up to the Appropriations Committee to make a recommendation but will ultimately be the decision of this Legislature. I hope that answers the good Senator's questions. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to add a bit of information to the good Senator from Oxford, Senator Hanley's, comments on the municipal windfall. I don't think any of us would call our salary checks to our employees a windfall. Likewise, I would not describe the payments made to municipalities last fall, which went in very small measure to address the money that the State had defaulted in the State Municipal Revenue Sharing program, the money that the State has defaulted in in the Tree Growth Reimbursement program, and the money that the State had defaulted on in the Community Corrections programs, as windfalls. I do not look at that as a windfall, I do look at it as an attempt of the State to recognize that situation and address it in some small measure. It is because of that situation that it is very difficult for me not to support these amendments that begin to address these problems. However, I do feel that the bottom line of fiscal responsibility is the most critical thing facing the State right now. I do think that we can't address all of these situations immediately. They are going to have to be done on a long-range plan. I think the Appropriations Committee has done their best to lay out a plan that has some hope of digging us at least part way out of the hole that we are in and I support that plan. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To more clearly and succinctly answer the Senator from Kennebec, Senator McCormick's, question. Half of the rejections go to the Rainy Day Fund, a quarter of it goes into unappropriated surplus, the other quarter of it goes into the property tax relief fund. To mention the \$5 million, when I talked to the Bureau of the Budget they didn't say they would get \$5 million, they said they would be lucky if they did. So it is still pretty much up in the air. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise because it is very curious to me that monies owed to municipalities, as a former municipal official, would be described as windfalls. I would like to remind

the members of this body, particularly those perhaps who have not been involved in the effects over the last few years, some of the windfalls that municipalities have suffered. We funded general purpose aid to education on a flat basis for four years. This has meant that municipalities, over four years, have actually received with adjusted inflation figures, less money. My own school district in Auburn, given the largess of the State, has eliminated something in the order of 122 positions in the school system to meet those shortfalls. Trying to be fiscally responsible because they don't have any other choice. I would also like to remind you that we have reduced the circuit breaker program both by total dollars available to individuals who are low-income, elderly and poor, and we have also tightened the requirements on those so people with modest incomes who are raising families are no longer eligible to help pay for those taxes. I wouldn't describe that as a windfall and we haven't changed that tax shift yet either. I might also remind you that a previous legislature created something called a gross receipts tax. Within that gross receipts tax they included all of the revenue from restaurants and bars and other areas that used to be included in the sales tax and shared with municipalities on a state revenue sharing. So tens of millions of dollars are no longer available to be shared with municipalities as they were once before. I hardly call that a windfall that hasn't been replaced yet. Not to mention of course, as has been said here before, the tree growth program which we have reneged on. So we have a long ways to go Ladies and Gentlemen, a long ways to go. When monies are available in a timely way it is time that we begin to make initial down payments, because if we don't start now, I suggest to you that in our lifetimes we may never get there. So let's begin to support our obligations and do what is right and I hope you will not vote for the motion to Indefinitely Postpone. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-3) to Committee Amendment "A" (H-10).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, RUHLIN, SMALL, STEVENS,** and the **PRESIDENT, Senator BUTLAND**

NAYS: Senators: BUSTIN, CAREY, CIANCHETTE,
CLEVELAND, ESTY, FAIRCLOTH,
LAWRENCE, LONGLEY, McCORMICK,
MICHAUD, O'DEA, PINGREE, RAND

ABSENT: Senator: PARADIS

21 Senators having voted in the affirmative and 13 Senators in the negative, with 1 Senator being absent, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-3) to Committee Amendment "A" (H-10), **PREVAILED**.

On motion by Senator FAIRCLOTH of Penobscot, Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10) **READ**.

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

Senator FAIRCLOTH: Thank you Mr. President, Ladies and Gentlemen of the Senate. I do want to note that this is my first time addressing the chamber and I am very honored to be here. I pledge to work with all of my colleagues in good fellowship, regardless of whether we agree or disagree on any particular issue.

Colleagues of the Senate, when Governor King started his business a few years ago, that business, to its credit, participated in and received the benefits of the Maine Care Program. That program was similar to the Maine Health Program which I offer an amendment to today, in that it was subsidized by the State of Maine. Maine Care was a demonstration project in the Brunswick area, among other places, that subsidized health benefits for small businesses. It made a big difference and was a great help to a few people, including the Governor and his employees. That is greatly to his credit. Recently, Governor King has said that he would not be able to keep his promise to fight for the Maine Health Program. He would allow the Maine Health Program to die because it would benefit only a few people. Back in Bangor we call those few people neighbors. Neighbors who work for a living. There are scores of these neighbors in every Senate district throughout the State. They all work for a living. My family lives on Maple Street in Bangor, and a couple of blocks away, on Elm Street, is a neighbor named Donna Hightower. I would like to tell you a little bit about her. Like all participants in the Maine Health Program, Donna is not on welfare. Donna does not come from old money or tax-exempt inherited wealth. Donna works for a living. Donna has four children. Her ex-husband was in Florida the last she knew. He owes back child support well into five figures, which Donna doesn't realistically expect to ever recover. Even though she could quit work and easily qualify for AFDC, Donna will not accept AFDC. Donna Hightower wants to support herself and her children. Donna has worked at Sears for four years at steady employment at minimum wage for about twenty five hours a week, sometimes a little more. She also works at the Irving office for \$6.25 an hour for sixteen hours a week. Averaging over forty hours a week she earns well less than \$12,000 a year to support herself and her four children. Donna

shoulders her responsibilities. Donna suffers from a thyroid disorder, hearing disability, vision impairment and other ailments which require that she see her doctor monthly. She also must take several medications which are expensive. She hasn't been able to afford to get her hearing aids, both ears, repaired in two years. She works hard and she lip reads well and maintains a good work record. Donna Hightower doesn't suffer from these ailments because of any defect in her character and she did not ask for this fate. She simply fights to support her family when many of us would have given up. Donna Hightower has never given up. Because she works, she doesn't qualify for Medicaid. She relies on the Maine Health Program.

If this budget passes without the amendment offered here, Donna will either go on welfare or stop going to the doctor and taking her medication. She can't afford to do these things without that help because she works. Her doctor says that without medication and regular check-ups, Donna will suffer extreme fatigue, may lose her hair and gain weight uncontrollably. Donna Hightower is my neighbor. I have known her for years and I admire her courage. I know her family, including her Mom, Florence, who worked with Mother Theresa in India. These are not some abstract few people to me. These are hard working neighbors, good Mainers, who have never accepted a dime of welfare in the years I have known them. What message does this supplemental budget send to people like Donna Hightower? What message does this budget send to all of the working people like Donna who have the pride and courage to fight to stay off welfare? This message from this Governor, and from this Legislature, and from this budget will be very clear - go on welfare Donna, and stay on welfare. This budget is a kick in the face to Donna Hightower, and thousands of working people like her. I know it is not intended that way, but all participants in the Maine Health Program work for a living and this budget, as it is currently constituted, would be a stab in the back for working people.

Maine people are better than this budget. Maine people are more decent than this budget. Maine people are inspired by the grit of Donna Hightower. Maine people don't believe that there is some group of a few people that deserve a kick in the face just because they refuse to give up. Maine people believe that a rising tide should lift all boats, and that struggling single parents, people facing great health problems, people like Donna Hightower, should be the first to receive our encouragement and our help and our admiration. For once here today we have the opportunity with this amendment to allow Maine government to work for working people. Donna Hightower has never given up, let's not give up on her. Mr. President, if you want more people to be on welfare, vote for the budget as is. But Mr. President, if you believe that working people, like Donna Hightower, deserve the opportunity to continue working to have that chance, please vote for this amendment. Mr. President, I would request a Roll Call. Thank you.

On motion by Senator FAIRCLOTH 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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The comments of the good Senator from Penobscot, Senator Faircloth, ring true. It is powerful when you personalize this specific problem. I, too, would like to personalize it, not just with neighbors but with my younger brother. My younger brother, who lives in Auburn, has a three year old daughter, my niece. He works sixty five or seventy hours a week as a self-employed carpenter. He works Saturdays and Sundays. His wife works so they can provide for their daughter. My brother doesn't have health insurance, he runs bare. Why? Because the cost is dramatic. My brother pays his taxes, he pays his property taxes dutifully to the City of Auburn. He makes his truck payments and his mortgage payments. He doesn't have a program to look after him. Men and women of the Senate, this program does serve a purpose and I think over the years some of the individuals who have taken advantage of this program have been addressed, and some of the problems inherent in the program have been addressed, but the bottom line is when we are talking about the working people of this State, it's not just these 2900 people. It is the people in Oxford County who are just making enough not to qualify for all of these programs, but who are not making enough to get involved in the preventive health care. For him preventive health care is not getting hurt on the job. It's not going to the doctor for a prescription, it's working through pain, it's working through debilitating circumstances. Those are the people I care about. I care about all people in the State of Maine, but I care most about those people who have nothing to turn to except their own hard work and determination and their goal to provide a life for their families. That's my family, those are the neighbors that the good Senator has pointed out.

Some have said that this program is discriminatory. If you think about it men and women of the Senate, every program we have has to have set guidelines. Who qualifies, who doesn't qualify. How many constituents have called you and said, "I make \$10.28 more than I should so I don't qualify for this program." That's a problem that this Legislature, this chamber, will probably never adequately address because the needs are great. We, as the public policy makers for the State, are duty bound to look after all of our neighbors, all of our family members. I don't know what I can say to those individuals who put the sixty and seventy hours a week in working for \$6.00 an hour to make ends meet. When they say, "The person up the street has health insurance. I see them going to the doctor all of the time. Their little boy gets sick and he goes right to the hospital and gets his prescription. If my little boy gets sick I don't make a payment that month." That isn't fair. None of the decisions we are faced with are easy ones, but we do have an obligation to do what is right for all of the people of our State. Specifically, this Maine Health Program. We have debated this, it seems like forever now, every budget, every supplemental budget, and we find ways to continue it, we find ways to ratchet it back. I know the good Senator from Kennebec has

exhibited a lot of leadership in this area of health care for all Maine citizens. I applaud her work and I would like to see that goal achieved. I would not like to see that goal achieved at the expense of the other hard-working men and women of our State who, when they go home, they are just hoping that their little boy or little girl doesn't get sick that day.

This program was targeted by the Legislature to end March 31. It had been debated for long hours and many days. The problem never goes away and each time we try to ratchet it back and turn to another taxing mechanism to fund it. We have got to say enough is enough. Let us work in concert with the federal government to address this issue once and for all. Let us not continue programs which I think are discriminatory for the other segment of our population, who are just that much above but yet still have the same problems and the same pain. In a perfect world we would provide preventive health care for everyone. In a perfect world people wouldn't smoke. In a perfect world people wouldn't abuse themselves or abuse others. Unfortunately, men and women of the Senate, this is not a perfect world. We have to live and work within this imperfect structure. The choices that the Appropriations Committee made did not come down from on high. We thirteen took a look at the priorities facing the State of Maine and we had a choice to make. We had many choices to make. In the final analysis, in the final hours and in the final minutes, one of the choices we had to make was whether or not we could continue funding for the pre-school handicapped, a population which has risen in the last three years from 3000 to now approaching 5000. We were apprised by the Department of Education that if we did not adequately fund this program, meeting the federal mandates, that we could be subject to suits against us from parents who have pre-school handicapped kids of their own. As you can see, men and women of the Senate, the choices that we were faced with were not easy ones, were not ones that we could make by just tossing a coin. We had to take a look and see how we could spend a limited amount of money in the best possible fashion. I think the Committee did the best that it could with the priorities that were facing us and with the information that we were given. I applaud the work of the Committee downstairs to put forward a unanimous report, one that attempts to address at least some of the concerns. No, we did not address all of the concerns, I readily admit that. But we did take into consideration all of the people of our State, realizing that it is their tax dollars, their license fees, their money that we are spending up here. We tried to make the best decisions that we could. For that reason, although I applaud the sincerity and the effort of the good Senator from Penobscot, I would move that this amendment be Indefinitely Postponed. Thank you.

Senator **HANLEY** of Oxford moved that Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10) be **INDEFINITELY POSTPONED**.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I stand with my colleague, Senator Faircloth of Penobscot, today to

ask you to support his position. I was here several years ago when we instituted the Maine Health Plan. I remember the months and months and months of work that followed the years and years and years of work on the part of many people on both sides of the aisle to bring the program forward. When it was adopted it was considered a model plan. We were the first in the nation to do something on this scale. Certainly we had ambitious hopes for the project. Then the economy went south and we were forced to make some cuts. Now we are down to a program that serves far fewer people than it was originally intended to serve. We are still helping a population of people who are among our most needy. I suppose that I would take issue with the position of my colleague from Oxford, Senator Hanley, who suggested that somehow persons who work hard for a living would resent the contributions that they make to support these other people who also work hard, who have a little bit less and who are unable to provide any kind of health service for their families. I suppose it has been my experience that the people in this world who have the least are the ones who are usually the most generous. I suspect that most of those people who are working hard shoulder to shoulder, and elbow to elbow, with those less fortunate would have very little bad to say about this program. I understand the votes here and I understand that it has been an uphill battle to keep this program alive, to say the least, but I think it is important that we maintain this program. It's a beacon of hope for some people. It is a program that someday, when our State thrives economically, I believe will thrive. I think it is important that we also not send the message that we are willing to raise revenues to fund needy and vital State programs and then discontinue State programs and hold onto the funding.

If I knew somebody who was working sixty or seventy hours a week, and could imagine them being upset about something, I suspect that they would be upset about paying that surcharge that we put on the alcohol premium tax a few years ago. I suspect that would get their goat. I guess my question to any member who would wish to answer would be this: If this is not successfully attached, if the Maine Health Program is not successfully funded, can we expect to see an amendment to this supplemental budget that will repeal the tax increases that we put in place to fund the program? Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I didn't intend to speak on this issue because I was so involved with it last year, but I believe that question does require an answer and I will attempt to give it. Last year when we debated this issue long and hard, we continued the Maine Health Care Program by taking away tax money, or tax credit money which we had promised to the paper companies. The paper company tax credit over the biennium was set at \$6 million. Through a negotiated settlement we agreed to continue this Health Care Program until the end of March this year, with the full understanding that there would be

some mechanism in place to replace it at that time. During the session in the last two years we negotiated a new health care bill here in Maine which provided for guaranteed issue of health care policies, non-cancelable health care policies, and no provisions for refusing people because of prior existing conditions under this new law that we did, in fact, pass. That bill also required the Maine Department of Human Services, and it was not an option in the bill, it required them to privatize the Maine Health Care Program by March 31 of this year. I understand there was some effort made to do that but I am not satisfied that it was a satisfactory effort. This legislation here does nothing but put a band-aid on it again. It only continues the Maine Health Care Program until June 30, 1995 with absolutely nothing in it to provide for it after that period of time. It is just another band-aid effect and I don't think that's the answer. I believe we had a good and legitimate answer after two years last year, now we are faced with the fact that we are right back where we were before. I don't personally believe that Human Services did the job that we asked them to do. I don't think that this is the answer. I think we have got to come up with a different system, and I think there is a better one. I will oppose this amendment. Thank you.

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

Senator **MILLS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a newcomer here it is difficult to plug into this issue because it has such a rocky history, and most people have told me that's an understatement of its history. There was a time, two or three years ago, when this program was funded at a level eight or ten times its current funding level. There was a time, several years ago, when the enrollment levels in this program were up around nine or ten or eleven thousand individuals. Because of fiscal constraints, this legislature first put a cap on the enrollment because there was such demand for these services. Then, in last year's session, they directed that there be no further enrollment and that the number of people able to participate in the program should decrease through attrition. There was also a provision put into law that the most expensive portion of the program would no longer be funded, that is the funds allocated to hospitals for both out-patient and in-patient services. Hospitals who take these people will not be reimbursed for those services. As a result, this is what I am looking at from the perspective of someone who is new here, I am looking at an existing situation and asking myself, without regard to the rocky history and the unfortunate rhetoric that has surrounded this program, from the point of view of someone who is in the Senate who is more or less, I like to look upon the thirty five of us as sort of a Board of Directors running a \$3 billion business. The question I have in my mind is, as a business proposition, from the point of view of running the business of the State of Maine, does it make sense to continue allocating roughly \$400,000 to keep this limited program afloat for the next three months. I have looked at it as a business person from every imaginable perspective in the last five or six days. I have talked to the director of my local hospital. I have talked to the people at DHS who administer

this program. I have spoken to people who run rural health clinics in Somerset County, in Bingham and Madison. I have spoken to physicians, I have spoken to pharmacists, and I have spoken to people who receive the benefits of this program. I am convinced from every perspective that you look at this program that it makes good sound business sense to continue funding this program in the limited way that is being proposed by Senate Amendment "A". Without regard to the bleeding heart arguments, the compelling emotional arguments that might well be made for this program, let me just say, I don't want to take much time in light of the hour, but my reasons in the nutshell are these: The program has about 2900 people in it. The annual funding level is about \$1.2 million dollars. For the quarter it is about \$400,000 that is being sought. The cost to keep somebody in the program right now is around \$400 a year. Everyone of us sitting back in these leather seats has a program that is costing about \$400 a month. The reason it is only costing about \$400 a year for these folks is that we are no longer paying the hospitals to take care of them. What are we paying for? We are paying for two things in large measure. We are paying for prescription drugs and we are paying for access to physicians. Those are the two elements that are most pertinent to preventive medicine. In other words, with those two sources of help we are keeping 2900 people from either going on welfare as has been suggested, or from not buying the insulin or the cumarin or the medicine that they need and going into the hospital or into a nursing home. The end result of taking away medication from these people, and taking away access to a physician, will mean you will very likely have a large number of this same population hitting us from the other side and coming into emergency rooms for high cost care and being admitted to hospitals for very high cost care, or nursing homes. Who will pay for that? Those of us who buy Blue Cross Insurance will be paying for it. The taxing is like a large hydraulic system. You take away a small amount here and you could wind up with a large debt over there. The other factor that has to be remembered is that for every \$400 or so that we contribute toward the welfare of one of these people, we get another \$800 or so from the federal government. We are operating under an experiment that the federal government authorized us to conduct for a total period of three years. We have another period of time to go within that experiment and so long as that experiment lasts we are going to get \$2 from the feds for every \$1 that we, as a legislature, invest in this program. It is an end result extraordinarily cheap. It is a K-Mart program and yet it produces enormous financial benefits to our health care system as a whole. Those are my reasons for supporting this. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator PINGREE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank my good colleague from Somerset for bringing up the important questions of the economic impact of this issue. I will spare you all a knockover of that part myself but I think that it is very important to consider that when we take away this program we shift the costs to people who pay for insurance, to local municipalities and general assistance, to the AFDC

rolls and to hospitals and to those of us who own small businesses and currently do pay for insurance and, the fact is, to the legislature that pays the health care costs for all of us. I want to make a couple of other points also. It concerns me greatly that in taking away this program, which many of my colleagues have mentioned, we raised the taxes for before I was here but in recent times, we break a faith with the public. I can't tell you how many times people have said to me, "I thought that the lottery money went to education." Or last year when they said, "I thought my loon license plates were going into the Conservation fund." I think this is just one more time when we ask people for their money, we tell them where it is going to go and then we slowly bleed it out of the program and put it back into the general fund to use for all kinds of other things and forget what we said we would do with it. We would not have small numbers of people in this program now had we stuck with the program and not continually cut it back and used the money for what we promised we said we would use it for.

I want to speak to some of the other concerns that have been addressed. We have talked a lot about how we continually debate this. The problem never goes away. I think that the reason why we continually debate it is because health care is an important economic issue. It is a serious problem for most of our constituents, it is a serious problem for small business, and we are afraid to solve the problem. It doesn't go away. No one wants to let go of this program because we can't just turn and walk away from it. We say enough is enough and we have to live with this imperfect structure, I don't think that is true. My constituents did not elect me to say, "You can't do good government, you can't solve the problems, I think I will just walk away and go home because I can't cover everybody under this program." We have a very good experiment in place. We need to keep this experiment going. We need to do as the good Senator from Aroostook County said, we need to solve this problem once and for all. It is possible that DHS, over the last year, did not solve this problem, and did not deal with whatever had to be done, but we are starting a new legislative session, we have a new Governor, we are going to have a new Commissioner, and we have a lot of new legislators. I think it is time we stick with what we have got and we solve it before we let it go. There is going to be a lot of talk about the work that the Appropriations Committee has done, and I know that they have struggled very hard trying to balance the supplemental budget. There is going to be a lot of talk about how this is the time we need to get along and we need to agree to move on with things here. I am a Senator who got elected because I believe that we need to work together and we need to get along and we need to not stand in each other's way. In fact, ultimately I am here to do what I think is the right thing to do. I think that working people need health care. Working people and small businesses do not need to have these costs shifted to them if we take away 3000 on what the good Senator from Somerset has said was a very, very efficient program. The fact is, once again, we cannot break the faith of the voters, take their money and spend it on something else. So I urge you to keep this program alive. 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 think that any of the discussion that you have heard was not also handled by the Appropriations Committee then you should have been there. While much of the discussion here was considered there. It is impossible for me or you to be able to weigh one particular case versus another. You will take your side and I will take mine and we could go on ad infinitum. The Appropriations Committee, in its task, looked at this program and said, by unanimous consent, a member of the Committee who is probably as tied up in this health care program as anybody else, agreed to have the budget proposed that you have before you without the health care, provided a bill would be sent up and have that issue handled by itself. That is what the Appropriations Committee did. To the point of view that they, in their deliberations, understood full well the importance of all of these issues, and then voted. They voted the same way that you will, on their belief that the best proposal that they could send you is the bill that you have before you. With the idea in mind that you can take a look at this issue, they did not say one versus the other, they simply said their task was to present a budget that they assumed was the best at the time. That is what they have done and I ask you not to amend anything. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, rise for the first time to speak and I am happy to say that I speak in honor of the Maine Health Program. I think that if we want people out there to honor the institution we have to honor our word. I worked in 1989 in getting the Maine Health Care Program passed. From the hints it was obvious to many of us that the tax on alcohol and cigarettes would go towards helping the health care costs of working families. If Maine people, and people across the nation, are saying one thing in terms of their tax dollars and the services, they would like to get services from their tax dollars. This is a case of direct connection between the tax dollar and the service. An analogy would be that instead of having a health care crises we were business people and a piece of machinery broke. We went to the bank and told them about this broken piece of machinery and got the money and then we decided to spend it on something else. Allegedly that is fraud, if we go and ask for money for a reason and then we use the money for some other purpose. I repeat, if we want people to honor this institution, and I want to be one of those people who honor this institution, we have to honor our word. Thank you.

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

Senator **RAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just about everything has been said that can be said in defense of the Maine Health Program. One of the reasons why this is a program that has refused to die is that it is such

a worthwhile program. I would suggest to the good Senator from Oxford, Senator Hanley, that his brother and wife and niece could very well be covered under the Maine Health Program if it was fully funded as it was done at its inception, to the tune of approximately \$12.5 million a year. I don't want to belabor this point, I know the hour is getting late. I would just like to make two points. As a small business owner who pays the health insurance for my seven employees and their dependents, the impact of 3000 uninsured suddenly dropped in the market place, so to speak, will definitely be reflected in my premiums. Also, the impact of 3000 uninsured people will definitely be felt in community hospitals. I have said this before and I will say it again, this is not a bleeding heart liberal situation that we have here, although I have certainly involved myself in a few of those issues in the past and will again in the future, but this is a bill, a program, that makes excellent economic sense. It is too bad that we only cover 3000. I was really pleased to hear the good Senator from Oxford, Senator Hanley, admit that he knows that there is a health insurance, health access, problem in the State of Maine and I do look forward to working with him on universal coverage in the near future. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I know that there are many here who wish this is the first time I have risen as well, but it is not, and perhaps may not be my last. I think that we ought to support this for one simple reason. It is the right thing to do. It is the right thing to do because it is a fiscally sound and prudent way of dealing with situations where individuals need health care and access to health care in the least expensive way and in the most health preventive way to allow individuals, the working poor, who fall between meeting AFDC or other dependent programs, and those of us who are fortunate enough either to be able to afford our own health care or have it provided by an employer. It meets that need in the most cost effective way possible by providing some group insurance. Would it be preferable in our society if we had universal access in this industrial society? Sure. Is this meaningless to 2900 or 3000 people? No. Do we have other means tested programs? Sure we do, all of the time. Whether it is a circuit breaker program or other public assistance programs, where individuals have to meet certain criteria. This is no different. Even if we don't have the programs, I can assure you, these people are going to get ill. We all do. They are all going to need medical attention and in some way they will receive it, perhaps too late, perhaps at a much more expensive cost to all of us. Certainly if they receive it that way the cost will be shifted away. There is no free lunch anywhere, ever. We will pay higher premiums, hospitals will pay more, doctors will pay more, we all will pay more ultimately. It is not a question that we won't pay, it's just a question of how it will be paid, and when.

It's curious to me that those who feel as though this is somehow a burden on others who don't have an opportunity to be a part of the program don't suggest

that we should simultaneously reduce and repeal the taxes that we raised to pay for them. We are very happy to keep those. Keep them from people who work or don't work, who are on the program or are not on the program. There is no mention of getting rid of those taxes. Let's keep those. Let's spend them on something else that we want to spend them on, not for the benefit of the public. Let's not be honest, let's not be straightforward, let's not keep our word. There is no mention of that. We will keep the money, thank you very much, but you go find your health insurance some place else because there is no one home at the inn here for you. It is interesting that when we talk about this budget that somehow we think of it as a tabulation of numbers. Budgets are not tabulations of numbers, budgets are statements of our public policy. It is a statement of what we think about the public and what we think they need and want. That is why it is so important that we discuss this issue and that we make some decision to continue it. Let me conclude also by saying that this is not an abstract principle for me. I have a constituent and neighbor as well who is on the program. This is a working family who has four children. They work full time. This woman needed a lung transplant. She has a degenerative inherited disease. It was nothing that she has done wrong, nothing that she has abused her body with, she just happens to be unfortunate enough to have inherited that illness. This woman continues to take, and must take, the medications that will keep those lungs from being rejected. They cost hundred of dollars per month. If they had to go out and pay for those prescriptions themselves they would be bankrupt. They couldn't pay the rent or buy food. Their choice would either be a death sentence for this young woman or a life of dependency on welfare. They choose to work, like many proud Maine families. There is no way that I can support measures that are a death sentence for this woman or a sentence of constant dependency on this State at a much higher fiscal cost to all of us. It seems to me that this Legislature is made up of one hundred and eighty six individuals, not thirteen, we were all elected to make our own independent judgements and to receive recommendations, not orders, not edicts, but recommendations, and to act on them as we think is prudent. Clearly, keeping this program is the most prudent vote. Thank you.

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

Senator HARRIMAN: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is an honor for me to stand before you on this issue because indeed, in the last session of the Maine Senate, I think I played a small, but important, role in keeping the Maine Health Plan in existence as it is today. I, too, like my colleague from Waldo, Senator Longley, want very much for the people of Maine to restore their respect and integrity for this institution. One of the reasons why I decided to run for this body in the first place was my disappointment as then an elected municipal official to see the mandates that came down upon us, the pushes and pulls, the furloughs and gimmicks and other accounting trickery that went on to balance the State budget at the expense of the property tax payers and working Maine people. So I took a special

interest in the Maine Health Plan because, quite frankly, it supports working poor people. For all of the reasons that my good colleague from Somerset County, Senator Mills, has already elaborated on. It makes good economic sense. Ladies and Gentlemen of the Senate, we need to face some facts. Since this plan was adopted more than five years ago, before I was honored to be sent here by my Senate district, this program paid for hospital bills. It no longer does that. Yet many people covered under this plan believe that it does. I think that is a gimmick. This program at one time, as I understand it, was funded with \$12 million. Now we are talking about \$1.5 million more or less. What has happened? We are talking about a program where it is capped, only 2900 people are allowed to participate because of the constraints that we are in, yet we all know that far more people are eligible for this program. Would we do this in a nursing home? Would we do this with AFDC benefits? I hope we wouldn't. I hope that the Maine Health Plan has its day for debate, and it is scheduled to do that. The Maine Health Plan is scheduled to go before the Human Resources Committee where they can have an open dialog on where the program has been, where it is now, and where it ought to go in the future for the long run, so that Ms. Hightower doesn't, as my colleague from Penobscot, Senator Faircloth, suggests get kicked in the teeth. I think it is unfair of us to pass a program in the last session that says this program will end March 31, 1995 and now we are going to say, "No, we are going to keep it until June 30, 1995." Then what? Let's step back and look at this issue for what it is. If it's worth keeping it will stand on its merit and I will help it succeed. But let's do it with a public policy that people can believe in, not one that runs out of eligibility, out of benefits, out of time frames because of our financial problems. As my colleague from Hancock County, Senator Goldthwait, has said, the most important thing that we can do in this session is put the State's financial house in order. That is the most important thing we can do for every Maine citizen and I pledge to do just that.

We have debated several amendments here today. If you add them all up they are over \$18 million. We would have overspent the Rainy Day Fund if these amendments had passed. I have put my trust and confidence in all thirteen members of the Appropriations Committee. They have presented to us a supplemental budget that they say we can live with until the end of this fiscal year and I believe them. They sent two separate issues to committee for a full and fair public hearing and I agree with them. I think that's where the Maine Health Plan debate ought to take place, in the committee of jurisdiction where all of these questions can be answered and we can once and for all put the program in its proper perspective. Thank you.

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

Senator McCORMICK: Thank you Mr. President, Ladies and Gentlemen of the Senate. We have heard a lot of polarizing rhetoric today. If this program covered everyone then I could support it. If it wasn't just for these people and not for my brother then I could support it. But the truth of the matter is that this program is as small and as bare and as

K-Mart because of the pressure of Governor McKernan, correct me if I am wrong, to slash and burn the Maine Health Program. It doesn't cover hospital costs because we, I, compromised to keep it alive. It doesn't cover kids because we compromised to keep it alive under pressure from the Governor. It is capped because we compromised to keep it alive.

I run a job training program in my day job. Last year 72% of the people that we graduated were AFDC moms, 72%. Because they are AFDC moms, and because we got 81% of them jobs, I happen to know all of this because I just finished doing the stats, because we got almost all of them jobs and because they were on AFDC, which is Aid to Families with Dependent Children for low-income women, they will get one year of transitional health care benefits in this new job that we have placed them in. Believe me, they will need that because fewer and fewer employers are offering health care benefits. So for one year they will get to work while having the security of knowing that their kids are going to have health insurance. This program offers them the next step. After that year of transitional benefits are up they would have the ability, and believe me they are still working their way up on the wage scale, the ability to still provide health care for their kids in a subsidized fashion and continue the transition from welfare to work. I will repeat that, the transition from welfare to work. That, I hope, I know we will have a debate on welfare reform, and hopefully that is what the debate is going to center on, how do we get poor people, mainly women, to transition from welfare to work? Once we get them a job, how do we keep them in that job? One of the steps is the transitional Medicaid benefits, it is looked upon across the nation as a step in welfare reform. The second step is a program like this, that offers health care benefits to low-income working Maine people. Both are absolutely essential parts in welfare reform and we need to keep it. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today in support of this health care amendment because it is the right thing to do. I would like to clarify a few comments. One was made earlier by the Senator from Cumberland, Senator Harriman, that if we had adopted all of these amendments it would be over \$18 million. That is probably true but if you recall, all those amendments dealt with the same issue so it's not \$18 million. I would like to correct a statement made earlier by the Senator from Oxford, Senator Hanley, that made note that they had put some money in the pre-school handicap program and more or less related it to the health care program. That is true, Ladies and Gentlemen of the Senate, however, if you look at the original budget, the Department's request was \$396,804, in the budget the Committee funded it at a level of \$596,804. The Department of Education came in with an additional \$600,000 that they were going to put in for the handicap pre-school program. They didn't need it from the health care program because the Department found it within their own budget, at a tune of \$600,000. The Committee decided to use that money to fill the hole for the \$7.5 million so that when it came down to the health

care issue, they decided that they would use \$200,000 of that for the pre-school handicap program. When, in fact, the Department found more than enough money to deal with that issue. The Senator from Oxford, Senator Hanley, also said let's not find other taxing mechanisms to fund the program. Ladies and Gentlemen of the Senate, we don't have to, there is money left in the program to keep it running until the end of June. But we have not only done it once, we have done it twice. When the program was originally established there was more than enough money for the Maine Health Care Program. I reluctantly voted for the program when it was enacted, the reason why I was reluctant was not because I disagreed with the program but because I did not like the taxing mechanism, the tax on boats, to fund the program. That tax is still in place.

I have heard Senator Hanley say several times to let the Appropriations Committee do its work. They have done their work, now it is time for this body to do its work. We do have a worthwhile amendment that I intend to support, because it is a worthwhile program. I would like to pose two questions, if I may, to the Senator from Oxford, Senator Hanley. My first question is, since we raised the tax, well over \$12 million, and one of those taxes is on boats, does the Senator plan to keep the money and spend it on other programs or does he plan to offer an amendment to this budget to repeal the taxes that were raised for the program? That's my first question. My second question to the good Senator is on January 20, at approximately 9:54 he made a comment to an individual who came and testified before the Appropriations Committee that "We are trying to address the health issues through the Legislature." Well, if it isn't through this bill, does the good Senator have his own bill that he plans to introduce to take care of the health care problem? Those are the two questions I would like the Senator from Oxford to answer. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be more than happy to respond to the questions. First, let's clarify Senator Michaud, as far as when you say "We raised a tax". I want to clarify that I think that was just figurative because I did not vote for the program, nor did I vote for the taxes. So I hope that that was just a figurative "we" that you used. Also, let's talk about the initial raise of the tax and to address the questions of the good Senator from Androscoggin, Senator Cleveland, as well as the Senator from Penobscot, Senator O'Dea, as far as if any of the members will be supportive of a repeal of those taxes. In fact, Senator Michaud, I believe you were there when it was posed by a Representative from the other body, what my position would be as far as repealing the taxes. I told them, the members of the other body, that I would co-sponsor any legislation calling for the repeal of those taxes. Even though those taxes were not dedicated to this health care program and have not even been used to fund the health care program for the last nine months. I

think you are asking the wrong person as far as repealing taxes. I would much rather let the people of the State of Maine keep more money in their pocket, then maybe they can afford some type of health care coverage. While we are on the first question, before I get on to answering the second question, that first initial program, men and women of the Senate, for those of you who weren't here when it was implemented, as soon as that program came out I took the coverage that that program provided to my health insurer. I asked them for a quote as far as if I wanted to provide this to my employees, how much would it cost me? I guess I would just let the Senator from Somerset, Senator Mills, know that when I asked that question, as far as the initial coverage on the Maine Health Care Program, it was so far above my coverage. Three times above my current coverage at that point in time for the Maine Health Care Program, when it was initially instituted. Three times above. Sure, the program has changed, admittedly it has changed but that was the program when it was first put forward. I couldn't even begin to afford to give my employees that type of coverage.

The second question posed by the good Senator from Penobscot is in response to individuals who came and testified before our Committee. Let me tell you, men and women of the Senate, one of these individuals who came and testified before the Committee, and I believe it was the same woman who I responded to, this woman came from Boston three and a half years ago to get on the program. She moved from Massachusetts up to Maine to get on our program. It's on record in our public hearing. Are we helping Maine working poor? In that case, yes I believe she is now a resident of the State of Maine. One of the towns in my district, Norway, had become a mecca for general assistance recipients. People from across the State were realizing that in Norway they are very generous. They have a lot of housing and they are coming from all across the State. My response to that individual is yes, there is a problem of access to health insurance. While I'm on my feet, the Senator from Kennebec, who is no longer in the chamber, Senator McCormick, I think it is important that I clarify that I never said that I would support this program if it would cover all people. I think there are other options. To answer the second question of the Senator from Penobscot as to what my solution is? More jobs. Better jobs for the State of Maine. Jobs that will allow the employer to provide affordable health insurance for their employees. If we, as a legislature, will face the facts that we don't generate anything, all we generate is red tape and bureaucracy. We don't manufacture any goods. We tax people, take their money in and distribute it out. If we would focus on providing an opportunity for more businesses to expand, relocate, or begin their enterprises here in our great State we would go a long way toward providing these needs. That's my plan. My plan is providing an environment here in the State that will say yes, we want you to start your business here. We want you to expand your business here because we have got the best work force in the country. The strongest work ethic, the strongest loyalty to their company. That's what we need to focus on. That is how you build up an individual standard of living, not by taking money from one person and giving it to another, but giving everyone an opportunity to earn a

living, to make decisions on their own, and to let them keep a few dollars in their pockets so that they can decide how they want to spend it, not how we want them to spend it.

While I am on my feet, I think I have addressed the questions raised by the good Senator. I would be more than happy to elaborate further if he would like. At this point in time I would like to ask leave of the Senate to withdraw my motion to Indefinitely Postpone. Not because I support the amendment, but because I would like to have clarity here in the Senate chamber that when you are voting for this, you will be voting to continue the Maine Health Care Program. A program which the Committee, by Joint Order, and in deference to the good Assistant Minority Leader, that we let sit on the Table that bill, which is the same issue that we are debating now, can go up to the policy committee and be fully aired. I know that there are concerns from some people regarding the Maine Health Care Program and the request from this legislature to require privatizing and yet no answers have come back. Those answers still have not yet come back but we are having proponents of this program saying we asked for those answers but they are not here so let's keep on going forward. Let's not wait until we get the answers, let's just tuck it in now. We did not give short shrift to this issue, in fact some of you were there during the deliberations. Members of our Committee agreed that if it was of such importance from a policy perspective, that we wanted the committee of jurisdiction to review it again, to ask the questions that have previously been asked and get the answers to them and to pass out a bill as soon as possible to address the March 31 deadline. We, as a Committee, offered that to the entire legislature. It sits presently on the Table, and after this amendment is hopefully defeated, and I would recommend to the members of this body to defeat the pending motion of passage of this amendment, that we then immediately, after we vote on the supplemental budget, send that upstairs to the Committee of jurisdiction so that we can then get on with the work and we can go through this debate at a later time. Hopefully, maybe that Committee will find a win win situation for the legislature and for the people of our State. Thank you.

Senator HANLEY of Oxford requested and received leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-6) to Committee Amendment "A" (H-10).

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. Before I make my statements I would like to pose a question to the Chair. Is there a Roll Call pending on adoption of the amendment?

THE PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Faircloth, and a Roll Call has been requested. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just rise to agree on one very important point with my colleague from the County of Oxford, Senator Hanley. This is not a perfect world, life is not always fair, if it was I wouldn't be going bald. I disagree however, with my good friend from Cumberland County, Senator Harriman, when he said there was \$18 million proposed here in amendments. These are overlapping amendments, so there wasn't \$18 million proposed here and it would not have drained the Rainy Day Fund. I have heard a lot of people talk about fiscal responsibility and restoring fiscal responsibility. We could restore fiscal responsibility easily this year. We could put the State's fiscal house in order easily. We could abdicate our responsibility to educate people. We could cut all of the education subsidy going to municipalities, then we would have the State's budget in order. We could abdicate our responsibility to municipal revenue sharing to put our State's fiscal budget in order. But we don't do that because when we do that we shift the burden to other people. We could solve any kind of budget problem, we could reduce our budget virtually to zero by shifting all of the problems to municipal government and to individuals. That is not what this is about. What this is about is finding a way to put the State's fiscal budget in order without shifting the responsibility to other people, without turning backwards. There is a message the people of Maine have given to move Maine forward, to get people off welfare. That is what the Maine Health Program does, it gets people off welfare, it keeps people off welfare, it keeps people paying taxes. That's what this debate is about. We shouldn't be penny-wise and pound-foolish. We shouldn't say for a mere \$400,000 we are going to shift the cost onto somebody else, because that is what we have done too many times. It's the shift and the shaft. We have shifted it to other people and we have created problems in their budgets. We have put more people on welfare. We have increased entitlement programs when here we have an opportunity to move Maine forward and keep people off welfare and keep Maine going in the direction it should be going.

I disagree with the good Senator from Oxford, Senator Hanley. Simply because he didn't vote for the taxes doesn't mean that makes it any better to eliminate this program and keep the taxes. Simply because you voted for the program, and did not vote for the taxes in the first place, is no excuse. I also disagree with him when he says government does not create jobs. I have four thousand people in my part of the State who work for a federal government shipyard who know government creates jobs. The roads out there were created by the government, they employed people to create those roads and to maintain those roads. We have an education system that puts people to work. Government does create jobs, government does affect the creation of jobs, and what we are doing here today if we eliminate this program will have a negative effect on the creation of jobs. Thank you.

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

Senator **FAIRCLOTH**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I wanted to

briefly respond to a couple of points that have been raised in the course of the debate. First of all, with all due respect to the Senator from Oxford, Senator Hanley, I think there might be a misunderstanding. Unless I am incorrect, the woman who you are referring to from Massachusetts is the same woman I referred to, Donna Hightower. Donna Hightower did come and speak to the Appropriations Committee and I talked to Donna about her life history. Donna made far more money in the State of Massachusetts a number of years ago than she has ever made here in the State of Maine. She has chosen, nonetheless, to continue working because that is what she believes in. Her health coverage, by the way, even though she had health problems then, was magnificently covered as a Union employee with the Boston Sewer District. She did not come here, at least Donna Hightower did not come to the State of Maine for that reason, she came here because she loves the State of Maine. She had her mother here and her sister here and she has proven that she has the Maine work ethic every day that she has been in this State to support herself and her four children. I think there are points that are raised that really distract us from the core issue. I want to address them. One is that this only covers a few people, we keep hearing that. Yes, indeed it covers less people than it used to cover. But those specific people, people like Donna Hightower, are facing a very pragmatic situation. I hope it invokes an emotional response but I consider the points raised about Donna Hightower very pragmatic. Come March 31, if the Maine Health Program isn't in this budget, if she doesn't get this coverage, she is literally going to be looking at welfare. She doesn't have another pragmatic, business-like, realistic choice. She either does that or she doesn't take her medication and go to the doctor. I have also heard it said that we can send it to committee, the Human Resources Committee, so they can deal with this issue. That is a nice proposal but unfortunately I talked to one prominent member of the Appropriations Committee, well I guess that is redundant because I guess if you are a member of the Appropriations Committee you are prominent, but this person said to me quite flatly that even though they voted it out to the Human Resources Committee they fully expected that it would die there and go no further and that they expected that to be a red herring. Maybe that is incorrect and that was just their assessment but I think politically it was a realistic assessment. Another argument that I hear made is that we should wait for the Health Care Commission to report. Again, that doesn't help the people who are facing the situation of March 31. They are staring at March 31 and the report of a Commission some months down the line is not going to help them. We have to deal with the situation now. We can do so in a pragmatic fashion. I spoke with someone who I consider to be one of the finest experts in the State, Charlene Rydell, the former State Representative. She talked about how we could get a Medicaid waiver, working with people like Mr. Concannon. I think the Chair of the Human Resources Committee on the House side also believes so too. So there are pragmatic options to continue this further from this point where we can cover these people. In the end we are left with the same question, I want this new mood in the State, that I think Governor King has done much to foster, to continue, to have fiscal responsibility. I still

don't see how listening to the voters, how we can put 2000 to 3000 more people in the situation where they are faced with going on welfare. That would be the pragmatic, realistic, real world result of this situation. Let's work to keep people working. Donna Hightower wants to work, let's just help her and the other folks in the Maine Health Program, continue to do that and then maybe we can expand on the program later as many have suggested. Again, I thank you and I do look forward to a Roll Call. Thank you.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to talk today not only to the ladies and gentlemen of the Senate, but also to the good people of Biddeford who have given me this opportunity. I came to Augusta to help restore the trust between our people and our government. In that process I am searching for truth. In the legislature I am searching for truth in taxation. I do believe, as has been said several times today, that if we are going to put a tax on the people of Maine for a special program and then we no longer offer that program, then we should no longer tax the people. Doing so, to me is unacceptable. I have also, in the last few days, been searching within myself for truth in advertising. I know that this program is not the be all and the end all of our health care problems in this State. We do have serious work to do and I believe a long way to go. I promised the good people of Biddeford that I would put principle above politics and I promised them that I would support this program. Today I am going to deliver on that promise. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to take a different tack here today. I wanted to start out and tell you that I am just a poor country girl. I am, just a poor country girl, but all of you know that anyway. What I really want to say to you is that I am pleased with what I hear on this Senate floor today, very pleased. Because what I hear is that you are concerned with health care, that you are concerned about people who don't have health care, that you are concerned about the shift of dollars when people don't have health care. I don't think I have to tell anybody here about the expense of emergency medical care, because that is what you are looking at when we don't provide health care in one way, shape, form or manner. What I hear is that your concern is whether to do it now or do it later. So that is what I want to address to you today. What you are really talking about when you talk about doing it later is one, revisiting a program that has been visited and visited and visited and visited. It is not a question of what we know or don't know about the Maine Health Program, it's a question of delay. When you make that delay what you really do is have a yo-yo effect on those people who are getting the health care now. You say, "Don't worry about it Beverly, by March 31 we will have it in place." No problem. Well that's another vote that the Ms. Hightowers of the world and Senator Cleveland's next

door neighbor have to worry about, about whether they are going to be able to go down to the drug store and get their prescription or whether they are going to have to access the emergency room instead of going to their doctor to get the proper care. They are going to have to worry about that from now until then, if they even get the vote then, and put that additional stress on their lives with all of the other stresses that they have. What I say to you today is we don't need to do that folks. We don't need to wait until March 31. We don't need to send it up to the Human Resources Committee to message that because it is all right there right now. We know the people who are being helped and we know how they are being helped and we know that they need the help. That's what we know. For \$400,000 we get to have doctors who call me and say, "Beverly you can't do without the Health Program. Right here in China, Maine my clients need it. And when they don't show up I know they have gone off the health care somewhere and I know that they need the health care and that I am going to see them in the emergency room sometime." So the question before us is just how we handle the program of getting that care to those people that we all seem to agree that they need in one way, shape, form or manner. As I understand the program it is one of three federal demonstration projects in the United States. That federal demonstration project ends September 30, 1995. As I understand it, for every dollar that Maine spends they get another two dollars back from the federal government. We are giving that up when we give up the Maine Health Program. We give up the commitment that we made to the Maine Health Program. That is very important.

One of the questions that was raised to me was they don't have to do managed care like all the rest of us do, Maine Select is a managed care program. But they do. Somerset and Kennebec counties are demonstration projects for that managed care and by the end of June all of it will be on, if in fact we still have the program. So I am hoping that you people, who I know have a very honest and concerned interest for those people who do not have health care, and cannot get it, will vote with me today to put this amendment on the budget bill so we can get on with the supplemental and be able to handle this and be able to cover these people the way they should be covered. It is vitally important. I am a country girl, and I was a poor country girl, and I did not have health care and the family suffered for it. If you have never heard of turpentine and lard poultices on your chest to treat pneumonia then you have heard about it now. If that is what you want us to go back to, us who want to work, us who don't want to be on welfare, us who want to have the kind of medical care that you people can have, and that we hope to have at some point, if you don't want to put all of that on the employer and you want to help the health care providers and the employers, let alone the employees, of this State you will vote with me on this amendment. I urge you, please, please vote for it today. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't believe the Senator from Oxford, Senator Hanley, has answered my

questions so I will pose them again. However, when I said we enacted the health care bill, that's what I meant, we, because it was enacted in the House with out one dissenting vote on enactment. In the Senate there was only one Senator who was opposed to it. So there was not one individual in the House who opposed it. My question to the good Senator from Oxford, Senator Hanley, is since the taxes were raised, even though they were not dedicated to this program, would he support an amendment to this supplemental budget to remove those taxes? My second question is, he said that the Legislature is addressing the health insurance issues in the legislature. What bill is he talking about if it is not the Maine Health Care Program? Those are my two questions. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be more than happy to continue to respond to any questions that the good Senator puts forward. First, I would like to give a primer to those members who haven't been in the House as far as non-dissenting votes. Often times actions will be taken under the hammer, which would not always give the members of the minority an opportunity to be present or to have any advance notice of when actions were to be taken. There are those instances that I remember, whether or not this one is particular to that, I would be more than happy to look into. Anyway, as far as the taxes, yes I would be willing to support any amendment to address not only your concerns but the good Senator from York, Senator Hathaway's concerns as far as pulling these taxes off to send them back to the people of the State of Maine. As far as the legislature addressing the health care issue, members of our caucus are actively putting forward very extensive legislation in various areas to make the business environment here in our State such that it would afford businesses the opportunity to expand and relocate into our State, thus providing quality jobs with health insurance and health coverage. I would like to pose a question to any member of the Senate, as far as whether or not this program makes good economic sense if the State had to fund that federal match. So instead of \$400 it would be \$1200. To any member of the Senate is that then a good deal if we don't have to work on those federal dollars and if all of the money would come out of the State coffers. The reason I raise that question is because I think too many members of this legislature and maybe out in our community, think that those federal dollars are free. I would just like to go on the record that those federal dollars are not free. It's just a question of which pocket they are taken from. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to respond to the good Senator from Oxford County. Any time in

society where you have an opportunity to continue to make that society productive, to keep the citizens of that society peacefully at work and producing to the gross national product or the gross societal product you actually improve economic health. If you can do all that you can to encourage a poor working person, poor though they may be, to continue working, to continue to contribute to that society, then that society benefits from that. When you remove the incentive for people to work, when you sit there and say, "You may be poor working but we are not going to help you. If you want help then quit your job, go on welfare, then we'll help you." What does that do to society? What is the cost of that? What is the cost in goals, aspirations, desires for a better future? Not only the cost in dollars to our society but the cost in aspirations and dreams in our futures. Let us consider those costs. Let us consider the fact that yes, this is a federal tax match and yes, you'd better believe those are our federal dollars, but those are dollars that also in a demonstration project that if they weren't coming to Maine would be going somewhere else. So let us look at that also. Let us look at this as a chance of saying to Maine people that it's not wrong to be poor. It's right to try and better your situation in life but we will try to provide a safety net for those of you who are hard working or self-sufficient enough to maintain your own pride and continue working. It may be a small safety net but a safety net never-the-less. That is a great cost savings and a great boon to our society. Thank you.

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

Senator **FERGUSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Being a new member here, there has been quite a lot of debate on this issue, I would like to inquire of the Chair if there is a way to bring this to a vote which would be honorable and not insulting to the Ladies and Gentlemen of the Senate? I think I have heard a sufficient amount of rhetoric to make up my mind. Thank you.

THE PRESIDENT: The Chair would advise the Senator that there is a motion which would be appropriate but that the Chair would hope that we could continue debate on this for a very short period of time. It would not be the Chair's desire to stifle any debate on this very important issue.

The pending question before the Senate is the motion by Senator **FAIRCLOTH** of Penobscot to **ADOPT** Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

Is the Senate ready for the question?

The Doorkeepers will secure the chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BERUBE, BUSTIN, CAREY,
CIANCHETTE, CLEVELAND, ESTY,
FAIRCLOTH, GOLDTHWAIT, HATHAWAY,
LAWRENCE, LONGLEY, McCORMICK,
MICHAUD, MILLS, O'DEA, PINGREE,
RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,
CARPENTER, CASSIDY, FERGUSON,
HALL, HANLEY, HARRIMAN, KIEFFER,
LORD, PENDEXTER, SMALL, STEVENS,
and the PRESIDENT, Senator
BUTLAND

ABSENT: Senator: PARADIS

Senator HANLEY of Oxford requested and received Leave of the Senate to change his vote from NAY to YEA.

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator FAIRCLOTH to ADOPT Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10), PREVAILED.

Senator HANLEY of Oxford moved that the Senate RECONSIDER its action whereby it ADOPTED Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to allow this body to reflect on the pending action before us. We may want to revisit our actions and the actions of the Appropriations Committee in coming forward with a unanimous supplemental budget, one that will set the tone for this legislature in the months to come. I ask that we reconsider our actions so that we may all have an opportunity to think through the importance of the action before us this evening. Mr. President, I would move that we Table this motion until later in today's session. Thank you.

THE PRESIDENT: The Chair would rule that a Tabling motion would be out of order because the Senator debated the motion. The pending question before the Senate is the motion by Senator HANLEY of Oxford to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

Senator LAWRENCE of York requested a Division.

Senator AMERO of Cumberland moved to Table until Later in Today's session, pending the motion by Senator HANLEY of Oxford to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

Senator LAWRENCE of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator AMERO of Cumberland to Table until Later in Today's Session the motion by Senator HANLEY of Oxford that the Senate RECONSIDER its action whereby it ADOPTED Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

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.

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator AMERO of Cumberland to Table until Later in Today's Session the motion by Senator HANLEY of Oxford that the Senate RECONSIDER its action whereby it ADOPTED Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10), FAILED.

Senator HANLEY of Oxford moved to Table for one hour the motion by same Senator to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a point of order. Isn't the pending question reconsideration? Thank you.

THE PRESIDENT: The Chair would rule that the motion to Table for a time certain would be in order.

Senator LAWRENCE of York requested a Division.

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

Senator LAWRENCE of York moved to Table for five minutes the motion by Senator HANLEY of York to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

Senate at Ease

Senate called to order by the President.

Senator LAWRENCE of York requested and received leave of the Senate to withdraw his motion to Table for five minutes the motion by Senator HANLEY of York to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

Senator HANLEY of Oxford requested and received leave of the Senate to withdraw his motion to Table for one hour the motion by the same Senator to RECONSIDER ADOPTION of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. If you want to stick by the vote that you had originally you will vote against the motion to reconsider. If you want to change your vote, then you will be voting to reconsider. I would urge you not to change your vote and to vote against reconsideration. Thank you.

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

Senator **HATHAWAY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could please ask a question through the Chair to Senator Carey.

THE PRESIDENT: The Chair would like to interrupt. When members stand to request to speak before the Senate they will address the Chair. They will go through the Chair and then they will address the members of the Senate. The Chair recognizes the Senator from York, Senator Hathaway.

Senator **HATHAWAY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to ask exactly what this vote to reconsider does? Thank you.

THE PRESIDENT: The Senator from York, Senator Hathaway, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question of the Senator from York, Senator Hathaway. If you want to keep the position that you held prior, when this was first voted on, you would then vote against the motion to reconsider. One of the reasons why a Senator will stand and change his vote from a negative side to a positive side, one of those from the losing side to the winning side, will be to offer a motion to reconsider, since he has to be on the prevailing side to make that motion. In most cases it is an attempt to disrupt the vote that has previously been taken and turn it around. If you want to continue to vote the way that you did on this matter which passed nineteen to fifteen you would vote against the motion to reconsider. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANLEY** of Oxford that the Senate **RECONSIDER** its action whereby it **ADOPTED** Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10).

The Chair ordered a Division.

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

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

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **HANLEY** of Oxford to **RECONSIDER ADOPTION** of Senate Amendment "D" (S-6) to Committee Amendment "A" (H-10), **FAILED**.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-10) as amended by Senate Amendment "D" (S-6) thereto in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-10) as amended by Senate Amendment "D" (S-6) thereto in **NON-CONCURRENCE**.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PINGREE, RAND, RUHLIN**

NAYS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

ABSENT: Senator: **PARADIS**

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, **ADOPTION** of Committee Amendment "A" (H-10) as amended by Senate Amendment "D" (S-6) thereto in **NON-CONCURRENCE, FAILED**.

Senator **CAREY** of Kennebec moved that the Senate stand **ADJOURNED** pursuant to the Joint Order.

Senator **HANLEY** requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAREY** of Kennebec that the Senate stand **ADJOURNED** pursuant to the Joint Order.

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator CAREY of Kennebec that the Senate stand **ADJOURNED** pursuant to the Joint Order, **FAILED**.

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CAREY** of Kennebec, **ADJOURNED** until Friday, February 10, 1995, at 10 o'clock in the morning.