

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

Off Record Remarks

In Senate Chamber
Tuesday
February 14, 1995

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

Prayer by Reverend Eric Hanson of the Hosanna New Testament Church in Oxford.

REVEREND ERIC HANSON: Good morning. My wife, Nancy, is up on one of the benches in the back and joins me this morning. I wish to bring you greetings from the Town of Paris, the Town of Oxford, the beautiful Oxford Hills Region and the great County of Oxford, which two of your fine Senators hail from, gentlemen that I have known and respected for many years and eaten a lot of baked bean suppers with back in the eighties in Oxford County Republican Committees. I just want to say this morning how wonderful it is to be part of a country whose actual official motto was adopted, "In God We Trust", as well as to be a life-long resident of a State which says "I Lead". I have great hopes that this year Maine will lead the nation in many ways. Enough said about that. I have confidence that it is going to be a great year and a great session. Let's pray.

Heavenly Father, we thank you for our country and for our State. We thank you for this wonderful Senate, so full of tradition. Looking at that wall of past Senate Presidents, Lord, how awe-inspiring it is to see that unbroken line. Father, my prayer for each Senator gathered here, each distinguished woman and man whom you have placed in a position of leadership, is for your guidance upon them. That the reverential awe, which the Bible calls the fear of God and refers to as the beginning of wisdom, would indeed permeate this place today. May there be wisdom, Your wisdom, from wall to wall, affecting every heart and every mind. Protect these folks as they do their important work. Protect them as they drive back and forth during this winter weather. Father, thank you for hearing this prayer, for it is in Jesus' name that I pray today. Amen.

Pledge of Allegiance led by **SENATOR BENOIT** of Franklin.

Reading of the Journal of Friday, February 10, 1995.

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

S.P. 222

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, February 17, 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 Require That Additions to the Endangered Species List Be Approved by the Legislature" (Emergency)

S.P. 167 L.D. 428

In Senate, February 6, 1995, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: (S.C. 60)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

SENATE PAPERS

February 13, 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 Transportation has had under consideration the nomination of John G. Melrose of Vassalboro, for appointment as the Commissioner of the Department of Transportation.

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	Stevens of Androscoggin, Cassidy of Washington, Paradis of Aroostook
	Rep. 10	O'Gara of Westbrook, Ricker of Lewiston, Driscoll of Calais, Bouffard of Lewiston, Chartrand of Rockland, Strout of Corinth, Bailey of Township 27, Farnum of South Berwick, Heino of Boothbay, Lindahl of Northport

NAYS: 0

ABSENT: 0

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 G. Melrose of Vassalboro, for appointment as the Commissioner of the Department of Transportation be confirmed.

Signed:

S/Albert G. Stevens
Senate Chair

S/William B. O'Gara
House Chair

Which was READ.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending CONSIDERATION.

Bill "An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission"

S.P. 219 L.D. 561

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Senators: BENOIT of Franklin,
CAREY of Kennebec, CASSIDY of Washington,
CIANCHETTE of Somerset, HALL of Piscataquis,
HANLEY of Oxford, MILLS of Somerset, RUHLIN of
Penobscot, Representatives: BARTH, JR. of Bethel,
DEXTER of Kingfield, MURPHY of Berwick

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 to Allow Certain Retail Car Dealers to Sell Automobiles on Sunday"

S.P. 216 L.D. 558

Presented by Senator HARRIMAN of Cumberland
Cosponsored by Representative: BUCK of Yarmouth

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 to Require the Escrowing of the Salary of a School Administrator or Employee Arrested for Certain Crimes"

S.P. 215 L.D. 557

Presented by Senator LORD of York
Cosponsored by Senators: CAREY of Kennebec,
LONGLEY of Waldo, Representatives: MCALEVEY of
Waterboro, WATERHOUSE of Bridgton

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

Which was referred to the Committee on EDUCATION
AND CULTURAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning the System of State Law Libraries" (Emergency)

S.P. 212 L.D. 554

Presented by Senator **MICHAUD** of Penobscot
Cosponsored by Senators: **LONGLEY** of Waldo, **MILLS** of Somerset, Representatives: **CLUKEY** of Houlton, **DEXTER** of Kingfield, **ROSEBUSH** of East Millinocket, **WHEELER** of Bridgewater

Bill "An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds"

S.P. 218 L.D. 560

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representative **VIGUE** of Winslow and Senator: **SMALL** of Sagadahoc

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 Regarding Employer Errors and the Maine State Retirement System"

S.P. 209 L.D. 552

Presented by Senator **BERUBE** of Androscoggin

Bill "An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System"

S.P. 214 L.D. 556

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **AMERO** of Cumberland, **CARPENTER** of York, **PARADIS** of Aroostook, Representatives: **BOUFFARD** of Lewiston, **GREEN** of Monmouth, **WATSON** of Farmingdale

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

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

Sent down for concurrence.

Bill "An Act to Increase the Time Period for Veterans Serving in Desert Storm Recognized in the Veterans Preference Program"

S.P. 213 L.D. 555

Presented by Senator **RUHLIN** of Penobscot
Cosponsored by Senators: **FERGUSON, JR.** of Oxford, **MICHAUD** of Penobscot, **STEVENS, JR.** of Androscoggin, Representatives: **CAMPBELL** of Holden, **CLARK** of Millinocket, **FISHER** of Brewer, **GOULD** of Greenville, **GREENLAW** of Standish, **KEANE** of Old Town, **MORRISON** of Bangor, **THOMPSON** of Naples, **WATSON** of Farmingdale

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 Eliminate Benefits Offered to Legislators"

S.P. 211 L.D. 553

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representatives: **BUCK** of Yarmouth, **JOY** of Crystal, **NICKERSON** of Turner

Bill "An Act to Require Local and Employee Participation in the Inspection of the Design of State-funded Buildings"

S.P. 221 L.D. 563

Presented by Senator **PINGREE** of Knox
Cosponsored by Senator: **CAREY** of Kennebec

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

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

Sent down for concurrence.

Bill "An Act to Clarify the Sales Tax Law Applicable to Packaging"

S.P. 207 L.D. 550

Presented by Senator **CARPENTER** of York
Cosponsored by Senator: **LORD** of York, Representatives: **GIERINGER, JR.** of Portland, **MORRISON** of Bangor, **O'NEAL** of Limestone, **TAYLOR** of Cumberland

Bill "An Act to Promote Economic Development by Establishing a Research and Development Tax Credit"

S.P. 217 L.D. 559

Presented by Senator FAIRCLOTH of Penobscot
Cosponsored by Representative KERR of Old Orchard
Beach and Senators: BEGLEY of Lincoln, CAREY of
Kennebec, CIANCHETTE of Somerset, ESTY, JR. of
Cumberland, FERGUSON, JR. of Oxford, GOLDTHAIT
of Hancock, HARRIMAN of Cumberland, LAWRENCE of
York, MICHAUD of Penobscot, PINGREE of Knox, RAND
of Cumberland, RUHLIN of Penobscot,
Representatives: DORE of Auburn, ETNIER of
Harpwell, GERRY of Auburn, SIMONEAU of
Thomaston, TOWNSEND of Portland, TUTTLE, JR. of
Sanford

Reference to the Committee on TAXATION suggested
and ORDERED PRINTED.

Which were referred to the Committee on TAXATION
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Protect Cable Television
Consumers from Excessive Late Fees"

S.P. 208 L.D. 551

Presented by Senator CARPENTER of York
Cosponsored by Senators: BEGLEY of Lincoln, LORD
of York, Representatives: GIERINGER, JR. of
Portland, MORRISON of Bangor, O'NEAL of
Limestone, TAYLOR of Cumberland

Bill "An Act to Increase Compensation of Trustees
of the Gray Water District"

S.P. 220 L.D. 562

Presented by Senator BUTLAND of Cumberland (By
Request)
Cosponsored by Representative DUNN of Gray and,
Representative: TAYLOR of Cumberland

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

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

Sent down for concurrence.

Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION

Senator MILLS of Somerset for the CRIMINAL LAW
ADVISORY COMMISSION, pursuant to the Maine Revised
Statutes Title 17-A, section 1354, subsection 2, asks
leave to submit its findings and to report that the
accompanying Bill "An Act to Include the Law Court's
Imprisonment Sentencing Procedure in the Maine
Criminal Code"

S.P. 199 L.D. 542

Be referred to the Committee on CRIMINAL JUSTICE
for Public Hearing and printed pursuant to Joint Rule
20.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on CRIMINAL
JUSTICE and ORDERED PRINTED, pursuant to Joint Rule
20.

Sent down for concurrence.

Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION

Senator MILLS of Somerset for the CRIMINAL LAW
ADVISORY COMMISSION, pursuant to the Maine Revised
Statutes Title 17-A, section 1354, subsection 2, asks
leave to submit its findings and to report that the
accompanying Bill "An Act to Limit a Citizen's Right
to Threaten the Use of Deadly Force against a Law
Enforcement Officer Engaged in Carrying out Public
Duty Except When Justified in Using Deadly Force"

S.P. 200 L.D. 543

Be referred to the Committee on CRIMINAL JUSTICE
for Public Hearing and printed pursuant to Joint Rule
20.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on CRIMINAL
JUSTICE and ORDERED PRINTED, pursuant to Joint Rule
20.

Sent down for concurrence.

Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION

Senator MILLS of Somerset for the CRIMINAL LAW
ADVISORY COMMISSION, pursuant to the Maine Revised
Statutes Title 17-A, section 1354, subsection 2, asks
leave to submit its findings and to report that the
accompanying Bill "An Act to Reduce the Amount of
Good Time and Meritorious Good Time Available to
Persons Sentenced to Terms of Imprisonment"

S.P. 201 L.D. 544

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION**

Senator **MILLS** of Somerset for the **CRIMINAL LAW ADVISORY COMMISSION**, pursuant to the Maine Revised Statutes Title 17-A, section 1354, subsection 2, asks leave to submit its findings and to report that the accompanying Bill "An Act Creating a Victims' Rights Chapter in the Maine Criminal Code"

S.P. 202 L.D. 545

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION**

Senator **MILLS** of Somerset for the **CRIMINAL LAW ADVISORY COMMISSION**, pursuant to the Maine Revised Statutes Title 17-A, section 1354, subsection 2, asks leave to submit its findings and to report that the accompanying Bill "An Act to Change the Law That Determines When a Sentence in Excess of 20 Years May Be Imposed for a Class A Crime"

S.P. 203 L.D. 546

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION**

Senator **MILLS** of Somerset for the **CRIMINAL LAW ADVISORY COMMISSION**, pursuant to the Maine Revised Statutes Title 17-A, section 1354, subsection 2, asks leave to submit its findings and to report that the accompanying Bill "An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism"

S.P. 204 L.D. 547

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION**

Senator **MILLS** of Somerset for the **CRIMINAL LAW ADVISORY COMMISSION**, pursuant to the Maine Revised Statutes Title 17-A, section 1354, subsection 2, asks leave to submit its findings and to report that the accompanying Bill "An Act to Correct Certain Statutory References in the Crime of Negotiating a Worthless Instrument"

S.P. 205 L.D. 548

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
CRIMINAL LAW ADVISORY COMMISSION**

Senator **MILLS** of Somerset for the **CRIMINAL LAW ADVISORY COMMISSION**, pursuant to the Maine Revised Statutes Title 17-A, section 1354, subsection 2, asks leave to submit its findings and to report that the accompanying Bill "An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion"

S.P. 206 L.D. 549

Be referred to the Committee on **JUDICIARY** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Statutes
MAINE STATE RETIREMENT SYSTEM BOARD OF TRUSTEES**

Senator **BEGLEY** of Lincoln for the **MAINE STATE RETIREMENT BOARD OF TRUSTEES**, pursuant to the Maine Revised Statutes Title 5, section 17103, subsection 13, asks leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1996" (EMERGENCY)

S.P. 198 L.D. 541

Be referred to the Committee on **LABOR** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **LABOR** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **AMERO** of Cumberland, the following Joint Resolution:

S.P. 210

STATE OF MAINE

**IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-FIVE**

JOINT RESOLUTION RECOGNIZING CHERYL E. RING

WHEREAS, during nearly 12 years in the Office of Fiscal and Program Review, Cheryl E. Ring has staffed the Legislature's Joint Standing Committee on Audit and Program Review, first as an Analyst and, since 1986, as Principal Analyst; and

WHEREAS, she has gained the respect of both the committee members and her colleagues, who have all benefited from her high professional standards and her commitment to improve the quality of State Government and the efficiency and effectiveness with which it delivers services to the citizens of Maine; and

WHEREAS, she has shared her dedication, her boundless energy and her generous spirit with all with whom she has worked; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, do pause in our deliberations to express our appreciation to Cheryl E. Ring and to recognize her highly professional and tireless service to the Legislature and the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Cheryl E. Ring.

Presented by Senator **AMERO** of Cumberland.
Cosponsored by: Senator **BUSTIN** of Kennebec, Senator **BUTLAND** of Cumberland, Senator **KIEFFER** of Aroostook, Senator **LAWRENCE** of York, Representative **CARLETON** of Wells, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **WHITCOMB** of Waldo.

Which was **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I had the pleasure of working with Cheryl Ring for four years in the Audit and Program Review Committee. I would like to just take a moment to share with you some of the outstanding qualities that she had. She was a total professional in the work that she did, always objective, always fair, always worked hard to present information in a way that was useful for the Committee. She gained the respect of every single member on that Committee, regardless of affiliation or regardless of background. At the same time she gained the respect of all of the Departments and Agencies and Boards that came to the Committee because she was fair, she was helpful, and having gone through the process, each one felt that it was a worthwhile experience and much had been gained. She had tremendous skills in making that Committee what it was and the ability of keeping it on task and accomplishing its work on time and within budget. She was a dedicated public servant whose work really made the lives of many of our Maine people better.

We will have lost a great deal by losing her but I know that we all wish her well in her new endeavors. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to also sing the praises of Cheryl Ring, who has been an outstanding employee for this Legislature over the past twelve years. I think it is so important that we recognize people whose dedication and professionalism is amongst the highest and wish her well as she goes on to further her education and hope that someday she may come back to share with us the advanced education that she has received. Thank you.

Which was **ADOPTED.**

Sent down for concurrence.

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

ORDERS OF THE DAY

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

COMMUNICATION - from the Committee on **TRANSPORTATION**, relative to the nomination of John G. Melrose of Vassalboro for appointment as the Commissioner of the Department of Transportation

Tabled - earlier in the day by Senator **BUSTIN** of Kennebec

Pending - **CONSIDERATION**

(In Senate, February 14, 1995, **READ.**)

Which was **ORDERED PLACED ON FILE.**

THE PRESIDENT: The Joint Standing Committee on **TRANSPORTATION** has recommended the nomination of John G. Melrose of Vassalboro be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **TRANSPORTATION** 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, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

No Senators having voted in the affirmative and 35 Senators having voted in the negative, 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 G. Melrose, for appointment as Commissioner of the Department of Transportation, was **CONFIRMED.**

The Secretary informed the Speaker of the House.

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

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

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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.

Off Record Remarks

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **AMERO**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Besides it being Valentine's Day and Senator Bustin's birthday, today is also the 75th Anniversary of the League of Women Voters. I wanted to make sure that as a Body we recognized the great work that the League has done for over 75 years here in the State of Maine, as well as in the nation. It was immediately after Congress, in 1899, decided to send out to the states the 19th Amendment to the Constitution, which gave women the right to vote, that the League of Women Voters was formed, mostly by suffragettes who had worked for over forty years to get that amendment passed in Congress. Today, I guess the League wants to remember all of the gentlemen across this country who agreed to give us the vote, fifty-one years ago.

Off Record Remarks

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

I also want to bring a little bit of history to the members of the Senate today. The first national President of the League of Women Voters was from Massachusetts but she had the good sense to summer in Maine and her name was Maude Wood Parks. She also had even better sense, in 1926, to move permanently to Cape Elizabeth, Maine. The League of Women Voters' founding has close contact with the State of Maine. The first Maine President of the League of Women Voters was Mabel Connor, who was the daughter of Governor Connor. I think you all are familiar with the League of Women Voters' work on trying to keep our voters informed. After all, the key to the democratic system is that we have an educated electorate; and I give great credit to the League of Women Voters for having spent so many years in the service of educating voters in our State and in our country. We have many members of the League who are visiting with us today. There will be a reception at the Blaine House this afternoon at 2:30, to which you are all invited. You are also all invited to become members of the League if that is your desire. Thank you.

After Recess

Senate called to order by the President.

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

Senator **HARRIMAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **HARRIMAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise, too, to join with my colleague from Cumberland, Senator **Amero**, in congratulating and recognizing the League of Women Voters on their 75th Anniversary. I also rise to say how proud I am that in my Senate District, which includes Yarmouth, Freeport and Brunswick, there are members of the League of Women Voters in each of the towns in my district. I would like to take this opportunity to say to them, on the Record today, how proud I am of the work they have done. I became a member of the League of Women Voters because of my experience in local campaign elections and for the honor of sitting in this seat, and the service that you provided to the people who run for office, and for the citizens in the communities that we serve, is invaluable. We thank you for all that you do and look forward to working with you in the future. Thank you.

On motion by Senator **LAWRENCE** of York, **RECESSED** until 4 o'clock this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Repeal the Retail Seed Dealer's License"
H.P. 382 L.D. 517

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

Come from the House, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Bill "An Act to Appropriate Money from the General Fund to Pay Fees for Schools Required to Report Underground Storage Tanks"
H.P. 371 L.D. 506

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

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

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

Bill "An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects"
H.P. 375 L.D. 510

Bill "An Act Concerning the Return of Credit Card Receipts"
H.P. 380 L.D. 515

Bill "An Act to Restrict the Ability of Credit Card Companies to Charge Excessive Fees"
H.P. 387 L.D. 522

Bill "An Act to Require Insurers to Reimburse Insureds with Inborn Errors of Metabolism" (Emergency)
H.P. 401 L.D. 536

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 Repeal the Laws That Require the Screening for Scoliosis and Related Spinal Abnormalities"
H.P. 386 L.D. 521

Bill "An Act to Improve the Efficiency of the Maine Technical College System"
H.P. 400 L.D. 535

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.

Resolve, Directing the Department of Mental Health and Mental Retardation to Review Respite Care Licensing Standards

H.P. 373 L.D. 508

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

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

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

Bill "An Act to Authorize Game Wardens to Enforce Prohibitions against Swimming in Navigable River Channels"

H.P. 389 L.D. 524

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

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

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

Bill "An Act to Amend the Limitation on Damages in State Tort Claims Actions to Allow for the Accrual of Post-judgment Interest"

H.P. 377 L.D. 512

Bill "An Act to Improve the Operation of Prelitigation Screening Panels"

H.P. 379 L.D. 514

Bill "An Act Concerning the Liability of Corporate Clerks"

H.P. 381 L.D. 516

Bill "An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule"

H.P. 391 L.D. 526

Bill "An Act to Allow the Department of Human Services to Take Protective Custody of Certain Newborn Children"

H.P. 394 L.D. 529

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 Require Liability Insurance Carriers to Disclose to Claimants Limits of Liability and Policy Coverage Prior to Initiation of Suit"

H.P. 392 L.D. 527

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

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

On motion by Senator **KIEFFER** of Aroostook, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act Concerning Sick Leave and Vacation Benefits"

H.P. 388 L.D. 523

Bill "An Act to Require the Department of Labor to Keep Statistics on the Number of Jobs That are Full-time, Part-time and Temporary"

H.P. 399 L.D. 534

Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employee Labor Relations Laws"

H.P. 402 L.D. 537

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

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

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

Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks"
H.P. 372 L.D. 507

Bill "An Act to Increase the Operating Profit of Agency Liquor Stores"
H.P. 384 L.D. 519

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 Requiring Training Workshops for Eligibility for All New Applicants for Commercial Fishing Licenses"
H.P. 376 L.D. 511

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

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

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

Bill "An Act to Amend the Site Location of Development Laws Relating to Former Military Bases"
H.P. 393 L.D. 528

Bill "An Act to Restrict the Use of Eminent Domain Power"
H.P. 397 L.D. 532

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

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

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

Bill "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries"
H.P. 378 L.D. 513

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

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

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

Bill "An Act to Amend the Sales Tax Exemption for Emergency Shelter and Feeding Organizations"
H.P. 390 L.D. 525

Bill "An Act to Exempt Barter from All Taxation Considerations"
H.P. 396 L.D. 531

Bill "An Act to Repeal Tax Exemptions for Railroads"
H.P. 398 L.D. 533

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 a Review of Handicapped Plates Periodically"
H.P. 374 L.D. 509

Bill "An Act to Require a Second Doctor's Opinion before the Secretary of State May Suspend a Driver's License"
H.P. 383 L.D. 518

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

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

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

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Resolve
HEALTHY START TASK FORCE**

The **HEALTHY START TASK FORCE**, pursuant to Resolve 1993, chapter 54, asks leave to submit its findings and to report that the accompanying Resolve, to Implement the Recommendations of the Healthy Start Task Force

H.P. 405 L.D. 540

Be referred to the Committee on **HUMAN RESOURCES** for Public Hearing and printed pursuant to Joint Rule 20.

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

Which Report was **READ** and **ACCEPTED** and the Resolve referred to the Committee on **HUMAN RESOURCES**, in concurrence.

**Pursuant to Private and Special Law
UNORGANIZED TERRITORY EDUCATION AND SERVICES
FUND STUDY COMMISSION**

The **UNORGANIZED TERRITORY EDUCATION AND SERVICES FUND STUDY COMMISSION**, pursuant to Private and Special Law 1993, chapter 100, asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Unorganized Territory Education and Services Fund Study Commission"

H.P. 404 L.D. 539

Be referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which Report was **READ** and **ACCEPTED** and the Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

**Pursuant to Statutes
JUDICIAL COUNCIL**

The **JUDICIAL COUNCIL**, pursuant to the Maine Revised Statutes Title 4, section 451-A, asks leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Budget of the Judicial Department"

H.P. 403 L.D. 538

Be referred to the Committee on **JUDICIARY** for Public Hearing pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which Report was **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Stop the Alewives Restoration Program in the St. Croix River"

H.P. 385 L.D. 520

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

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

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

Bill "An Act to Allow the Defense of Ignorance of the Law"

H.P. 395 L.D. 530

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

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion"

S.P. 206 L.D. 549

In Senate February 14, 1995, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

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

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

H.P. 120 L.D. 155

Tabled - February 10, 1995, by Senator **HANLEY** of Oxford.

Pending - **PASSAGE TO BE ENGROSSED**, in **NON-CONCURRENCE**.

(In House, February 1, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10)**.)

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-7) **READ**.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is, in fact, the supplemental budget bill as passed unanimously by the Appropriations Committee. It is in tact as we discussed it earlier. It is the wish of that Committee, and I think it is the wish of the many of the people in this Legislature, that it is time to enact a supplemental budget so that the State can continue to operate and do the business that the people of Maine expect the State to be doing. With that, I would urge passage of this amendment, and that we adopt the supplemental budget as unanimously recommended by the Appropriations Committee. Thank you.

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7) **READ**.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7) proposes the reinstatement of the Maine Health Program to the amendment offered by the good Senator from Cumberland, Senator Amero. I would urge your adoption. Simply, in urging your adoption, I just wish to quote briefly from an editorial that appeared in the Bangor Daily News today, "At a time when the Legislature has gotten serious about removing budget gimmicks, the Health Program makes an honest accounting of the costs of health care. To remove the program is to shift these costs back to communities, to AFDC, to Medicaid, to hospitals, which would be forced to treat the former recipients through the most expensive means possible - the emergency room - and to the premiums of the insured. The budget may then balance technically, but the hidden costs will hurt everyone." Little more needs to be said about the Maine Health Program than that. It is a money-saving measure for the State of Maine that costs us very little, and I would urge your adoption. 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. While I often agree with editorials put forward by the Bangor Daily, I take into question one of the aspects that the good Senator from York, Senator Lawrence, raised. Currently the Maine Health Program is not making any payments to the hospitals. That their statement that this program is, is a misstatement in this editorial. There are costs that are already being passed on. I promised my Caucus that I would not

take the time this afternoon, seeing as we spent most of the night a week ago Monday, debating this very topic. I think a lot of us have been presented with additional information during the course of the last seven days and I don't think too much information has been presented to sway me from my initial stand in the Appropriations Committee, that in fact, we would vote out a separate bill that would be sent to the Human Resources Committee and that the Human Resources Committee would then be able to debate the specific elements of this program and to devise a program that they could then bring back to the Legislature. For that reason, I move the Indefinite Postponement of Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7). Thank you.

Senator **HANLEY** of Oxford moved that Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7) be **INDEFINITELY POSTPONED**.

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

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair, if I might, to the good Senator from Oxford, Senator Hanley. Earlier in the day we heard that pink slips were going to be going out, had to be out by the seventeenth of the month. At what point in time would the people be released from their duties? Would it be the thirty-first of March? There is a certain time frame in which we have to let them know. Isn't it possible that we could act on both this measure and the Health Care Plan by itself during the period before anyone is let go? Thank you.

THE PRESIDENT: The Senator from Kennebec, Senator Carey, 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 answer the question of the good Senator from Kennebec, with respect to your first question, I would have you direct that to the Governor of this State. With respect to the Maine Health Care Program, seeing as that program is set to end as of March 31, yes, if this Legislature were to take action prior to the thirty-first, the program could continue. 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. Then I would direct the first part of that question to anyone in the Senate who may be able to answer as to how much notice do we have to give employees before we can, in fact, let them go? Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Different contracts require different notice periods. Under the AFSCME contract there is a fourteen day notice requirement. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just for the Record, I would like to make mention of another cost that we seem to incur here quite regularly. Certainly there are costs involved in the Maine Health Care Plan, but just listen to these numbers on what we have done since we started debating this issue prior to the amendments that are being added here today. Senate Amendment "A" to Committee Amendment "A" cost \$34.90, just for printing alone. Senate Amendment "B" to Committee Amendment "A" cost \$83.30. Committee Amendment "C" to Committee Amendment "A" cost \$69.65. Committee Amendment "D" to Committee Amendment "A" cost \$83.30. Senate Amendment "A" to the bill cost \$990.70. Senate Amendment "B" to the bill cost \$1074.00 and Senate Amendment "C" to the bill cost \$83.30. For a total, prior to these amendments, of \$2419.15. 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. I think it is time for us to take a longer-term view to the solution of this problem. I don't think there is anyone in this body who doesn't want to find a solution to help working poor people find health care, particularly preventive health care. But what we are trying to do here, I think, is unfair to the very people we are trying to serve. This program is scheduled to end March 31. A unanimous recommendation out of the Appropriations Committee recognized that it was a public policy issue that deserved the full attention of the committee of jurisdiction, the Human Resources Committee. That is what they decided to do, all thirteen of them, of both bodies and both parties and all political persuasions. That's what they unanimously said that we should do. Now we have lost two weeks. This decision could have been made February first, the bill could have been in the Human Resources Committee as we speak. Instead, we have done this political maneuvering, for what? To get us to June 30, 1995? Then the debate has got to start all over again because we are into another budget session. Then the debate has to start all over again because the federal money dries up in September. I have heard from many constituents, I have heard from many legislators, some good ideas. I have heard from other people in the Legislature about innovative and completely unique ways to deliver preventive health care, particularly to our children. They are all worth discussing but they don't belong out in the hallway. They belong in the Human Resources Committee where they can get the time and the attention to do their work. That's what we are trying to do here folks, we are trying to get a budget so that the operation of State government, including our employees, know what to expect until

June 30. Give us a chance to bring this issue to the Human Resources Committee. I am confident that we will make the right decisions for the long-term for the people who need our help. 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. As I substracted Senate "A" and Senate "B" from the total of amendments that have been put together at \$35, \$83, and \$59 apiece, there is only \$355 that is credited to those amendments to the amendment. Amendment "A" and "B" combined came to \$2064. Those obviously were supposedly the Committee amendments. I get somewhat concerned, as a municipal official, this insurance covers those people who are the working poor. As a municipal official I feel that they are working because they have this coverage and if they drop this coverage then they will end up on the town rolls, thus we are creating another mandate on the municipalities that we really can't handle. So, I would hope, if I might pose a question through the Chair, I would like to direct my question to the Senator from Cumberland, Senator Harriman, whose Committee would be hearing the Health Care bill and I would like to know roughly how long it would take him to advertise the meeting, to hold a public hearing, and to report back to the Senate on that measure? Thank you.

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

Senator **PENDEXTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We could theoretically have public hearings as early as March 1. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I understand the concerns mentioned by the Senator from Aroostook, Senator Kieffer, and the Senator from Cumberland, Senator Harriman, but the fact still remains that there is a majority in this body, bipartisan, Republican, Democrat, Independent, a majority who wants the Maine Health Program, and there is a minority who is preventing it from happening. We can get rid of all of those expenses for the amendments by passing the Maine Health Program, period. That will solve the problem. We don't have to wait for public hearings, we don't have to put these people in a position where they don't know if they are going to have health care until sometime in late March. We can solve that problem here tonight and I suggest that we do it. 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 thought that when we first debated this question that we had a very healthy debate on health care. Now it gets down to

not debating health care but debating what the cost of running the legislature is. You know, a long time ago, I believe it was Jefferson who said, "The wheels of government grind slowly but finely." Well, for those wheels of government to grind it takes money. It takes money to run a democracy and talking about the issues on the floor of the Senate, and the floor of the other body, is the appropriate way to address the issues. If we have a better way of doing that then printing amendments then perhaps that suggestion ought to be made to the Legislative Council and we can move forward on that. I suspect that any other method would also cost money. So I find it incredible we're talking about the cost of debating in a democracy, as opposed to talking about the needs of people to have health care. I would like to get to that. We talk about why didn't it just go up to Committee. That's another thirteen members and I'm sure the Human Resources Committee will do very well by this bill because I have run the Human Resources Committee before, many years ago, and every Committee, as far as I am concerned, in this legislature looks at their bills very seriously and very sincerely. The fact of the matter is that the people in this body wanted to talk about health care, they wanted to let you know that if this bill has to go up to the Human Resources Committee, think about the instructions that they have from the elected members of this legislature now that they wouldn't have had before. Think about the value of the news media that has reported to you and given you opinions on what they feel about it. Would we have had that without that kind of debate? Without spending that kind of money to bring amendments? I am incensed that we can talk about the printing cost of amendments, to be able to talk in a public debate, about an issue that is very near and dear to a lot of hearts in this State, and not talk about the need to cover people with insurance for their health care who cannot afford it but want to work and earn money but because we don't have a healthy enough economy, to raise their base rate to where they can afford to participate in their health care costs. I can't believe that we don't want to talk about that sincerely and openly and with as many people as possible. I would hope that you would vote with me to defeat the pending motion, which is the motion to Indefinitely Postpone the amendment and go on and accept the amendment submitted by Senator Lawrence. 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. To my colleagues today I will not once again debate what we did last week about this very important issue. I would like to raise a couple of other points before we go back and vote again. Since last week when we debated this issue, members of my Caucus and members of the other Caucus and the Independent Caucus have spent a lot of time trying to determine if there was another way to resolve this issue. I don't think we have given up yet trying to understand if there are ways to solve this problem. The fact is, as we comb the files of Medicaid waivers, and the laws and the possible solutions for an innovative program that would serve the needs of Maine's hard-working poor people, who are not now covered by insurance, either by their

employers or unable to afford insurance, we found that this was the very best program that existed to cover this population. It is a two-to-one federal match. It is innovative. It makes sure that basic needs are met while it doesn't pay all of the costs. It was difficult to find another solution to this problem. The fact remains that while we continue to say that we are not covering enough people under this program, we are not covering enough people because over the years they have been removed from the program. We continue to tax people for this program and not provide the services we said we were going to provide and I think that remains a faith with the voters that we are breaking. We are going to talk a lot about good government, how we have to move on here today, about how we have to pass a budget, and when we think about that I don't think there is anything more important to me than making sure that we maintain a faith with the voters and that we convince people to have faith in democracy and that we can accomplish what we are here to do. Ultimately it comes down to knowing what is exactly the right thing to support and doing what you have to do to show that you believe in it and I think that is why it is very important to stick with our tripartisan majority to keep this amendment on the budget and make sure we keep the faith with the voters that we have had. 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 one goes back into the One Hundred and Sixteenth, a debate took place at that time and a compromise was presented and passed for the Maine Health Program. Many of you sitting here at that time voted for that bill and it passed with a very large majority in this body. I hope you read the bill, I hope you understood it, because in that bill that you passed you set a deadline and you set that deadline on the point of view that if this was not to be completed as you proposed the program would terminate. That is history. You had your day in court and you can have your day in court again by simply not tying it to a supplemental budget but if you are so certain that the program is as good as you say it is, then undoubtedly you can take it to the Human Resources Committee and prove your point, because that is what you did a year ago. My point, then, is that you should do exactly the same and release the supplemental budget. 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 just want to summarize, as the good Senator, Senator Pingree, has pointed out, there have been a lot of discussions about where we can go from here to deal with the Maine Health Program. I think that is an important question. I did have an opportunity to talk to Mr. Concannon, the Commissioner designate, and he thought that it was unlikely that there would be programs that would provide for Medicaid waivers after June 30, if we were to extend the Maine Health Care Program through that date. That was the summary of his remarks around noon today. Then, over the course of time he talked to people from the Maine Health

Care Finance Commission, as did others, and they concluded that the possibility was greater than they had originally anticipated. Other people with whom I have spoken, Charlene Rydell and others, have suggested that there is a much higher possibility that we could get a Medicaid waiver that could extend this program into the future and provide coverage in a fiscally conservative way that could help all of the people of this State and expand the coverage to a much larger group. That is a possibility. Is it a certainty? No way. Is it something that would be very difficult to do? I think it would be difficult to do but I think it is very much worth the effort. It is also true that I think it is possible to get one of these waivers within ninety or one hundred and twenty days. Some states have done that. Is it difficult to do that? Yes. But is it worth a try? I think it is. What are we talking about here? We are talking about on March 31, a very practical situation, I have heard people say that there is an emotional attachment to the Maine Health Program and I understand what they mean but I disagree with that phrase because the commitment that I have to the Maine Health Program is based on very pragmatic realities. The neighbor that I spoke of, Donna Hightower, when last we discussed this, she is going to be facing going on welfare. That is the situation that she is looking at. We are not just talking about her of course, we are talking about 2900 people, and again we hear that phrase that it is only a few people. If we were talking about a mill involving 2900 people, more than Champion mill down in Bucksport, much more than Statler Tissue here in the Augusta area, we are talking about a huge number of people, that if we don't keep this Maine Health Program, are looking at being on welfare soon. They will be looking at going to the emergency room and driving up your premiums very soon. Why do that? It will cost us a lot of money, we know that. More important than that is that these are 2900 human beings. I know we all care about them so why not give them that chance? Why not give it a try. I think we ought to send some of these concepts to Human Resources but let's pass the Maine Health Program through June 30 for that interim. Give them the time to discuss what we can do in the future to help cover these people. There are possibilities out there. Are there certainties out there? No, but there are possibilities for these people. Let's give them a chance, let's give them a try. Why slap them in the face now? I know that is not our intent but let's do something for them in this interim so that they can have the possibility of continuing working and staying off welfare. That's the choice. If the budget passes as is there is going to be a lot more people on welfare and I hope that we add the amendment and oppose the motion to Indefinitely Postpone. 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 think there may be a slap in the face and I think that slap may be felt, not by the 2900 people that are currently served by a program that would cost \$400,000 of State monies in a two to one match. So it's not only \$400,000 from our State, it's \$800,000 from the feds. Just as there should be truth in advertising I think there should

be truth in addressing the Senate. I have heard some speakers, and if I was to believe everything said, I would have no other choice but to vote for this, because it is such a wonderful program. What about all of the working people who aren't impacted, who are paying their taxes and who are running bare still? This is discriminatory. We are not taking care of, people rise and say we are taking care of the working poor. Come over to Oxford County and I will show you working men and women who can't afford health insurance. No, there isn't a panacea out there, as some members of this chamber would have you believe. The good Senator from Knox, Senator Pingree, pointed out that initially this helped a lot more people. That is very true, but there were so many problems with the original program that took care of over 10,000 people in the State of Maine. It was a program that no one in the private sector could have even begun to afford because of the extensive coverage that it had. I applaud the past Human Resources Committee for trying to get a handle on this program. I don't think there is anyone in this chamber, or anyone in the legislature, who saw this program go through and says, "Yes, when this program initially went through there were a lot of problems. The coverage was too extensive, it was too expensive and it wasn't fair in a sense that a lot of other working men and women in the State didn't have that availability." So when you take the vote on this amendment you are not helping all the working men and women of the State, let me make that quite clear, you are not doing that. Although you may like to make that vote and say, "I'm helping all the people". There are a lot of other people that we are not helping. This is just going to be a continuation and we won't get to the real root as to how we are going to make health insurance affordable for all working men and women of our State. For those reasons I hope that you will support the pending motion. 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 think it is pretty presumptuous of us here, us thirty-five members who all get \$3000 worth of coverage every year for a total of \$105,000 worth of coverage, to then turn to a program that then serves 2700 to 2900 people for \$400,000. For four times the amount we cover a lot more, I can't do the math fast enough. I agree with Senator Mills, it is a K-Mart program. I would even go further and say it is a blue-light special on Friday night at K-Mart. It is a good program. It makes good economic sense. My last point is I would just like to compliment Senator Hathaway for being very honest and, unlike some, campaigning and taking credit for supporting the Maine Health Program and then standing here today and not supporting it. I think we ought to honor our campaign pledges which I think in large part there are a number here who campaigned for the Health Program and now they are trying to vote against it. I think you should be more honest with your constituents. 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 rise as a

supporter of health care for the poor working people in the State. Indeed, as the good Senator from Kennebec said, this is an issue that is near and dear to the hearts of all of us I'm sure. During the last few days we have heard many passionate pleas in support of the poor people in this State. During this debate I can find two things which we agree upon. The first is I believe we agree that if we were to no longer have this program that we should no longer tax the people of this State to support it. As you know, many of us feel that there was a link between the previous tax that was passed in this body and this program. I would just like to say, first of all, if this program does not pass at some point then I will be asking this body to repeal the snack tax, which is an equivalent amount of money that was raised for this program. I have put that amendment on your desks today and I will continue that pursuit because I think that is the honest way to deal with this issue between the people of Maine. The second thing that I think we agreed on is that we all do believe that we need a welfare to work insurance plan. That we have far too many people trapped in our welfare state and that we have to give them incentive to become productive working citizens. However, I feel the issue today is not about health care but about the budget and the running of our State. So I would ask that you please remove this debate from the budget issue and place it in what I feel today is its proper forum of the Human Resources Committee. I believe that we have, from the Chair, an understanding and a commitment that this issue will be immediately discussed and resolved in her Committee. I believe we have an interest in promoting this program and in promoting health care for our poor working people. I feel our debate on this issue is stalemated and that we are better off moving onto this budget and I would urge you to do that today. 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 appreciate the good Senator from York, Senator Hathaway's, remarks and his concerns about separating it from the budget. I think that at some point in time this will go to the Human Resources Committee for fine tuning. The really sad part is that if we don't include this in this budget now that you do away with that program by March 31. We don't need to do that because we can do away with the program anytime we want by a simple vote. When there is a program that will take its place, as everybody has said that there will be, then you can do away with the program at that point. You probably will do it with the exact same bill that will provide the health benefits as we have decided we want them provided. Either through Committee or in Committee and then down in this body. So the important point is that you keep the program going through the budget until such time as you have something to replace it with. You haven't automatically spent those monies if you then go back and redo your work after the Human Resources Committee comes down with something different. That is why I support keeping the Maine Health Program in the budget as proposed by the amendment. It just makes common sense. You don't take people who are receiving health care, who can't afford it and are

receiving it under this program and cut them off on March 31 and then say, "Oh, by the way, come April 1 we will put you back on." What happens in that month? It's got to come from somewhere. It's either going to come from your emergency care, it's going to come from your general assistance, or it's going to come from your funerals. Make your choice. 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. First of all, to respond to the Senator from Lincoln, Senator Begley. I have a different interpretation of the contract we made in last year's budget. Many of us, certainly those of us on the Banking and Insurance Committee last time, voted for this budget because we were led to believe that by March 31 there would be a solution, there would be a replacement. Either a private sector company would have come forward with funding for this population or a federal program would have come forward for this population. That is why I voted for the budget with that clause in it. I want all of the new people here to understand that, that some of us in good faith supported that budget because we felt there would be a solution by this date, not because we felt this program would end by this date if there was no solution. There is a very big difference there. Some may wonder what is the big deal here? Why all this sound and fury about 2700 people? Well, this isn't just about 2700 people, although their lives and their health are very important. What we are discussing here are very major and fundamental issues. We are discussing, for instance, whether \$13 million in taxes a year can be collected for something when only \$400,000 of that tax goes to health care for which the \$13 million was collected. That has been going on and on for four years. We are also discussing, and I think this is absolutely fundamental to the debate that we are going to hear in Congress and in this country this year, whether we are debating a building block of welfare reform basically. This debate is about welfare reform. The two arguments of welfare reform, whether we just want to lower the welfare rolls by getting women off welfare no matter how, or whether we want to lower the welfare rolls by getting women off welfare by moving them into jobs that can sustain them. If you are a member, as I am, who desires the second, moving women into independence, off to a job, then this is an absolutely fundamental building block of welfare reform. This program or a program like it.

Senator Hathaway referred to us being in a stalemate. Well, this seems like a cake walk to me I have to say. We have had some stalemates here and this is not at a stalemate yet. To my mind we have never been in as good a shape to have a calm, reasoned debate about the very important public policy issues contained in this debate about welfare reform and health care reform. We have \$12 million in the Rainy Day Fund, we have all this time between March 31, when people will have to be laid off, my goodness we are in good shape. I can remember sitting here at 4:30 in the morning, with bodies piling up in front of the Maine Veteran's Cemetery, debating a supplemental budget. Now that is a stalemate. We are not at that place so let's

appreciate the fact that our State is doing much better and that we have much more money in the till than we had. Our economy is beginning to turn up. Maine is on the move. We have the ability, the desire, the heart to deal with these issues so let's move forward, along with our Governor, and deal with them. 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 today because I will be voting against the motion to Indefinitely Postpone and voting for the Maine Health Care Plan. I have to tell you that when I do that I don't do so because I believe the only, and the best, solution is the Maine Health Care Program. Given the process and the parliamentary procedure I don't get a menu to choose from, I have to choose to vote for what is here now. I am going to vote for the program and I hope that all of you do as well. I want you to be clear, if I had a menu this would not be my first choice on the menu. If I had an opportunity, I would be more than willing to find a resolution to the issue and the concerns. That is, there are something less than 3000 people who desperately need and depend on this program. If there is some way, and I believe there is, that we can meet those interests, I will be one who will support that way and it will not have to be the Maine Health Care Plan. In my other life I do court mediation work, in very difficult circumstances with people who have very different points of view about life and are in a very emotional kind of state, often times in divorce. I have done hundreds and hundreds of them. I have learned one simple principle in doing that work. That when the parties come to the table with non-negotiable positions it is very difficult to find common ground. When the parties come to the table and identify the interests that each have and are willing to look at ways to address those interests, in almost every circumstance we find a resolution that is acceptable, that is reasonable, and that has less harm to the third parties involved in that agreement. I believe the same can be done here, there is no reason why it cannot happen. So I simply ask that for those of you who have differences of opinion, it is very clear that this body is divided on this issue, and that there is strong opinion on both sides. I will be voting for it but only because I believe there is a middle ground and I am prepared to seek it. I ask those who have a different opinion to join with me to find that middle ground. I believe that we can do that and meet the interests and needs of the people of this state in a democratic way, recognizing a diversity of an opinion on the legitimate merits of the issue. So I hope that those of you who have supported the program will do so again with the understanding and realization that this is just a part of the process and not the end of it. The solutions that have been proposed so far to send it to a different Committee doesn't take into account the realization that whatever comes out of that Committee will require a two-thirds vote to be passed if it is going to be effective before the end of March 31. We all know how difficult that will be to achieve. Now is the time to decide this issue and to find the common ground. Not to postpone the difficult decision. I hope that you will support the Maine Health Plan. 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 am a supporter of the Health Care Plan. This has been an interesting week and an even more interesting day. I have two questions that I am left with as we creep closer to taking some action on this. What I most want to do is vote on the supplemental budget and that vote will be a yes vote, but it is looking unlikely that I will have that opportunity in the near future. My questions are, since it seems that we are not able to reach an agreement on the issue of whether to continue the Health Care Plan or not, and since it seems that the most logical common ground, which would be finding some way to cover the people who are now in that plan in the interim until a new plan is devised, but at the same time getting rid of the official Health Care Plan itself, which would seem to meet both sides of the debate, has been discussed and investigated at length and no one has been able to devise a plan through which that coverage can happen. Therefore, I feel that because of the attachment of that plan, or the potential for its attachment to the budget, would require a two-thirds vote for passage, that I can no longer determine that we are doing the plan a favor by maintaining that linkage. If it requires a two-thirds vote to get it enacted because of its attachment to the budget, that it is going to be no worse off requiring a two-thirds vote in Committee. So, I feel that though I am a strong supporter of the plan, I am faced with killing the plan by voting for it now or possibly saving the plan by voting against it now but having the opportunity to vote for it later. My second question is of much narrower focus but it is one that really bothers me and I want to share it with you. That is, in a body where a one vote advantage, which defines the majority, was considered a mandate, how is it that an advantage twice that size, the two vote majority by which the Health Care Plan was passed last week, is about to be ignored? 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. There are several advantages, I believe, to voting for the pending motion to Indefinitely Postpone so that we can send this important public policy issue up to the Committee of jurisdiction. First, I think it is an issue of cost containment. One of my constituents, who is a participant in this plan, called me asking me what my thoughts were about where this bill was heading. It was her suggestion to me that we consider amendments to the plan. She felt that it is was quite unusual that she could go to an outpatient facility to have mammogram and that her deductible was one dollar. Her point to me was she could afford two or three or five dollars, and if they all did that wouldn't it save some money? I'm sure there are many other examples we could come up with by talking to the people who are served by this program. I am deeply concerned about the working poor people who aren't eligible for this, who can't get into this plan who are eligible. Would this body allow this to

happen if it was a welfare mother? Would we allow it to happen if it was someone who needed our help in a nursing home? Yet we are willing to say for those who are in we will take care of you, and for those who aren't in, we are sorry. That's not fair. The Committee of jurisdiction should explore that issue. There is another argument that I have been hearing that since we raised these taxes on alcohol and tobacco that it was an understanding amongst colleagues who were here before I was elected that that is where the money would come from for the Maine Health Program. I think the committee of jurisdiction ought to go back and look at that. Why isn't the money going there? If not, maybe it should. I'm open-minded to all of those things. Indeed, the Senator from Waldo, Senator Longley, stated that there are members of the body here who are afforded free health insurance, life insurance, dental, disability, a retirement plan. In some instances if you want to add your family the State pays half of that. She gave us the impression that that pertained to all of us. There are some who came to this body who decided that we were going to put our personal opportunities far behind the people we are here to serve. There are some of us in this body who decided not to take advantage of those free benefits. I think there is a collective will here today to give this issue its due. The longer we linger, the longer we try to tie it to a supplemental budget, the more we are hurting the very people we all want to help. 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 just wanted to respond briefly to the question, if I understood it correctly, of the good Senator from Hancock, Senator Goldthwait. The statement that perhaps if it was going to require two-thirds vote should we send this bill to the Human Resources Committee, that it really was no different question then what we are looking at today when it requires a two-thirds vote to pass the supplemental budget. As well as the other concerns that we should de-couple this issue with the budget. The difficulty I have with doing that is that this is part of the budget. We are talking about how we are spending money in the short term and as soon as we separate this issue and send it to Human Resources, and send the budget, with its money, in some other direction, we have separated the money from the policy question and we are no longer able to discuss those at the same time. I believe the appropriate mechanism for making this decision is here, now, with this amendment, in this chamber, with this supplemental budget which is where the money now resides. I feel that is the way to discuss this issue. Thank you.

Senator Bustin of Kennebec requested and received leave of the Senate to speak a fourth time.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I wanted to respond to the not fair comment, because it had been made before. Now I find that I really can't let that go

without speaking on it. A lot of things in life are not fair. It's not fair that my eight hours of working doesn't compare to somebody else's eight hours of working. It's not fair that somebody makes \$30,000 a year if I make \$10,000 a year. It's not fair that I have to work two jobs and you only have to work one job in order to make it. It's not fair that my health insurance costs \$4000 and yours costs \$3000. It's not fair if I get my groceries in Maine and you get them in New Hampshire and you pay less or you pay more. Life is not fair. It's not fair that I have to rent and that you have enough for a down payment and can buy a home and invest. It's not fair that you can have the amount of money to put into a 401K or in investments and make money and make your life better. It's not fair that you can have a second home or that you can buy a boat or you can have two cars in the garage. It's not fair that you can go to Garfinkles's and buy your clothes, I don't know, I have never been to Garfinkle's so how would I know, and I go to K-Mart. A lot of things are not fair in life. Sure, it's not fair that there are only 2,772, or whatever the figure is floating around here, that are covered under the Maine Health Program. You're darn right it's not fair. You're darn right we should have used the amount of money that we raised in those three-thirty-in-the-morning sessions that I sat in negotiating those for that health program. You're darn right it's not fair. But do you know what's really not fair? It's not fair that we kill this program now for those 2,772 people just because we can't cover the whole world. No, we can't save the whole world, and no, we can't have the solution to the health care problem. But we can manage it. We can manage those people and we can do it through a good management of health care. I think the Maine Health Program is part of that management. No, it's not the whole answer. No, it's not going to cover everybody. But do you know what? For those 2,772 people it does cover, it's important. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HANLEY of Oxford that Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7) be **INDEFINITELY POSTPONED**.

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, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-9) to Senate Amendment "A" (S-7), **PREVAILED**.

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

Senator LAWRENCE: Thank you Mr. President. I have a point of parliamentary inquiry? Is this amendment properly before the Body having failed of enactment last Tuesday? Thank you.

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 AMERO of Cumberland was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

THE PRESIDENT: In response to the Senator from York, Senator Lawrence's, parliamentary inquiry. The applicable rule is Joint Rule 37, which says, "Measures Rejected at any Prior Session. No measure which has been introduced and finally rejected in any regular or special session shall be introduced in any subsequent regular or special session of the same Legislature except by vote of two-thirds of both

Houses." The amendment before the body, which is Senate Amendment "A" (S-7), is identical to Committee Amendment "A". It is the ruling of the Chair that Committee Amendment "A" was never finally rejected. The vote on the floor of the Senate was Committee Amendment "A" as amended by Senate Amendment "D". So, the Chair would rule that the amendment is properly before the body. The pending question before the Senate is Adoption of Senate Amendment "A" (S-7). The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator MICHAUD: Thank you Mr. President. Being a freshman Senator, and hearing a conversation earlier from the Majority Leader about the cost of printing amendments, I would like to ask a parliamentary inquiry. If a member of this body has an amendment to offer, such as possibly a snack tax, would this be the appropriate time for that individual to offer his amendment? Thank you.

THE PRESIDENT: The Chair would answer that the Chair would entertain any amendments at this time. The pending question before the Senate is the motion by Senator AMERO of Cumberland that the Senate ADOPT Senate Amendment "A" (S-7).

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.

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator AMERO of Cumberland, to ADOPT Senate Amendment "A" (S-7), PREVAILED.

Senate Amendment "A" (S-7) ADOPTED.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended in Non-Concurrence.

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 PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

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

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

HOUSE REPORT - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to the Maine Health Program" (Emergency) H.P. 271 L.D. 373

Report - Ought to Pass - Pursuant to Joint Order H.P. 184.

Tabled - February 10, 1995, by Senator AMERO of Cumberland.

Pending - Motion by Senator HANLEY of Oxford to SUBSTITUTE THE BILL FOR THE REPORT and REFER TO THE COMMITTEE ON HUMAN RESOURCES, in concurrence.

(In House, February 1, 1995, the Report READ and ACCEPTED and the Bill REFERRED TO THE COMMITTEE ON HUMAN RESOURCES.)

On motion by Senator HANLEY of Oxford, Bill SUBSTITUTED FOR THE REPORT and REFERRED TO THE COMMITTEE ON HUMAN RESOURCES, in concurrence.

Senator CAREY was granted unanimous consent to address the Senate on the Record.

ENACTORS

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would move that when we adjourn today, we do so in memory of Representative Mona Hale of Sanford, who passed away yesterday afternoon after a courageous battle with cancer. Her funeral is tomorrow at two o'clock in Sanford. Thank you.

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

Emergency

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1995

H.P. 120 L.D. 155
S "A" (S-7)

Senator **ABROMSON** was granted unanimous consent to address the Senate on the Record.

Senator **ABROMSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to inform the Senate of the untimely death of former Representative and former Senator David G. Huber of Falmouth. Senator Huber served with distinction for one term in the Maine House of Representatives and for four terms in the Maine Senate. He served as Assistant Majority Leader in the Senate and for many years as the Chair of the Joint Standing Committee on Appropriations. Without objection, I ask for unanimous consent to extend the sympathies of the Senate to former Representative Sherry Huber and the entire Huber family. In addition, Mr. President, I ask that when the Senate adjourns today, we do so in memory of David G. Huber of Falmouth. Thank you.

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

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

Senator **O'DEA**: Mr. President, inquiry - is there a quorum?

THE PRESIDENT: The Chair would answer in the affirmative.

On motion by Senator **O'DEA** of Penobscot, a Quorum Roll was called.

The Roll being called, the following Senators answered to their names:

Senate at Ease

Senate called to order by the President.

ROLL CALL

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

Off Record Remarks

20 Senators having answered to the Roll the Chair declared a quorum present.

On motion by Senator **LAWRENCE** of York, **RECESSED** for one hour.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

After Recess

Senate called to order by the President.

ROLL CALL

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

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

NAYS: Senators: CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, HARRIMAN, HATHAWAY, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senator: BUSTIN

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

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, and 17 being less than two-thirds of the entire elected membership of the Senate, the bill FAILED of ENACTMENT.

On motion by Senator KIEFFER of Aroostook, the Senate RECONSIDERED its action whereby the Bill FAILED of ENACTMENT.

Senator AMERO of Cumberland moved to Table until later in Today's Session, pending ENACTMENT.

Senator O'DEA of Penobscot moved that the Senate EXTEND PAST 9:00 P.M.

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

Senator BUSTIN: Until what time?

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

Senator O'DEA: Until the Senate has completed its business for the day. Until a time uncertain.

On motion by Senator KIEFFER of Aroostook, 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 McCormick.

Senator McCORMICK: May I pose a question to the Chair? Why was the bell rung and a vote taken when the Democrats were meeting with the Governor?

THE PRESIDENT: The pending question before the Senate is a non-debatable motion.

Senator BUSTIN of Kennebec moved that the Senate EXTEND UNTIL 9:30 P.M.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec to SUSPEND THE RULES TO EXTEND UNTIL 9:30 P.M.

A vote of Yes will be in favor of SUSPENDING THE RULES.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BERUBE, CIANCHETTE, CLEVELAND, HARRIMAN, LAWRENCE, MICHAUD, O'DEA, PINGREE, RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CARPENTER, CASSIDY, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HATHAWAY, KIEFFER, LONGLEY, LORD, McCORMICK, MILLS, PARADIS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

10 Senators having voted in the affirmative, and 25 Senators having voted in the negative, the motion of Senator BUSTIN of Kennebec, FAILED.

THE PRESIDENT, ADJOURNED, in memory of Representative Mona Walker Hale and former Senator David G. Huber, until Friday, February 17, 1995, at 10 o'clock in the morning.