

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

Reading of the Journal of Tuesday, February 14, 1995.

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

In Senate Chamber
Friday
February 17, 1995

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

Prayer by Reverend Robert Mosely of the Church of the Open Bible in Charleston.

REVEREND ROBERT MOSELY: I would like to say that it is an honor to stand before you this morning. I am thankful to Senator Hall for inviting me here. Mr. President, Senators, honored guests, shall we bow in prayer.

Our Holy Father, we thank you for the opportunity to serve you each day. You tell to pray for those government officials appointed over us. So now, we not only pray for our federal government, but for those on our State and local levels as well. We are thankful that you have chosen the positions which we have, that you have ordained the place of every legislator here. Help each legislator to be sensitive to your will and to follow your will. As legislation comes before them help them to seek your direction. Father, we also want to ask that you would guide them as they deal with their constituents. May they be sensitive to their needs. May they listen intently to what their constituents are telling them. Help us as citizens, those not represented in this room, to understand that what is passed by way of legislation is your will. Help us to obey those who are in authority over us and those things that are passed as a result. Father, we also want to acknowledge that you are not only interested in those in this room as legislators only, but that you are interested in them as human beings as well. We ask, therefore, that you will be with them and their families as they adapt to the unique pressures that their jobs bring them. We also think of their souls. If one here does not know you as personal saviour may they settle this with you today. Now Father, we would ask your blessing on each one here. Guide them, strengthen them, help them to seek your will, help them to consider all things that you would have them consider before voting or before taking any action. We will give you the praise and the honor and the glory in your Son's name. Amen.

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

S.P. 231

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 22, 1995, at 10 o'clock in the morning.

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

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

COMMUNICATIONS

The Following Communication: S.C. 61

117TH MAINE LEGISLATURE

January 23, 1995

Honorable Deborah R. Lee
Assistant Secretary of Defense
for Reserve Affairs
Pentagon
Room 2E520
Washington, D.C. 20301-1500

Dear Ms. Lee:

We invite you to join us in Augusta, Maine on February 22nd at 11:15 a.m. to address a joint session of the Maine Legislature.

The Maine National Guard and the 117th Legislature are coordinating a "Legislative Awareness Day" at the Maine State House and it would be most interesting to hear your thoughts on the National Guard in its Federal role. Should your schedule allow you to attend our activities, the Maine House of Representatives and Senate will come together in joint session to hear your remarks. Maine's Independent Governor, Angus King, will be invited to join us.

We hope that by participating in the events planned by the Maine National Guard, and through the insight gained from your unique perspective, we can better understand the roles and missions of our National Guard.

We look forward to meeting you in February.

Rep. 8 Kilkelly of Wiscasset, Hichborn of LaGrange, Tyler of Windham, Spear of Nobleboro, Strout of Corinth, Cross of Dover-Foxcroft, Kneeland of Easton, Dexter of Kingfield

NAYS: 2 Heeschon of Wilton, Ahearne of Madawaska

ABSENT: 0

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Ronald B. Lovaglio of Augusta, for appointment as the Commissioner of the Department Conservation be confirmed.

Signed:

S/Vinton E. Cassidy
Senate Chair

S/Marge L. Kilkelly
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** has recommended the nomination of Ronald B. Lovaglio of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I intend to vote in favor of this nomination today, but I feel compelled to express the sentiments of very many of my constituents, who have called me with their concerns about this nomination. The concerns of my constituents basically focus around Mr. Lovaglio's tenure as head of management for International Paper during the time which International Paper engaged in large scale clear-cutting. Many of my constituents have voiced concerns about International Paper's violation of many environmental laws, and in fact I don't have independent confirmation of this, but some felt that International Paper was actually one of the leaders in the nation in the category of environmental violations. Which is certainly not something I would think a company would want to be a leader in. On the other hand, I also have a good friend and constituent, Gerry Bligh, who testified in

favor of Mr. Lovaglio and who counts him as a personal friend. He relayed to me this morning that he thinks he is a straight shooter, an independent thinker, and someone who is not afraid of challenging the status quo, someone who has the stature to bring the paper companies along to some forward looking conservation policies. So, I would like to just urge Mr. Lovaglio to make the transition from his old position to this new position in which he holds in his hands the environment of the State of Maine and to grow into that position. We will give him the help he needs in doing that. Thank you.

THE PRESIDENT: 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, KIEFFER, LAWRENCE, LORD, MCCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: HATHAWAY, LONGLEY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ronald B. Lovaglio, for appointment as Commissioner of the Department of Conservation, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication: S.C. 65

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

February 15, 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 State and Local Government has had under consideration the nomination of Alfred R. Skolfield of East Corinth, for appointment as the Commissioner of the Department of Public Safety.

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

| | | |
|---------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| YEAS: | Sen. 2 | Amero of Cumberland, Carpenter of York |
| | Rep. 9 | Daggett of Augusta, Ahearne of Madawaska, Lemke of Westbrook, Gerry of Auburn, Rosebush of East Millinocket, Robichaud of Caribou, Lane of Enfield, Savage of Union, Yackobitz of Hermon |
| NAYS: | 0 | |
| ABSENT: | 2 | Longley of Waldo, Saxl of Bangor |

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alfred R. Skolfield of East Corinth, for appointment as the Commissioner of the Department of Public Safety be confirmed.

Signed:

S/Jane A. Amero
Senate Chair

S/Beverly C. Daggett
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Alfred R. Skolfield of East Corinth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT 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, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND |
| ABSENT: | Senator: | LONGLEY |

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

The Secretary informed the Speaker of the House.

Off Record Remarks

The Following Communication: S.C. 66

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

February 15, 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 Human Resources has had under consideration the nomination of Kevin W. Concannon of Portland, Oregon, for appointment as the Commissioner of the Department of Human Services.

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

YEAS: Sen. 3 Pendexter of Cumberland,
Benoit of Franklin, Pingree
of Knox

Rep. 8 Fitzpatrick of Durham,
Etnier of Harpswell,
Mitchell of Portland, Shiah
of Bowdoinham, Lovett of
Scarborough, Joyner of
Hollis, Winglass of Auburn,
Mitchell of Vassalboro

NAYS: 0

ABSENT: 2 Johnson of South Portland,
Marvin of Cape Elizabeth

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kevin W. Concannon of Portland, Oregon, for appointment as the Commissioner of the Department of Human Services be confirmed.

Signed:

S/Joan M. Pendexter
Senate Chair

S/Michael J. Fitzpatrick
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Kevin W. Concannon of Portland, Oregon, be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: NONE

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

ABSENT: Senator: LONGLEY

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

The Secretary informed the Speaker of the House.

Off Record Remarks

The Following Communication: S.C. 67

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR

February 15, 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 Labor has had under consideration the nomination of Valerie R. Landry of Ocean Park, for appointment as the Commissioner of the Department of Labor.

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 Begley of Lincoln, Mills of
Somerset, Rand of Cumberland

Rep. 10 Hatch of Skowhegan, Tuttle of Sanford, Chase of China, Lemaire of Lewiston, Samson of Jay, Joy of Crystal, Joyce of Biddeford, Pendleton of Scarborough, Stedman of Hartland, Winsor of Norway

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 Valerie R. Landry of Ocean Park, for appointment as the Commissioner of the Department of Labor be confirmed.

Signed:

S/Charles M. Begley
Senate Chair

S/Pamela H. Hatch
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of Valerie R. Landry of Ocean Park be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on LABOR 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, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: LONGLEY

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

The Secretary informed the Speaker of the House.

The Following Communication: S.C. 68

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

February 16, 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 Human Resources has had under consideration the nomination of Melodie J. Peet of Glastonbury, Connecticut, for appointment as the Commissioner of the Department of Mental Health and Mental Retardation.

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 Pendexter of Cumberland, Benoit of Franklin, Pingree of Knox

Rep. 8 Fitzpatrick of Durham, Etnier of Harpswell, Mitchell of Portland, Shiah of Bowdoinham, Lovett of Scarborough, Joyner of Hollis, Winglass of Auburn, Mitchell of Vassalboro

NAYS: 0

ABSENT: 2 Johnson of South Portland, Marvin of Cape Elizabeth

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Melodie J. Peet of Glastonbury, Connecticut, for appointment as the Commissioner of the Department of Mental Health and Mental Retardation be confirmed.

Signed:

S/Joan M. Pendexter
Senate Chair

S/Michael J. Fitzpatrick
House Chair

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

Which was READ and ORDERED PLACED ON FILE.

February 16, 1995

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Melodie J. Peet of Glastonbury, Connecticut, be confirmed.

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

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

Dear Mr. President:

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.

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 Business and Economic Development has had under consideration the nomination of S. Catherine Longley of Brunswick, for appointment as the Commissioner of the Department of Professional and Financial Regulation.

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

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:

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.

YEAS: Sen. 3 Harriman of Cumberland,
Goldthwait of Hancock,
Cianchette of Somerset

ROLL CALL

YEAS: Senators: NONE

Rep.10 Rowe of Portland, Kontos of
Windham, Brennan of
Portland, Davidson of
Brunswick, Povich of
Ellsworth, Sirois of
Caribou, Libby of
Kennebunk, Reed of Dexter,
Cameron of Rumford, Birney
of Paris

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

NAYS: 0

ABSENT: 0

ABSENT: Senator: LONGLEY

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 S. Catherine Longley of Brunswick, for appointment as the Commissioner of the Department of Professional and Financial Regulation be confirmed.

Signed:

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Melodie J. Peet, for appointment as Commissioner of the Department of Mental Health and Mental Retardation, was CONFIRMED.

S/Philip E. Harriman
Senate Chair

S/G. Steven Rowe
House Chair

The Secretary informed the Speaker of the House.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on BUSINESS AND ECONOMIC DEVELOPMENT has recommended the nomination of S. Catherine Longley of Brunswick be confirmed.

The Following Communication: S.C. 69

The pending question before the Senate is: "Shall the recommendation of the Committee on BUSINESS AND ECONOMIC DEVELOPMENT 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, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: LONGLEY

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

The Secretary informed the Speaker of the House.

The Following Communication: S.C. 70

STATE OF MAINE ONE HUNDRED AND SEVENTEENTH LEGISLATURE COMMITTEE ON MARINE RESOURCES

February 16, 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 Marine Resources has had under consideration the nomination of Louise P. Alden of Stonington, for appointment as the Commissioner of the Department of Marine Resources.

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

YEAS: Sen. 2 Butland of Cumberland, Goldthwait of Hancock Rep. 10 Cloutier of South Portland, Adams of Portland, Benedict of Brunswick, Etnier of Harpswell, Volenik of Sedgwick, Look of Jonesboro, Lemont of Kittery, Bigl of Bucksport, Pinkham of Lamoine, Rice of South Bristol

NAYS: 0

ABSENT: 1 Pingree of Knox

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Louise P. Alden of Stonington, for appointment as the Commissioner of the Department of Marine Resources be confirmed.

Signed:

S/Jeffrey H. Butland Senate Chair

S/Peter A. Cloutier House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on MARINE RESOURCES has recommended the nomination of Louise P. Alden of Stonington be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: NONE

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

ABSENT: Senator: LONGLEY

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

The Secretary informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Expand the Uses of the Economic Opportunity Fund" (Emergency) S.P. 230 L.D. 596

Presented by Senator **HARRIMAN** of Cumberland
 Cosponsored by Representative: **ROWE** of Portland
 Submitted by the Department of Economic and
 Community Development pursuant to Joint Rule 24.

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 Change the Membership of the Task Force on the Maine School of Visual and Performing Arts"

S.P. 225 L.D. 585

Presented by Senator **FAIRCLOTH** of Penobscot
 Cosponsored by Representative **LUMBRA** of Bangor
 and Senators: **MICHAUD** of Penobscot, **O'DEA** of
 Penobscot, **RUHLIN** of Penobscot, Representatives:
CAMPBELL of Holden, **FISHER** of Brewer, **JOY** of
 Crystal, **LANE** of Enfield, **MCELROY** of Unity,
MORRISON of Bangor, **SAXL** of Bangor, **STEDMAN** of
 Hartland, **STONE** of Bangor, **TUFTS** of Stockton
 Springs, **WINN** of Glenburn

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

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

Sent down for concurrence.

Bill "An Act to Facilitate Cooperative Agreements among Hospitals"

S.P. 223 L.D. 583

Presented by Senator **PENDEXTER** of Cumberland
 Cosponsored by Senators: **CAREY** of Kennebec,
HARRIMAN of Cumberland, Representatives:
FITZPATRICK of Durham, **TREAT** of Gardiner

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

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

Sent down for concurrence.

Bill "An Act to Promote Competition and Managed Care Cost Savings in the Pharmaceutical Market"

S.P. 224 L.D. 584

Presented by Senator **BUSTIN** of Kennebec
 Cosponsored by Senator: **PENDEXTER** of Cumberland,
 Representatives: **AIKMAN** of Poland, **FITZPATRICK** of
 Durham

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

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

Bill "An Act to Prohibit Game Wardens from Violating State Laws to Carry Out Their Powers and Duties"

S.P. 229 L.D. 589

Presented by Senator LORD of York

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

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

Sent down for concurrence.

Bill "An Act Concerning the Required Distance between Agency Liquor Stores"

S.P. 227 L.D. 587

Presented by Senator HATHAWAY of York
Cosponsored by Representatives: AULT of Wayne, BUCK of Yarmouth, JOYCE of Biddeford, LAFOUNTAIN, III of Biddeford, TRUMAN of Biddeford

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 Change the Width of the Saco River Corridor and Allow Municipalities to Extend the Corridor Width"

S.P. 228 L.D. 588

Presented by Senator LORD of York

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

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

Sent down for concurrence.

Bill "An Act to Establish a Flat Income Tax Rate for Certain Persons"

S.P. 226 L.D. 586

Presented by Senator HATHAWAY of York
Cosponsored by Representative: JOYCE of Biddeford

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

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

Sent down for concurrence.

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

Senate at Ease

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **AUDIT AND PROGRAM REVIEW OF THE 116TH LEGISLATURE** on Bill "An Act to Establish the Saco River Corridor Fund" (Emergency)

H.P. 323 L.D. 444

Reported that the same **Ought to Pass** pursuant to the Maine Revised Statutes Title 3, chapter 33.

Comes from the House with the Report **READ** and **ACCEPTED**. Subsequently the Bill was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Which Report was **READ**.

Senator CARPENTER of York moved that the Bill be substituted for the Report and be referred to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

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

Senator LAMRENCE: Thank you Mr. President. I would request that this bill be tabled until later in today's session so that I can have a moment to find out what is going on. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **CAPRENTER** of York to substitute the Bill for the Report and be referred to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

The Committee on **AUDIT AND PROGRAM REVIEW OF THE 116TH LEGISLATURE** on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (Emergency)

H.P. 324 L.D. 445

Reported that the same **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, chapter 33.

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

Which Report was **READ**.

Senator **LORD** of York moved that the Bill be substituted for the Report and be referred to the Committee on **NATURAL RESOURCES**, in concurrence.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending the motion by Senator **LORD** of York to substitute the Bill for the Report and be referred to the Committee on **NATURAL RESOURCES**, in concurrence.

The Committee on **AUDIT AND PROGRAM REVIEW OF THE 116TH LEGISLATURE** on Bill "An Act to Consolidate the Regulation of Driver Education" (Emergency)

H.P. 325 L.D. 446

Reported that the same **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Comes from the House with the Report **READ** and **ACCEPTED**. Subsequently the Bill was referred to the Committee on **TRANSPORTATION**.

Which Report was **READ**.

Senator **STEVENS** of Androscoggin moved that the Bill be substituted for the Report and be referred to the Committee on **TRANSPORTATION**, in concurrence.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **STEVENS** of Androscoggin to substitute the Bill for the Report and be referred to the Committee on **TRANSPORTATION**, in concurrence.

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.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

On motion by Senator **LAWRENCE** of York, **RECESSED** until 1 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 Transfer Regulatory Control of Whitewater Rafting to the Department of Conservation's Bureau of Parks and Recreation"
H.P. 415 L.D. 572

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

Comes 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 Amend the Laws Governing Retail Credit Cards"

H.P. 420 L.D. 577

Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans" (Emergency)
H.P. 431 L.D. 594

Bill "An Act Regarding Insurance Coverage for Mental Illness" (Emergency)

H.P. 432 L.D. 595

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 Modify the Exceptions to the Practices of Cosmetology and Barbering"

H.P. 407 L.D. 564

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

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

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

Bill "An Act to Require the Department of Human Services to Pay for Testing Public School Water Supplies in Accordance with the Safe Drinking Water Act"

H.P. 418 L.D. 575

Bill "An Act to Increase the Availability of Certain Drugs Used to Treat Mental Illness"
H.P. 422 L.D. 579

Resolve, Directing the Department of Human Services to Review the Regulations for the Licensure of General and Specialty Hospitals and Report to the Joint Standing Committee on Human Resources
H.P. 408 L.D. 565

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

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

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

Bill "An Act to Require a Person to Have a Hunting License to Participate in the Moose Lottery"
H.P. 429 L.D. 592

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 Remove Restrictions on Compensation For Deputy District Attorneys"
H.P. 412 L.D. 569

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

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

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

Bill "An Act to Amend Provisions of the Child and Family Services and Child Protection Act Relating to Voluntary Agreements"

H.P. 424 L.D. 581

Reference to the Committee on **JUDICIARY** 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** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to Municipal Clerks Who Chair Boards of Voter Registration"
H.P. 410 L.D. 567

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

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

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

Bill "An Act Concerning Licensed Activities for Marine Worm Diggers"
H.P. 413 L.D. 570

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 Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas"
H.P. 409 L.D. 566

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

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

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

Bill "An Act to Facilitate the Use of the Installment Method for the Collection of Sewer Assessments and Charges"
H.P. 419 L.D. 576

Bill "An Act to Clarify Law Enforcement Relating to Junkyards and Automobile Graveyards"
H.P. 427 L.D. 590

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

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

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

Bill "An Act to Eliminate the Sales Tax Exemption for Packaging Materials"
H.P. 411 L.D. 568

Bill "An Act to Eliminate the Personal Property Tax on Individuals in the State"
H.P. 414 L.D. 571

Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes"
H.P. 421 L.D. 578

Bill "An Act to Adjust the Taxation of Public Pensions and Social Security Benefits"
H.P. 423 L.D. 580

Bill "An Act to Increase the Veterans' Property Tax Exemption"
H.P. 430 L.D. 593

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 Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals"
H.P. 425 L.D. 582

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

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

Senator **AMERO** of Cumberland moved that the Bill be referred to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is definitely a taxation issue and has absolutely nothing to do with State and Local Government. I would hope that you would defeat the motion to redirect this to the State and Local Government Committee. Thank you.

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending the motion by the same Senator to refer the bill to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

Bill "An Act to Establish Retreaded Truck Tire Safety Standards"

H.P. 416 L.D. 573

Bill "An Act to Require the Department of Transportation to Post Signs Indicating That Headlights Must Be On When Windshield Wipers Are in Use"

H.P. 417 L.D. 574

Bill "An Act to Give Motor Vehicle Drivers and Owners the Option of Keeping Motor Vehicle Information Confidential"

H.P. 428 L.D. 591

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

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

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 433

JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE MONA WALKER HALE

WHEREAS, the Legislature has learned with shock and deep regret of the passing of Mona Walker Hale, Representative from Sanford; and

WHEREAS, Representative Hale was a friend to all of us and a Legislator with a singular record of service to this body and to the people of the State of Maine; and

WHEREAS, Representative Hale began her many years of legislative service as the Representative from Sanford in the 112th Legislature and has served continuously with us since that time; and

WHEREAS, among her many accomplishments, Representative Hale served on the Joint Standing Committees on Labor, Transportation, Banking and Insurance and the former Ways and Means and Audit and Program Review, and provided consistent and valued contributions to those committees; and

WHEREAS, Representative Hale was not only a tireless, independent, hardworking and feisty representative of her district, but was also recognized as a representative of all the people of Maine in her dedication and service to the State; and

WHEREAS, Mona Walker Hale was known to all of us for her ready smile and wit, her caring, her fighting spirit and her commitment to the average person and we will greatly miss those precious qualities; and

WHEREAS, Mona Walker Hale died as she lived, in the service of the State and the people of Maine; now, therefore, be it

RESOLVED: That We, the Members of the 117th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Representative Mona Walker Hale of Sanford; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Hale and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of her; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and presented to her husband, Reginald I. Hale, and to her daughter, Tambre Lee Daney, as expressions of our esteem.

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

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

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **JUDICIARY** on Bill "An Act to Ensure that a Juvenile Conviction for a Serious Crime Is Made a Permanent Part of the Juvenile's Record"
H.P. 362 L.D. 482

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

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

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

ORDERS OF THE DAY

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

Bill "An Act to Promote Competition and Managed Care Cost Savings in the Pharmaceutical Market"
S.P. 224 L.D. 584

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

Tabled - earlier in the day by Senator **HARRIMAN** of Cumberland

Pending - **REFERENCE**

Senator **HARRIMAN** of Cumberland moved that the bill be referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

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

Senator **PENDEXTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask that you vote against reference to the Business and Economic Development Committee in regards to this item. This is a bill that was in our Committee last session and as you can probably already predict it is very controversial because it has the name pharmaceuticals in it. The minute we start talking about that "p" word around here then the politics start. Unfortunately we are already in trouble with the reference. I just want to share two thoughts with you on why I feel this bill should remain in the Human Resources Committee. The argument on the other side states that this is a trade issue, it is a pricing issue and has nothing to do with health care and has nothing to do with Human Services. I would like to just remind you of two things. First of all,

when you start talking about discount pricing, it is a direct result of HMO's, it is a direct result of the Home Managed Care situation that we find ourselves in and I would argue with you that the Human Resources Committee is the Committee that has the understanding of HMO's and has the understanding of all of the managed care issues. So for that first reason I would ask you to refer this bill to Human Resources. The other argument I would make is the health care market is like no other market. People are trying to make the argument that this is a trade issue but the health care market is like no other market. I would argue with you that the people on the Human Resources Committee are the people who have the better understanding and would be able to do justice to this bill. So I would ask you to vote against the motion to refer this to the Business and Economic Development Committee. Mr. President, I request a Roll Call. Thank you.

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

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While I would not quarrel with my good friend from Cumberland, Senator Pendexter, that this issue does revolve around issues of managed care. It does revolve around the issues surrounding pharmaceuticals. I would ask you to consider the fact that this is a matter of public interest as it relates to the pricing, the business practices, and to my way of thinking, this is a business issue. It is an issue that surrounds public policy on the marketing and pricing of products in this state and is best served by bringing it to the Committee of jurisdiction that has responsibility for these issues. So I hope you would support the pending motion. 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. You may note that I am a sponsor of this bill. I just want to give you a little bit of history. This bill, if you want to consider a Committee of jurisdiction, this bill originated, or the cause for having this bill, originated from the Human Services Committee. They, in fact, pushed this piece of legislation through up in Human Resources and it came down to us to be argued on the floor of the Senate, without what I consider an adequate hearing. I think that it should go back there for that adequate hearing to see what the people really do think about unitary pricing for drugs. One of the most important reasons why it should go to the Human Resources Committee is because it is a health issue. It directly affects how much your group health policies are going to be paying for their prescription drugs. So, it becomes a very real health issue and should be handled in the Human Resources Committee. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HARRIMAN** of Cumberland to **REFER** the bill to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

A vote of Yes will be in favor of **REFERRING** the bill to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

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, CAREY, CIANCHETTE, ESTY, GOLDTHWAIT, HARRIMAN, HATHAWAY, McCORMICK, MICHAUD, MILLS, PARADIS, RAND

NAYS: Senators: AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CARPENTER, CASSIDY, CLEVELAND, FAIRCLOTH, FERGUSON, HALL, HANLEY, KIEFFER, LAWRENCE, LONGLEY, LORD, O'DEA, PENDEXTER, PINGREE, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **HARRIMAN** of Cumberland to **REFER** the bill to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, **FAILED**.

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

Sent down for concurrence.

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

Bill "An Act to Establish the Saco River Corridor Fund" (Emergency) H.P. 323 L.D. 444

Report - **Ought to Pass** pursuant to the Maine Revised Statutes Title 3, chapter 33

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

Pending - the motion by Senator **CARPENTER** of York to **SUBSTITUTE THE BILL FOR THE REPORT AND REFER IT TO THE COMMITTEE ON UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

(In House, February 14, 1995, Report **READ** and **ACCEPTED**. Subsequently the Bill was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.)

(In Senate, February 17, 1995, Report **READ**.)

On motion by Senator **CARPENTER** of York, the Bill substituted for the Report and referred to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (Emergency) H.P. 324 L.D. 445

Report - **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, chapter 33

Tabled - earlier in the day by Senator **LAWRENCE** of York

Pending - the motion by Senator **LORD** of York to **SUBSTITUTE THE BILL FOR THE REPORT AND REFER IT TO THE COMMITTEE ON NATURAL RESOURCES**, in concurrence.

(In House, February 14, 1995, Report **READ** and **ACCEPTED**. Subsequently the Bill was referred to the Committee on **NATURAL RESOURCES**.)

(In Senate, February 17, 1995, Report **READ**.)

On motion by Senator **LORD** of York, the Bill substituted for the Report and referred to the Committee on **NATURAL RESOURCES**, in concurrence.

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

Bill "An Act to Consolidate the Regulation of Driver Education" (Emergency) H.P. 325 L.D. 446

Report - **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, chapter 33

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

Pending - the motion by Senator **STEVENS** of Androscoggin to **SUBSTITUTE THE BILL FOR THE REPORT AND REFER IT TO THE COMMITTEE ON TRANSPORTATION**, in concurrence.

(In House, February 14, 1995, Report **READ** and **ACCEPTED**. Subsequently the Bill was referred to the Committee on **TRANSPORTATION**.)

(In Senate, February 17, 1995, Report **READ**.)

On motion by Senator **LORD** of Androscoggin, the Bill substituted for the Report and referred to the Committee on **TRANSPORTATION**, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

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

Pending Motion is the Motion of Senator **AMERO** of Cumberland to **TABLE AND SPECIALLY ASSIGN** for Later Today pending **ENACTMENT**.

(In House, February 14, 1995, **PASSED TO BE ENACTED**.)

(In Senate, February 14, 1995, **FAILED OF ENACTMENT**. Subsequently **RECONSIDERED**.)

Senator **AMERO** of Cumberland requested and received leave of the Senate to withdraw her motion to Table until Later in Today's Session.

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

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to speak briefly on the supplemental budget that we are about to pass on behalf of my Democratic Caucus. I will be voting for today's supplemental budget and I must say, as I do so, that we are behaving somewhat

financially irresponsibly. First, I feel that we are removing a health care safety net for 2700 people in the State of Maine who have come to depend on it. We are also, in deciding to no longer support the Maine Health Program, sending back approximately \$800,000 to federal government. While it is popular now to say that we are not going to be on the federal dole and this is money that we are not going to be dependent on, I read last week in Mike Brown's column that we send \$3 billion a year in income taxes to Washington. Until they start sending me back my income taxes I am concerned about sending back this money. I think it is hard for 2700 people to understand this abstract commitment that we no longer want to participate in federal programs when they are thinking about the fact that they will no longer be covered under this program. One thing that I am sure of is 2700 people will continue to get sick and these costs will continue to be shifted to our hospitals through emergency rooms, to all working people who have health insurance and pay these bills, and to small businesses who now pay 30% more than what is the actual cost of coverage to cover the uninsured in this State. I must say that, while we are disappointed that we are unable to continue this program and that we are unable now to look toward a federal waiver for a broader coverage and to solving what I think is an economic problem for the State of Maine, we are pleased that we have received a commitment from the Governor and from many of our colleagues to attempt to send a bill to the Human Resources Committee to look towards sending the \$200,000 that was removed from the Maine Health Program to prescription drugs for this population until the end of the fiscal year, and that our new Commissioner, Kevin Concannon, will be actively looking towards a Medicaid waiver that will look into the future of how we are going to manage the cost of a large population of uninsured people, how we will look at managed care in this State and how we will look at controlling medical costs and how we will, for once and for all, admit to ourselves that health care is not something that we give away when we have extra dollars and everything is going well. The fact that we do not have good health care coverage in this State is a cost to us, it is an economic cost to us and it hurts us as much as every other problem we have with our economy. So I will be voting for this budget today. I am disappointed that we are taking the course that we are taking but I am hopeful that we are going to make a commitment in the future to work together to solve this problem. Thank you.

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

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Knox, Senator Pingree, for her well-chosen words. I, for one, certainly want to let you know that your message is a good one. I think there is another message that I would like to make sure is heard today and that is that if we are going to begin to restore the trust between the people of the State of Maine and their government, which I think we badly need to do, I'm

afraid we need to immediately stop using the gimmicks that we have heard so much about in the last few months in trying to balance our budgets. I am afraid that I think today that we are continuing using, in this budget, more gimmicks and are once again not bridging that gap between the trust between the people in the State of Maine that we so sorely need to repair. We are, in fact, using what I call several gimmicks in this budget that once again ask the people of the State of Maine to burden themselves with more taxes. For us in this chamber to be using them for purposes other than what we told them they would be used for, I would hope that beginning today, from this day forward, that we would commit to no longer do that. Thank you.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators: HATHAWAY, RAND

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 2 Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

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

Joint Order

The following Joint Order: H.P. 434

ORDERED, the Senate concurring, that the Joint Standing Committee on Human Resources report out a bill no later than March 15, 1995, to fund a limited transitional drug benefit program for those persons who remain on the Maine Health Program as of March 31, 1995; and be it further

ORDERED, that the bill contain provisions for providing essential medication to those on the program from April 1, 1995, to June 30, 1995.

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

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 406

ORDERED, the Senate concurring, that the Joint Standing Committee on Human Resources report to the Governor of the State of Maine, the President of the State Senate, and the Speaker of the Maine House of Representatives, recommendations for a health insurance program for uninsured Maine Children based on the "Caring for Children Program" currently operating in several states across the nation. The recommendations may include legislation, if necessary; and be it further

ORDERED, that the Joint Standing Committee on Human Resources work with Blue Cross of Maine and the Commissioner of Human Services to design a health insurance program for children that includes a public-private partnership, the formation of a 501(C)(3) foundation to which tax deductible contributions may be made, and a provision that targets all contributions exclusively to health insurance and restricts these contributions from administrative costs; and be it further

ORDERED, that the Joint Standing Committee on Human Resources develop eligibility criteria and medical services that focus primarily on uninsured children in households that do not qualify for

Medicaid and are close to the poverty line. At a minimum, these services must include primary and preventative health care; and be it further

ORDERED, that state agencies cooperate with the Joint Standing Committee on Human Resources and provide the Committee with timely information that it requires, including statistical and cost data; and be it further

ORDERED, that the Joint Standing Committee on Human Resources report its findings and recommendations, including any necessary legislation, no later than May 1, 1995.

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

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **LAWRENCE** of York, **ADJOURNED** until Wednesday, February 22, 1995, at 10 o'clock in the morning.