

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 Yesterday.

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

Off Record Remarks

In Senate Chamber
Thursday
April 27, 1995

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

Prayer by Pastor Don Minnich of the Bible Victory Baptist Church in Windsor.

PASTOR DON MINNICH: Thank you President Butland. Good morning. I notice a lot of young ladies here. I can relate to that because I have a daughter. I wish I could have brought her with me, but she is thirty years old, expecting her first baby, and has her own business in Springfield, Massachusetts. I can relate to young ladies because I have a daughter of my own and I appreciate her very much. I appreciate the opportunity to come and lead you in prayer this morning. Let us pray.

Heavenly Father, we thank you that there is still freedom in this State, and nation, to begin a legislative day by taking a moment to seek your guidance in the deliberations, in order that wisdom might be found to make correct decisions and just laws to be passed. We pray for the Maine State Senate, and for the other house as well, and for the Governor, that special wisdom will be given as, very soon, there will be deliberations upon some very important bills. We pray that the members of this body will remember that you, Lord, are the creator of all life, and that all laws that we pass are to protect the lives of those who have been born and those yet to be born. We remember in this day of terrible violence the people of the State of Oklahoma, and the City of Oklahoma City in particular, and in other parts of our nation. We remember the anniversary of fifty years since the end of World War Two and the terrible Holocaust. Lord, may we be spared from this in our State and in our nation. We pray for a true spiritual revival and the turning of the hearts of the people of Maine, and its elected representatives, back to you, to the moral laws revealed in your Holy Word. We especially remember the promise you made to King Solomon so long ago, "If my people, who are called by my name, will humble themselves and pray and seek my face, then I will hear from Heaven and forgive their sins and heal their land." In the name of our Lord, Jesus Christ, we pray. Amen.

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

S.P. 527

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 2, 1995, at 9:30 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

HOUSE REPORTS from the Committee on HUMAN RESOURCES on Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth"

H.P. 65 L.D. 101
(C "A" H-65)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-65). (9 members)

Minority - Ought Not to Pass. (4 members)

In House, April 11, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65).

In Senate, April 12, 1995, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-105), in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

COMMUNICATIONS

The Following Communication: S.C. 144

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

April 26, 1995

Honorable May M. Ross
Secretary of the Senate
117th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 145

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

April 26, 1995

Honorable May M. Ross
Secretary of the Senate
117th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Preserve Deteriorating and Irreplaceable Historic Battle Flags and Banners"
S.P. 523 L.D. 1421

Presented by Senator FAIRCLOTH of Penobscot
Cosponsored by Senators: BENOIT of Franklin, BUTLAND of Cumberland, CAREY of Kennebec, CIANCHETTE of Somerset, FERGUSON, JR. of Oxford, HARRIMAN of Cumberland, LORD of York, STEVENS, JR. of Androscoggin, Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BUCK of Yarmouth, BUNKER, JR. of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON, JR. of Wells, CLARK of Millinocket, CLOUTIER of South Portland, DEXTER of Kingfield, DRISCOLL of Calais, FISHER of Brewer, GIERINGER, JR. of Portland, GREENLAW of Standish, GUERRETTE of Pittston, HATCH of Skowhegan, JONES of Bar Harbor, JOSEPH of Waterville, JOY of Crystal, LABRECQUE of Gorham, LAYTON of Cherryfield, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Buxton, LOOK of Jonesboro, MCALEVEY of Waterboro, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NASS of Acton, PINKHAM of Lamoine, POULIOT of Lewiston, REED of Falmouth, RICHARDSON of Portland, SAMSON of Jay, SAXL of Bangor, SIMONEAU of Thomaston, TYLER of Windham, UNDERWOOD of Oxford, VIGUE of Winslow, WHEELER of Bridgewater, WINN of Glenburn, YACKOBITZ of Hermon

Bill "An Act to Establish the Maine State Honors Marching Band"
S.P. 524 L.D. 1422

Presented by Senator ESTY, JR. of Cumberland

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

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to the Regulation of Borrow Pits" (Emergency)
S.P. 525 L.D. 1423

Presented by Senator LORD of York
Cosponsored by Senators: LAWRENCE of York, RUHLIN of Penobscot, Representatives: BAILEY of Township 27, BERRY of Livermore, DRISCOLL of Calais, GOULD of Greenville, GREENLAW of Standish, JACQUES of Waterville, MARSHALL of Eliot, NICKERSON of Turner, POULIN of Oakland, WHITCOMB of Waldo

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.

ORDERS

Joint Resolution

On a motion by Senator **BUSTIN** of Kennebec, the following Joint Resolution:

S.P. 526

JOINT RESOLUTION RECOGNIZING DONALD L. ALLEN UPON HIS RETIREMENT AS COMMISSIONER OF CORRECTIONS

WHEREAS, Donald L. Allen has, during his 34 years of state service in the Department of Corrections, served as Training School Counselor, Recreation Supervisor, Director of Cottage Life, Assistant Superintendent and Superintendent at the Maine Youth Center, Director of the Bureau of Corrections, Warden of the Maine State Prison and, for the last 14 years, Commissioner of Corrections; and

WHEREAS, Donald L. Allen has served the Department of Corrections and the State of Maine with extraordinary dedication, skill and integrity; and

WHEREAS, Donald L. Allen's unwavering commitment to serving the public good by managing the Department of Corrections in such a way as to provide opportunity to those clients committed to its care and custody, while protecting the department's employees and the general public, has made him an invaluable asset to the State and has earned him the respect of his employees, Legislators, local, regional and state criminal justice agencies, other state agencies, colleagues, volunteers and other citizens involved in the criminal justice system and many others who have worked with him throughout his many years of service; and

WHEREAS, with extraordinary leadership and strong management, Donald L. Allen has guided the Department of Corrections through extremely difficult times for which the State is deeply indebted; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in our deliberations to express our appreciation to Donald L. Allen and to recognize his dedication and long-term commitment to the State of Maine and its citizens; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Donald L. Allen.

Cosponsored by: Senator **AMERO** of Cumberland, Senator **BENOIT** of Franklin, Senator **BUTLAND** of Cumberland, Senator **CAREY** of Kennebec, Senator **CIANCHETTE** of Somerset, Senator **CLEVELAND** of Androscoggin, Senator **FAIRCLOTH** of Penobscot, Senator **HALL** of Piscataquis, Senator **KIEFFER** of Aroostook, Senator **LAWRENCE** of York, Senator **MCCORMICK** of Kennebec, Senator **MICHAUD** of Penobscot, Senator **O'DEA** of Penobscot, Senator **PARADIS** of Aroostook, Senator **PINGREE** of Knox, Senator **RAND** of Cumberland, Senator **RUHLIN** of Penobscot, Representative **BUNKER** of Kossuth Township, Representative **CARLETON** of Wells, Representative **CLARK** of Millinocket, Representative **DAGGETT** of Augusta, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **MARTIN** of Eagle Lake, Representative **McALEVEY** of Waterboro, Representative **MITCHELL** of Vassalboro, Representative **PEAVEY** of Woolwich, Representative **WATERHOUSE** of Bridgton, Representative **WHEELER** of Bridgewater, Representative **WHITCOMB** of Waldo.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

Off Record Remarks

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.

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

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

After recess

Senate called to order by the President.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" H.P. 307 L.D. 411

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-88).

Comes from the House with the Report READ and ACCEPTED and the Bill RECOMMITTED to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT.

Which Report was READ and ACCEPTED and the Bill RECOMMITTED to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT, in concurrence.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Authorize the Broadcasting of Information about Persons Who Are Delinquent with Child Support Payments" H.P. 250 L.D. 352

Reported that the same Ought Not to Pass.

Signed:

Senators:

MILLS of Somerset
PENDEXTER of Cumberland
FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner
RICHARDSON of Portland
NASS of Acton
JONES of Bar Harbor
HARTNETT of Freeport
WATSON of Farmingdale
MADORE of Augusta
LEMKE of Westbrook

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-77)

Signed:

Representatives:

PLOWMAN of Hampden
LAFOUNTAIN, III of Biddeford

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator MILLS of Somerset, the Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers H.P. 113 L.D. 148

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-69).

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York

Representatives:

LANE of Enfield
SAVAGE of Union
ROBICHAUD of Caribou
YACKOBITZ of Hermon
GERRY of Auburn

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

Signed:

Senator:

LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
SAXL of Bangor
AHEARNE of Madawaska
LEMKE of Westbrook
ROSEBUSH of East Millinocket

Comes from the House with the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator AMERO of Cumberland moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

Senator LONGLEY of Waldo requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator AMERO of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator AMERO of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-69) READ and ADOPTED.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums"

H.P. 187 L.D. 246

Reported that the same Ought Not to Pass.

Signed:

Senators:

CARPENTER of York
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
AHEARNE of Madawaska
LEMKE of Westbrook
YACKOBITZ of Hermon
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-93)

Signed:

Senator:

AMERO of Cumberland

Representatives:

LANE of Enfield
SAVAGE of Union
ROBICHAUD of Caribou

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator AMERO of Cumberland moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

Senator LONGLEY of Waldo requested a Division.

On motion by Senator HATHAWAY of York, 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 Waldo, Senator Longley.

Senator LONGLEY: Thank you Mr. President, Men and Women of the Senate. For all of you who are in favor of paying this portion of the medical coverage, I invite you to join me in not needing a law and going down to the office and contributing for the four months so far. If you vote for it, I invite you to start today to pay for all that the State has been paying. I think it amounts to 20%, in my case it came out to \$48.12 a month, in terms of the whole session it is \$600 a year. I invite you to not need a law, to voluntarily do it. Thank you.

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

Senator CLEVELAND: Thank you Mr. President, Men and Women of the Senate. I rise today to explain that I will not be supporting the motion for passage of this law. The reason why I am not supporting it is that I think it is the inappropriate way to go. We really ought to be asking ourselves the question, what is reasonable compensation, salary and all of the benefits, for someone to spend the time and the energy and the thoughtfulness that we expect of our Legislators? Once we determine that, then that is the figure that we ought to allocate. But, simply piecemealing, of taking a piece here because it is a popular political idea, I think, undermines the basic democratic principle that we ought to provide the opportunity for as broad a cross section of the population, to have the opportunity to serve, if their fellow citizens elect them at the polls. The more that we erode away, indiscriminately, without thoughtfulness, without a thorough review of what is appropriate, the more we undermine, not for ourselves, but what we provide in the future for an opportunity for a broad-based cross section of opinion, not represented only by those who are fortunate enough to have the financial position to serve in this legislature. I think if we truly want

to provide an opportunity for the greatest amount of democracy, and the best laws in this State, we ought to do so in a much more thoughtful way than this. For those reasons, I am not supporting it. Not because I don't support a reduction in our compensation, which I have already done in the past, but rather I think we ought to do it in a more thorough and thoughtful way, and not simply to promote a popular political idea at the moment.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill, L.D. 246, would put Maine legislators on a par with many other state legislators across this country. Currently, twenty-two states require their legislators to pay a percentage of their premiums for health insurance. Two states, New Hampshire and Vermont, require legislators to pay the entire cost of their health insurance premium. I believe that there has been a lot of talk in this Legislature, this year, about maintaining a citizens' Legislature. We can't have it both ways, of having a citizens' Legislature which is part-time, and benefits which, in most arenas of employment, are full-time benefits. I don't believe that we should be doing it both ways. We are part-time employees, and we should share in the cost of our health benefits. Over the biennium the savings to the State is almost half a million dollars, if we would be willing to pay for 20% of our premiums and for our own dental insurance if we wanted it. That would amount, for the average person, to \$65 a month. I think that is a fair method. We still would have one of the most generous health insurance coverages for legislators in any part of the country. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Men and Women of the Senate. I appreciate the remarks of the good Senator from Cumberland, Senator Amero, about part-time employees and the need to participate. But, I have to tell you that every day of my life, practically, I am negotiating contracts. I am negotiating contracts about paying a portion of the health insurance for part-time employees. What it amounts to, basically, is those part-time employees cannot afford their part of the payment, because they are not getting paid enough in order to make that contribution. So, in fact, what you set up is a system where people do not get insured because they cannot afford it.

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon Men and Women of the Senate. I rise to ask you to join my good friend from Cumberland, Senator Amero, in supporting the pending motion. This is one small step in a very long journey that we need to take to put Maine's financial house back in order. I think the State and Local Government Committee deserves a lot of credit because what is not in the pending motion, that was in the original bill, would have allowed legislators to either pay 20% of their

health insurance costs, or, if you decided not to take the health insurance program, you could have the equivalent in cash. The compromise that came out of the State and Local Government Committee is reasonable, it is fair, it represents a broad cross section of the very constituents that you are here to represent. In the final analysis, Mr. President, if this bill passes, the rate of increase in State employee's health insurance program, in which we participate, is going to rise faster than the savings that this bill will accomplish. We need to demonstrate the courage to change. We need to demonstrate the ability to make difficult decisions to put Maine's financial house back in order, and this is one very small step that we can take to join the rest of Maine, who have made very difficult decisions in their homes and in their businesses to prove to them that we are doing the very same thing, starting with ourselves. Thank you.

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

Senator **CAREY:** Thank you Mr. President. I'm afraid what this is going to end up leading to is that we are going to have a very elite society sitting in this Chamber. I am afraid that what is going to happen is that we will then follow what is in England, and become the House of Lords.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. I guess I'm just a little taken aback by the good Senator from Kennebec's remarks. Would you consider most of the people who work in the private sector of our State to be of the elite? Certainly out in my district the majority of individuals who work for the private sector do, in fact, pay a share of their health insurance now. I think it will be more reflective of the workers of our State for us to also shoulder our share of the burden.

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

Senator **CAREY:** I would be tickled pink to answer the question of the good Senator from Oxford, Senator Hanley. First of all, I doubt very much if the people in the public sector are earning what would be \$9,000, except that they may have had to take a 5% cut already in their pay, if you want to call \$9,000 a year pay. As far as them being elitist, I am saying no, the people who are out there working will never get a chance to take time from their jobs, because they will be suffering too big a monetary loss to serve in this body. Then it will become filled with doctors, lawyers, insurance people and what have you.

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

Senator **MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. I am not on this Committee, so I am standing here, puzzled as to why we are doing this. I have come up with two possible reasons. I have also listened to the good Senator from

Cumberland, Senator Harriman, and he seems to be saying that we are doing this to lower health care costs. That somehow the State employee health care pool, in order to stay solvent, needs this. I guess I want to take issue with that. I have talked to the pool's board of governors, who are governing the State employee health care system, Maine State Select, and they are experiencing exactly what they thought they would experience when we went to a capitated system, a managed care system, which is a bump up in utilization. In the next couple of years they are predicting that it is going to level off. The other thing that I want to relate to you is the study done by the Ram Corporation about co-pays, of which this is a type. Studies that have been done show that when employees are asked to pay a portion of their health care it discourages, equally, inappropriate care and appropriate care. There is no savings there. It discourages inappropriate care, which means that we put off care, and therefore when we finally do come to the doctor it costs us more and costs our system more, and there is not a savings there. So, if that is your intent, to save money, this is not the way to go. There are many ways to go - loss ratio provisions, global budgets, payments with providers are ways to go, but if we want to save money, studies have shown that this is not the way to go.

The other reason I sit here and think that we could be discussing this is to make political hay, because it is popular to beat up on public workers, or because public workers are so unpopular right now. Unpopular to the point of literally being under attack, as they were in Oklahoma last week. You can make a political point easily if you decide to take something away from a public worker. I guess I want to say I am real disappointed if that is the reason why we are doing this. As you ought to know, the work we do here in representing our constituents here in this oldest of democracies in this entire world, is very important work. We are underpaid for it and I just don't see where this is going to make a point. So, if we want to make a political point let's duke it out in the usual way, and if you want to lower health care costs then let's really get serious about that. We know how to do that and this is not the way.

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I don't believe I was suffering from a case of vertigo when I spoke a few minutes ago, and I don't recall putting comments on the Record indicating that the soundness of the State health insurance program was in jeopardy and that that is why this bill was needed. I have no reason to suggest that the State's health insurance program is run in any other fashion but in the most competent and efficient way. The issue that I feel that is before us is not a matter of elitism, it is not a matter of making political hay, or beating up on public servants, because indeed, we are one of them. The issue is how are we going to establish priorities? To recognize that the State of Maine is short on cash and long on debt? That we do not have enough current revenues to fund all of the programs that we all feel, in one form or

another, deserve to be funded. I believe Governor King when he says that he is not going to sign a budget that raises taxes, fees and the like. So, the issue before us, Ladies and Gentlemen of the Senate, is that if we want to make choices that put programs and services into our State budget that you feel that your constituents need, something has got to come out. And, if we are going to take things out, we ought to have the credibility so that people look at us as public servants with more appreciation, to know that yes, we have made difficult choices, and do you what? They included us. As the good Senator from Kennebec, my friend Senator Carey, suggested that we are going to end up with a body here that is full of elite people - doctors and lawyers and insurance people - I'm offended. Not because I am an insurance person in my other life, where I deal in retirement plans and life insurance, but because I decided to run for the State Senate at a time when it was very unpopular. I was sitting in my livingroom, at home, watching this State government shut down, and people in the hallways debating each other's personalities and their motives. So, when everybody else was running out, I wanted to run in, because I care about the future of Maine, the future that my three children and your children and grandchildren are going to have. I didn't run because the State of Maine was going to provide me a pension plan and free health insurance and a dental program, and if I wanted to add my family the State would pay for half of that. I didn't run because I got \$9,000 or \$10,000 a year. As a matter of fact, I didn't know until after I was elected what all those perks and benefits amounted to. That's not the issue. The issue is what are we going to do to demonstrate to the people who sent us here that we are going to make tough choices and that they are going to include us? Thank you Mr. President.

The President noted the absence of Senator **BERUBE** of Androscoggin, and Senator **GOLDTHWAIT** of Hancock, and excused them from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **AMERO** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

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, CIANCHETTE, FERGUSON, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, MILLS, PENDEXTER, SMALL, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, HALL, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, STEVENS

EXCUSED: Senators: BERUBE, GOLDTHWAIT

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators having been excused, the motion of Senator AMERO of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE, FAILED.

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Senate

Ought to Pass As Amended

Senator MICHAUD for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Change the Commissions Payable to the State from Off-track Betting" (Emergency)

S.P. 240 L.D. 637

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-95).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-95) READ and ADOPTED.

The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

Senator PARADIS for the Committee on TRANSPORTATION on Bill "An Act to Increase the Bonding Limits of the Maine Turnpike Authority"

S.P. 102 L.D. 242

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-94).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-94) READ and ADOPTED.

The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Resolve, Directing the Bureau of Insurance to Develop a Comparable List of Mandatory Insurance Benefits for Health Maintenance Organizations

S.P. 329 L.D. 910

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-90).

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc
MCCORMICK of Kennebec

Representatives:

VIGUE of Winslow
MAYO, III of Bath
MITCHELL of Vassalboro
CHASE of China
GATES of Rockport
JONES, JR. of Pittsfield
SAXL of Portland
CAMPBELL of Holden

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

Signed:

Representatives:

GUERRETTE of Pittston
LUMBRA of Bangor

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-90) READ and ADOPTED.

The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

Divided Report

Eight Members of the Committee on LABOR on Bill "An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time"

S.P. 234 L.D. 599

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-88).

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
LEMAIRE of Lewiston
SAMSON of Jay
TUTTLE, JR. of Sanford

Four Members of the same Committee on the same subject reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

JOY of Crystal
JOYCE of Biddeford
STEDMAN of Hartland
WINSOR of Norway

One Member of the same Committee on the same subject reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "B" (S-89).

Signed:

Representative:

PENDLETON, JR. of Scarborough

Which Reports were READ.

Senator HANLEY of Oxford moved that the Senate ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88).

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

Senator HANLEY: Thank you Mr. President, Men and Women of the Senate. In deference to the three Senators from Labor, who are signed on to the Ought to Pass Report, I rise reluctantly to now speak against the motion of ought to pass, and in good conscience, as a member of the Appropriations Committee, I feel it is important to rise and explain why. Although this bill in front of us would not have a general fund impact, I am concerned about the parallels that can be drawn to other State employees who are paid through the General Fund and the

possible precedent setting nature if we were to enact this legislation. Men and Women of the Senate, I believe this is going to be one of those issues where unfortunately it is going to be "I told you so". I think in a year to eighteen months we are going to be faced with similar measures that will dramatically impact the General Fund. For consistency sake, because I will not be supporting those legislations in the future, I will be voting against the pending motion. I think all the members of this Chamber should keep that in mind, there very definitely will be possible future costs to the General Fund if we were to enact this today. Thank you.

Senator HANLEY of Oxford requested a Division.

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

Senator BEGLEY: Thank you Mr. President. I certainly would agree with the previous speaker in regards to the motion to pass. The point of future possibilities hangs over our head on everything we pass. It doesn't make much difference, we could say that on almost any bill as simple as it was. The position here, certainly as a conservative, is one of reward from people who are asked to do something that they classify, and possibly that I classify, as something above and beyond what is expected. You could say that about any number of different people. You could give me scenarios from now until doomsday, and each one I would be willing to listen to and vote on. This happens to be a scenario that I agree with and I am not afraid of precedence because I am not afraid of saying, in another instance, this does not meet that precedence. In this situation it was a unanimous request from the board to do this for these people who were caught in a legislative arrangement of changing boards. It seems to me only right, having completed what they were requested to do, they should be given some compensation for it. Thank you.

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

Senator MILLS: Thank you Mr. President, Men and Women of the Senate. I just want to echo, briefly, the previous comments. The situation is not parallel to any other that we might see later on in this session. It is an extraordinary situation where four or five hearing officers were asked to round up their work and complete their work before the end of the Workers' Compensation Commission ended by statute on December 31, 1992. They had every expectation of being re-hired by the new Workers' Compensation Board with the idea that they would be taken on. They went without pay, following the end of their terms, and for reasons that had to do with stalemating of the Workers' Compensation Board, they were not re-employed. Each one of them, in some way or other, suffered a direct economic loss, which they had no reason to expect. The remarkable thing about this is that given the stalemate that has so often existed between the labor and management members of the Workers' Compensation Board, it is remarkable that in this case all eight of them agree and have asked the Executive Director of the Board to promote this bill. It would be ironic and remarkable if this Legislature were to overturn a decision that was made unanimously by the Workers' Compensation Board, which has had such great difficulty in agreeing on other issues. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HANLEY of Oxford to ACCEPT the Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88).

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88), PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-88) READ and ADOPTED.

The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act to Amend the Workers' Compensation Board's Annual Assessment" (Emergency)

H.P. 695 L.D. 953

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-148) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENROSSED, As Amended, in concurrence.

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

Divided Report

Eight Members of the Committee on TRANSPORTATION on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles"

S.P. 77 L.D. 165

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-91).

Signed:

Senators:

STEVENS, JR. of Androscoggin
PARADIS of Aroostook

Representatives:

O'GARA of Westbrook
BOUFFARD of Lewiston
DRISCOLL of Calais
LINDAHL of Northport
CHARTRAND of Rockland
FARNUM of South Berwick

Two Members of the same Committee on the same subject reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (S-92).

Signed:

Representatives:

BAILEY of Township 27
HEINO of Boothbay

Three Members of the same Committee on the same subject reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:
CASSIDY of Washington

Representatives:
RICKER of Lewiston
STROUT of Corinth

Which Reports were READ.

Senator STEVENS of Androscoggin moved that the Senate ACCEPT the Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91).

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

Senator HANLEY: Thank you Mr. President, Men and Women of the Senate. I would urge you to vote against the ought to pass as amended report so that we can go on to accept Report "C", ought not to pass.

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

Senator BEGLEY: Thank you Mr. President. I would concur with the gentleman who just recommended that you go with the ought not to pass report. The argument goes on and on and on. The bill before you, on the ought to pass report, simply makes a piece of legislation that forces us to do a certain thing because some people say that that is what should be done, when actually, if you wanted to have the impact on the wearing of seatbelts, you would go the route of insurance. You would go to the insurance people or to the people who say "I'm not going to wear my seatbelt" and say "Fine, then your insurance company will handle it in such a fashion." To do it otherwise is, once again, to take away from anyone who is, hopefully, mature enough to make a decision on how he wishes to live. You could quote statistics until they come out your ears. We received enough of them. We have seen all of the monetary problems because of this and I could quote you other problems in other areas that you haven't touched, but you are certainly going to somewhere along the line. "The history of liberty is a history of the limitation of government power", Woodrow Wilson. From a gentleman somewhere in the State, "Society works when the people of that society decide to limit their own freedoms with regard to their actions toward others. It is a form of overkill to extend that limit to outlaw stupidity. Taken to the limit, helmet and seatbelt laws should be coupled with laws against smoking, laws against unprotected sex, laws against going out in the summer sun without a hat or number 30 sunblock, and a law against going bird watching in the woods on any weekday in November. Will those come if we pass seatbelts? There is no way to tell. Will the next item of our freedom of choice come strictly from the point of view that we know better, or some of us know better, than you? If the premise

for this is medical costs saved, then the logical extension of this thinking, leads to consequences freedom cannot afford. Will all bicycles become tricycles? Because bicycles tip over. Will you be forced to take on any number of things? Will those who like to skate with the new skates be forced to use crutches on the side so they won't fall? Because they are ending up in hospitals. Skiers look out, you may have all kinds of marvelous cages that you can come down a slope in that is no steeper than five degrees. You could go on and on. A manufacturer of couches, because you who are couch potatoes, may find that that manufacturer, in some future legislature, will say that you will have an automatic ejection seat after thirty minutes, and you will have to come up into an upright position." Now that is absurd, absolutely. From my standpoint, I wear seatbelts, my family does, and I believe strongly in the point of view that I should make that choice myself. You can give me all of the statistics you want, my point is that I am mature, at least I think so, and therefore I should be given the right, and I would like to give the right to anybody else. Put it back in the insurance company. Put it back where it is going to make a difference to the person who decides not to, and let him decide. If you listen closely enough, Ladies and Gentlemen, the echo in this room has said, on any number of occasions, pro-choice, give me the right to choose. People will tell you that is a different issue. Choice is choice. My recommendation is to accept the ought not to pass report.

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

Senator PENDEXTER: Thank you Mr. President, Men and Women of the Senate. Yes, we do go on and on and on about seat belt legislation. This is my third debate on the issue, and you know the personal freedom, getting government out of my life, is basically the age-old argument that we keep hearing over and over and over. That is the only thing that opponents of this legislation can say, this is my personal freedom, keep government out of my life. We have been having states enact seat belt laws since 1978 in this country. We have all kinds of experiences we can look at. It all boils down to me, it is very easy, being a health professional, it is all about highway safety, it is all about saving lives, it is all about preventing serious life-altering injuries. You know, people feel their motor vehicles are their castles. You buy your car and it is yours and what you do in there should be your own business. I agree with that as long as it is on your private property. I don't care what you do in your motor vehicle, but the minute you put that vehicle on a public highway it becomes a public act. I feel state government is certainly within its purview to legislate safety on the highway. It certainly is within government's role to mandate that you use a piece of safety equipment in your motor vehicle. Driving is not a right, it is a privilege that is granted to you by the Secretary of State. We ask all kinds of behavioral things of you on the highway. We ask that you be licensed, we ask that you only travel certain speeds in certain areas, we ask that you don't drink and drive, we ask that you safely inspect, you have to have a sticker and you have to register your vehicle. We go on and on and

on. This is nothing new, passing a piece of legislation so that our highways are safer. So mandating seatbelt usage is really a safety issue. We are just asking people to use a piece of equipment that is in their motor vehicle that they have bought, and is sitting there. We are just asking you to use it. What is so awful about that? If you ride on the waters we ask you to wear a lifejacket. If you are out in the woods we ask you to wear blaze orange. So, if you are on the highway we ask you to put on your seatbelt. As we are getting newer and newer models on our highways, the issue of airbags comes up, which makes the use of seatbelts even more important, because if you have an airbag deploy, and you are not sitting where you are supposed to be sitting, which is safely and securely in your seat, you can sustain very serious injuries from your airbag deploying. I don't know if you have ever had the experience of that happening to you, but it comes at you with a very, very powerful force, and at a high velocity. If you are not where you are supposed to be, which is what your seatbelt will do for you, you will sustain, probably, some very serious injuries. So, I think that is one other issue for you to think about as we are all purchasing vehicles now that have airbags. It is very important that you wear your seatbelt with your airbag.

I would challenge the Senator from Lincoln, when he is sitting in an airplane and he is told that he has to put on his seatbelt. It almost kind of amuses me because the attendants really take this very seriously. They go around and if you're not wearing your seatbelt you better put it on because it is a federal regulation. Your seatbelt in your airplane will only help you when you are taxiing on the runway or when you hit turbulence in the air. God help you if you are in an air crash, your seatbelt isn't going to do you any good. Yet, when you look at all of the effort that they put in, explaining to you how to take it on and off. I would venture to say that none of you, who are going to vote against this bill, stand up and stomp your feet and say "This is my personal right, I don't want to put this belt on and I am not going to." I bet that you have all sat there and done what you have been told to do, which is to put your belt on, because it is a safety issue. It is a safety standard that our federal government feels is important. You all do it. I would venture to say that when you travel in states that have seatbelt laws I bet some of you do put it on. You can talk about choice all you want to, you still have the choice to not wear your belt, but you are going to pay a price for it if you get caught not wearing it. That is an adult choice in this difficult world of choices. So, even though we have a law, and you are saying, "Gee, you're advocating that we break the law", well that is your decision. If you really feel strongly about not wearing your belt, you don't have to wear it, you can still have that choice. It's all about developing the habit of buckling up, and you know, only 35% of the people in our state wear seatbelts. Men and Women of the Senate, that is the worst usage rate in our nation. The average rate is around 50%. What is even worse is that 85% of our fatalities were not wearing their belts. Some of you say education, that is what it should be all about. Yes, you are right, to a point. We have to have education. However, education only gets you so far. I have been involved

in this issue since the early eighties. At that point we had a 20% usage rate, then we went up to 32%. We have been stuck at 35% forever because that is all we can get in this State with education. We might look at our neighbor, New Hampshire, who has a higher usage rate than we do, but they have been stuck at 50% for five years with education. If this is all about getting people to develop the habit of buckling up, unfortunately, human nature being what it is, we need to couple education with legislation with enforcement. If you look at one of our neighboring states in New England, Connecticut, with very aggressive, excellent seatbelt law, with good enforcement, they have an 80% usage rate. That's what it is all about. It is getting people to wear their seatbelts.

People talk about let's use the insurance issue. Well, I don't quite understand it, because if you have a car crash, your insurance company is going to have to pay you for damages. So, I don't understand where the savings are. If you have a health care need, we are not going to deny you health insurance, so I really don't understand what people mean when they say let's let the insurance company take of it and if they don't wear their belt then they won't be covered. When you really think it through I don't see any logic because, number one, you are going to suffer damages in your vehicle, and your insurance company is going to pay you for that, and nobody is going to deny you health care. So, okay we don't pay it. You don't pay in and then we all bear the cost anyway. But, where the insurance company does come in, as they evaluate their rates on an annual basis, if there obviously is less injuries and less fatalities that they have to account for, that would automatically be reflected in the rate-setting process that they go through. So, you automatically get a benefit anyway because it will happen through the Bureau of Insurance when they look at insurance companies experience rates, when looking at how much they are going to charge us. People say this is unpopular with their constituents, I can't vote for this, everybody tells me that this is very unpopular. I served on the seatbelt coalition in the mid to late eighties, and we did a telephone survey back then, and as an authentic, scientific survey which showed that 75% of the people in this state agree with seatbelt legislation. Ninety-nine of our nation lives under seatbelt laws. There are only two states left, Maine and New Hampshire. If it is such an un-American thing to do I wonder how come 99% of our population lives under such legislation. I don't see people having revolutions because they have seatbelt laws because what happens in the end is most people know they should wear their belt, and they know that they will get some benefits from it. It is just a matter of some people are waiting, if we pass this seatbelt law today and it gets enacted tomorrow, we get an automatic 20% increase in our usage rate. That's human behavior Men and Women of the Senate. You don't do things until to have to have to do them. I would say that there are 20% of the people out there waiting for us to tell them to wear their belts. That's been substantiated in all of the 48 states who have seatbelt laws.

People who argue that it is their personal right and say that it only affects me and that it is only my problem, I would ask you to look at this green

handout, which talks about the health care costs. Yes, we could throw numbers at you, and we can quote all kinds of statistics, but you cannot argue the fact that people who don't wear their belts incur higher health costs. In some cases it is seven times greater. We all pay that cost. So the argument that it only affects me and it is my decision, I don't think is valid. So, I strongly urge you to support the pending motion, in the name of highway safety. Mr. President, when the vote is taken, I request the yeas and nays.

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 Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you very much Mr. President, Men and Women of the Senate. This is my fourth term in the Maine Legislature and, I think, the fourth time that I have seen this bill. Every time I speak on this bill I remind the body that from my perspective, however jaded, that seatbelts are a good idea. It is a good thing to wear a seatbelt. Seatbelts do reduce the cost of injury. I don't think there is anybody here who would dispute that. I think back to the two times that I was a passenger in a motor vehicle, that I wound up hanging from my seatbelt, upside down, once in a field and once in a ditch, and unbuckled myself and dropped to the roof, in fine condition because of the seatbelt, no doubt. I am grateful that I had the foresight to put it on. But, at the same time I look at my responsibility as a representative of the people back in my district, and I think about the campaign that we went through and I think about a lot of the rhetoric that we hear coming out of Washington about the need to get government out of our lives, and to have government get out of managing the minutia of our day-to-day lives. I guess the issue today shouldn't be whether or not we think seatbelts are a good idea, or whether or not they save money, because clearly they are a good idea, and clearly they do save health care dollars. The real issue is, at what point do we say no, that government isn't going to manage every aspect of our life and yes, you are going to have to take some responsibility for your own actions.

I listened to my friend, Senator Begley, read off a litany of things this afternoon that he could see possibly being regulated ad nauseam. Things that are risky, things that we choose to do, and things where there might be a certain economic benefit to regulating, but that we don't regulate because it is abhorrent to us. I was pleased to hear my friend, Senator Begley, say that he was pro-choice today. Then I started thinking about some of my liberal friends in this Chamber, who profess to be pro-choice on abortion, who are not pro-choice on seatbelts, who are, in fact, anti-choice on seatbelts, and I wonder what is going on there. But, I'm not going to lose much sleep over that. I want to talk about something a little more serious. I received a mailing this winter from a gentleman down in Washington, he is the Administrator of the NHTSA, National Highway Traffic Safety Administration, and he sent me this nice mailing and a nice fact sheet about seatbelt laws. These are the things he was talking about. Make

seatbelt laws subject to primary enforcement. What that means is if you are driving down the road, and an officer sees you driving down the road without a seatbelt, the officer can pull you over and issue you a summons. That's not what this bill is about, in fact, if somebody wanted to challenge it, and the President might even rule me out of order for discussing this, but I'm concerned about the slippery slope that we are going down. I read this from this gentleman in Washington, and I read things like this, "In attitude surveys, officers consistently preferred primary laws and report that secondary enforcement laws", as is being proposed here, "is a major deterrent to issuing citations." I think about some of the other things here on the back, about the level of fines and how the fines in some states aren't adequate to insure a high enough level of compliance. It goes on and on and on, and I think to myself about this poor Administrator in Washington D.C. who can send me paper until the cows come home, who I will never believe that it is his business to tell my constituents to wear their seatbelts, and to encourage state legislatures across the land to raise their fines and to make violations of law subject to primary enforcement that results in our constituents being harrassed, ad nauseam, by law enforcement officers, who probably have better things to do with their time. I don't think that just because 99% of the people in this country live under laws like that, that we should necessarily subject our constituents to it.

There have been some other issues raised in this chamber today. I think the Senator from Cumberland made some good points, about airbags for instance. I had an airbag deployed against me in this chamber, and I didn't have my seatbelt on in my chair, this was in a recent debate, I survived. I guess if we wanted to be consistent we would have an amendment to this bill to require seatbelts to be worn in the Chamber. Then I thought about the aircraft reference, and what was going on on airplanes, when we are forced to wear our seatbelts. With all due respect, the reason that law is there is not to prevent me from being hurt in my chair, it is to prevent me from being a hazard to other passengers on the aircraft if the aircraft encounters turbulence or has a problem on the ground. That is the same reason why your suitcase has to be in the overhead storage bin or stored in the belly of the plane. It's not because they care about your suitcase, because that certainly is not the case, but because they don't want it bouncing around inside the cabin and going through some persons head. That's why that is there. I guess if we look around this land we can't see any revolution that was caused by seatbelt laws, but I think back to the experience that the State of Massachusetts had, when their benevolent legislature passed this law some years ago. The citizens, through a citizen's initiated referendum, repealed the law, and the legislature went back again and enacted the law, and the citizens went back again and repealed it. I wonder where it will end.

For me, this is another unconscionable step towards micromanaging every aspect of our lives. I suppose, yes, I will be truly consistent. I will be ready to vote for a seatbelt law the day that unbelted passengers in motor vehicles, flying through windows, pose a hazard to pedestrians on sidewalks

and other motorists. But until that day comes I will try to keep the government out of the inside of our cars. Thank you.

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

Senator **PARADIS:** Thank you very much Mr. President, Men and Women of the Senate. I get such a kick whenever I hear, and I have to start with this and then I will go on to my other remarks, but when I hear about the involvement of government in our lives. I think it was in the early seventies when we stopped using missionaries to run our school systems in Aroostook County, and our hospitals. Our hospitals went a lot later than that. Our roads have seen very, very few government people doing something to improve them. So, if some of you really want to be free from government please, please move immediately to Aroostook County, and I can assure you that you will have to go years, possibly, without seeing any people from the government. Aroostook County has one of the highest cancer rates in the nation. It has one of the highest MS rates in the nation. We're not sure why. We have had a few research people come up and check around a little bit, but we have no money to buy the services of somebody who can tell us what is causing our people to be dying so young and so badly with multiple cancers. I just had a friend who was in his early fifties, the diagnosis came two weeks ago and he died Monday. In Frenchville we have 900 people, we lose 900 people in ten years because of people not wearing seatbelts. If we lost that many people in the community we would try to find out the reason why that was happening. We know why it is happening, and we know what is causing it. I have fifty communities in my district. I visited most of them. I did door-to-door from July to November and I can assure you that never once did somebody bring up the seatbelt or the restriction of rights. We always talked about issues, when can we get these roads fixed, very specific things, but always the greater good of the area. People are very unselfish in my district. We know that if one of us survives we all survive and we have had to do it that way. I just don't know who these people are who are always so concerned about their rights. Because of the bad roads we have a high rate of accidents and very serious accidents. I have a constituent over across the river, at Togus, right now, who met a truck head-on on the ice. Because he was belted in he just had his legs crushed and that is coming along, but he is in a federal institution and guess who is picking up the price for that little accident? My nightmare has been, and for all the years that we have been discussing this, is when we are going to be taking from the healthy people in this state to pay for the sicker people in this state, especially when we know what the cause is. That's what is happening. When I read a headline recently that one of the ways that we are going to be able to pay for the sick tax was to take it from education because that is 52% of the budget. This morning we had thirty or forty or fifty young women in the room. We had them raise their hands on what they thought of this and every one but one child lifted her hand. They want to keep their parents safe, they want to keep their grandparents, their brothers and sisters. They are so close to it, like we are close to it. We are so good about what

we do. Senator Abromson has company today, a gentleman from Portland who has been shadowing him, and he marvels at the amount of work and the tenacity that is required for us to do the job that we do. We do a good job, we stay long and late, we do our homework, we review the paperwork, and the Transportation Committee, once more, did all that. We went through an incredible amount of paperwork. All the statistics that people don't want to hear about, we forced ourselves to sit through. The most compelling was always the medical, the blood and the guts of it, and anybody in the room could not help but be touched by the overwhelming evidence of what we are doing to some of our state members. It is very little to ask. You have been very patient, you have been very attentive, and I have been appreciating that, and I urge your support for this legislation. Thank you very much.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. Some years ago I went off to Paris Island for Boot Camp in the Marine Corps. When I got there I soon learned that every minute of my day was planned for me. I was told when to eat, and when to sleep, when to shave, when to shower, when to do this, and yes, when to do that. I was government property. I live with that and I expect it. Then, following my stint in the service I got an honorable discharge which said I am no longer government property. I am allowed now to exercise my own decisions, the government will not be telling me what to do every minute of the day. Now, along comes a piece of legislation like this, which wants to put government in my vehicle as I drive down the road. I'm starting to feel again like a piece of government property. Now, as to the statistics on medical expenses, if you want to save some money, vote against cigarette smoking. Thank you Mr. President.

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

Senator **PENDEXTER:** Thank you Mr. President, Men and Women of the Senate. I rise just to correct two very incorrect statements that the Senator from Penobscot, Senator O'Dea, made. First of all, this legislation is primary enforcement because all it does is, we already have seatbelt legislation for children up to eighteen, all this does is change the age. We presently have a primary enforcement law. Secondly, yes, Massachusetts passed and repealed and enacted, but in their November referendum they did pass their seatbelt legislation. As a matter of fact there were five states who had referendums on seatbelts this last November, and all five prevailed, which now leaves only two states, Maine and New Hampshire. I just wanted to correct that. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator STEVENS of Androscoggin to ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91).

A vote of Yes will be in favor of acceptance.

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, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS

NAYS: Senators: BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MICHAUD, O'DEA, SMALL, and the PRESIDENT, Senator BUTLAND

EXCUSED: Senators: BERUBE, GOLDTHWAIT

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having been excused, the motion by Senator STEVENS of Androscoggin to ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91), PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-91) READ and ADOPTED.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

House Papers

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995" (Emergency) (GOVERNOR'S BILL)

H.P. 1001 L.D. 1412

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

Comes from the House, under suspension of the Rules, PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE.

On motion by Senator CAREY of Kennebec, Senate Amendment "A" (S-93) READ.

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

Senator CAREY: Thank you Mr. President, Members of the Senate. This amendment does three things. It gives us a two-week period in which we can receive material, so that we will know what we are going to be voting on when we get into this three calendar day period. It also asks that the Senate President appoint two Senators, one from each political party, so that there will be no shutting out of either party, and that the task force, when it presents its report, doesn't only report to the State and Local Government Committee and to the Appropriations Committee, but that each and every member of the Legislature will get a copy of that monthly report so we, in fact, will be in better touch with what is happening. I would hope that this would receive the approval of the body.

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

Senator HANLEY: Thank you Mr. President, Men and Women of the Senate. I will be voting against the amendment that is presented by the good Senator from Kennebec and would urge the rest of the members of the Senate to follow, as well. While I can appreciate the issues that the good Senator wants to address, I believe that most of them have already been addressed. It is my understanding that the presiding officers of both bodies have agreed to have representation from members of both this Chamber and the other Chamber. As far as the reports, it is also my understanding that the Governor has agreed to make those reports available to the entirety of the Legislature. As far as the final two weeks, it was a compromise of the Appropriations Committee, in a unanimous vote of the Appropriations Committee, to go with the language as drafted by the Democrats on the Committee. We were in agreement with that. We have made it a point to pass this without amendment, and I realize we may have further discussions on the length of time to enact, and I will save that for another time, but at this point in time I would urge this chamber to vote against the pending motion to accept the amendment.

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

Senator CAREY: In effect, what this does, it puts into the bill what the Governor has said that he would do, so that we would be insured that what he said he would do will be done.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-93).

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

A vote of No will be opposed.

Is the Senate ready for the questions?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

EXCUSED: Senators: **BERUBE, GOLDTHWAIT**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators having been excused, the motion of Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-93), **FAILED**.

Which was **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

THE PRESIDENT moved to send the bill and accompanying papers forthwith to the Engrossing Department.

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

Senator **LAWRENCE:** Mr. President. May I pose a question to the Chair? Considering we are waiting for a letter from the Attorney General, regarding the constitutionality of this report out of the Appropriations Committee, is it appropriate to send this forthwith for enactment in the House?

THE PRESIDENT: The Chair would advise the Senator from York, Senator Lawrence, that should the Attorney's General position be that portions of this are unconstitutional, and having sent it to the House, that it could be backed up with amendments put on.

Senate at Ease

Senate called to order by the President.

On motion by Senator **LAWRENCE** of York, **RECESSED** for fifteen minutes.

After recess

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

Senator **KIEFFER:** Thank you Mr. President. Mr. President, is the Senate in possession of L.D. 1412?

THE PRESIDENT: The Chair would respond in the affirmative.

Senator **KIEFFER:** Thank you Mr. President. Under suspension of the Rules, I move that L.D. 1412 be sent forthwith to the other body.

Senator **LAWRENCE** of York requested a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **KIEFFER** of Aroostook to **SUSPEND THE RULES AND SEND THE BILL FORTHWITH TO THE ENGROSSING DEPARTMENT**.

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

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

EXCUSED: Senators: BERUBE, GOLDTHWAIT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having been excused, and 15 being less than two-thirds of the membership present and voting, the motion of Senator KIEFFER of Aroostook to **SUSPEND THE RULES AND SEND THE BILL FORTHWITH TO THE ENGROSSING DEPARTMENT, FAILED.**

(See Action Later Today)

On motion by Senator KIEFFER of Aroostook, **RECESSED** until 7:30 o'clock in the evening.

After Recess

Senate called to order by the President.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events"

H.P. 140 L.D. 188

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-113).

Signed:

Senator: ESTY, JR. of Cumberland

Representatives: DESMOND of Mapleton STEVENS of Orono CLOUTIER of South Portland LIBBY of Buxton MCELROY of Unity BRENNAN of Portland WINN of Glenburn

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

Signed:

Senators: SMALL of Sagadahoc ABROMSON of Cumberland

Representatives: MARTIN of Eagle Lake AULT of Wayne BARTH, JR. of Bethel

Comes from the House with the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance"

H.P. 196 L.D. 255

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-129).

Signed:

Senators: FERGUSON, JR. of Oxford STEVENS, JR. of Androscoggin MICHAUD of Penobscot

Representatives:
NADEAU of Saco
FISHER of Brewer
CHIZMAR of Lisbon
TRUE of Fryeburg
TRUMAN of Biddeford

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

Signed:

Representatives:
BUCK of Yarmouth
GAMACHE of Lewiston
LABRECQUE of Gorham
LEMONT of Kittery
MURPHY of Berwick

Comes from the House with the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED** in **NON-CONCURRENCE.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-129) **READ** and **ADOPTED.**

The Bill, as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate

H.P. 46 L.D. 40

Reported that the same **Ought Not to Pass.**

Signed:

Senator:
LONGLEY of Waldo

Representatives:
DAGGETT of Augusta
AHEARNE of Madawaska
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
YACKOBITZ of Hermon
SAVAGE of Union

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-117).**

Signed:

Senators:
AMERO of Cumberland
CARPENTER of York

Representative:
GERRY of Auburn

Comes from the House with the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

Senator **AMERO** of Cumberland moved that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE, PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-117) **READ** and **ADOPTED.**

The Bill, as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Strengthen the Laws Concerning Damage by Dogs"
H.P. 1019 L.D. 1434

Resolve, to Preserve the Dairy Industry in the State (Emergency)
H.P. 1021 L.D. 1436

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

Bill "An Act to Create a New Deductible for Workers' Compensation and to Clarify Reporting Requirements"

H.P. 1015 L.D. 1430

Bill "An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects"

H.P. 1017 L.D. 1432

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 Pertaining to the Purchase Deposit on Automobiles"

H.P. 1014 L.D. 1429

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 Enhance the Penalties for Repeat Offenders of the Laws Governing Drinking and Driving"

H.P. 1020 L.D. 1435

Reference to the Committee on **CRIMINAL JUSTICE** 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**, in concurrence.

Bill "An Act to Provide for the Dissolution of the Town of York School District"

H.P. 1009 L.D. 1424

Bill "An Act Concerning the Confidential Employees of the Maine Technical College System"

H.P. 1022 L.D. 1437

Bill "An Act to Require That Public Schools Permit Participation in School Activities and Classes by Students Who Are Receiving Home Instruction"

H.P. 1027 L.D. 1442

Resolve, Directing the University of Maine System to Offer Evening and Interactive Television Courses for Students Pursuing a Masters Degree in Communication Disorders

H.P. 1010 L.D. 1425

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

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

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

Bill "An Act to Promote Family Self-sufficiency by Changing the Welfare Rules Governing the Disregard Period"

H.P. 1012 L.D. 1427

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 Establish a Catastrophic Health Care Expense Program"

H.P. 1025 L.D. 1440

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

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

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

Bill "An Act to Create Wet-weather Water Quality Standards"

H.P. 1023 L.D. 1438

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 Prevent Scalping of Entertainment Tickets"

H.P. 1018 L.D. 1433

Bill "An Act to Amend the Laws on Marital Property, to Provide for Alternative Dispute Resolution in Domestic Relation Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19" (Emergency)

H.P. 1024 L.D. 1439

Resolve, Directing the Attorney General to Review Standards for Reporting Suspected Sexual and Physical Abuse of Minors

H.P. 1013 L.D. 1428

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 Dismiss Certain Federal Mandates"

H.P. 1028 L.D. 1443

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 Concerning Abandoned Cars"

H.P. 1026 L.D. 1441

Resolve, Transferring Jurisdiction of County Bridges to the Department of Transportation

H.P. 1011 L.D. 1426

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

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

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

Bill "An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws"

H.P. 1029 L.D. 1444

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.

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

PAPER FROM THE HOUSE

House Paper

Bill "An Act to Require the State to Provide Its Share in Implementing the Salt and Sand Schedules"
H.P. 1016 L.D. 1431

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

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans" (Emergency)
H.P. 431 L.D. 594

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-123).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-123).

Which Report was **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Report.

The Committee on **HUMAN RESOURCES** on 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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-155).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-155).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

The Resolve, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Expand the Jurisdiction of the Consumer Advisory Board of the Department of Mental Health and Mental Retardation by Giving Board Members and Its Staff Direct Access to All Areas of Agencies That Serve People with Autism"
H.P. 456 L.D. 622

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-156).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-156).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets"
H.P. 530 L.D. 726

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-141).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-141).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-141) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority"
H.P. 479 L.D. 660

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-146).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-146) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Conform the Maine Tax Laws for 1994 with the United States Internal Revenue Code" (Emergency)
H.P. 626 L.D. 851

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-147).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-147) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Create a Purple Heart License Plate"
H.P. 102 L.D. 137

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-154).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154).

Which Report was READ.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

The Committee on TRANSPORTATION on Bill "An Act to Permit Greenhouses To Have Temporary Road Signs"
H.P. 193 L.D. 252

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-153).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-153) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Repeal the Laws That Require the Screening for Scoliosis and Related Spinal Abnormalities"

H.P. 386 L.D. 521

Reported that the same Ought Not to Pass.

Signed:

Senators:

SMALL of Sagadahoc
ESTY, JR. of Cumberland
ABROMSON of Cumberland

Representatives:

MARTIN of Eagle Lake
AULT of Wayne
DESMOND of Mapleton
STEVENS of Orono
BRENNAN of Portland
WINN of Glenburn
CLOUTIER of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-115).

Signed:

Representatives:

BARTH, JR. of Bethel
LIBBY of Buxton
MCELROY of Unity

Comes from the House with the Majority **TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

The Majority **TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator **CARPENTER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Purchasing Laws"

S.P. 290 L.D. 788

Reported that the same **Ought to Pass**.

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

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Law Governing Mechanic's Liens"

S.P. 267 L.D. 718

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

MILLS of Somerset
FAIRCLOTH of Penobscot
PENDEXTER of Cumberland

Representatives:

TREAT of Gardiner
RICHARDSON of Portland
JONES of Bar Harbor
LAFOUNTAIN, III of Biddeford
WATSON of Farmingdale
HARTNETT of Freeport
MADORE of Augusta
NASS of Acton
LEMKE of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-97).

Signed:

Representative:

PLOWMAN of Hampden

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate As Amended

Bill "An Act to Increase the Bonding Limits of the Maine Turnpike Authority"

S.P. 102 L.D. 242
(C "A" S-94)

Bill "An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time"

S.P. 234 L.D. 599
(C "A" S-88)

Bill "An Act to Change the Commissions Payable to the State from Off-track Betting" (Emergency)
S.P. 240 L.D. 637
(C "A" S-95)

Resolve, Directing the Bureau of Insurance to Develop a Comparable List of Mandatory Insurance Benefits for Health Maintenance Organizations
S.P. 329 L.D. 910
(C "A" S-90)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

PAPER FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS—from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Stabilize Health Insurance Rates for Small Businesses"
S.P. 164 L.D. 425

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-62). (9 members)

Minority - Ought Not to Pass. (4 members)

In Senate, April 25, 1995, the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-62)**, in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

Senate at Ease

Senate called to order by the President.

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

ENACTOR

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

Emergency

An Act to Amend the Workers' Compensation Board's Annual Assessment

H.P. 695 L.D. 953
C "A" (H-148)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senator having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements"

H.P. 574 L.D. 779

Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy"

H.P. 591 L.D. 801

Bill "An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget"

H.P. 707 L.D. 964

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees"

H.P. 12 L.D. 6
(C "A" H-131)

Bill "An Act to Amend Provisions of Law Voiding a Lease for Premises Defined as a Common Nuisance"
H.P. 158 L.D. 205
(C "A" H-127)

Bill "An Act to Clarify the Laws Regarding the Sale of Recreational Vehicles on Sunday" (Emergency)
H.P. 163 L.D. 211
(C "A" H-133)

Bill "An Act to Clarify the Laws Regarding the Location of Transfer Stations on Islands"
H.P. 176 L.D. 224
(C "A" H-108)

Bill "An Act Concerning the Offset of Workers' Compensation Benefits by Social Security Benefits"
H.P. 226 L.D. 304
(C "A" H-136)

Bill "An Act to Encourage Collaboration between Local School Units"
H.P. 248 L.D. 350
(C "A" H-110)

Bill "An Act to Define a "Demonstrator" under the Board of Barbering and Cosmetology"
H.P. 259 L.D. 361
(C "A" H-109)

Bill "An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities"
H.P. 286 L.D. 390
(C "A" H-125)

Bill "An Act to Allow a School District to Print the District's Name on School Buses"
H.P. 299 L.D. 403
(C "A" H-111)

Bill "An Act Regarding the Expansion of Certain Waste Disposal Facilities"
H.P. 326 L.D. 447
(C "A" H-116)

Bill "An Act Concerning the Liability of Corporate Clerks"
H.P. 381 L.D. 516
(C "A" H-138)

Bill "An Act to Amend the Site Location of Development Laws Relating to Former Military Bases"
H.P. 393 L.D. 528
(C "A" H-106)

Bill "An Act to Change the Definitions of "River," "Stream" and "Brook" in the Environmental Laws"
H.P. 452 L.D. 618
(C "A" H-107)

Bill "An Act Concerning Fraudulent Redemptions"
H.P. 512 L.D. 700
(C "A" H-134)

Bill "An Act Concerning Extracurricular Activity Eligibility for Students Identified under the Federal Individuals with Disabilities Education Act"
H.P. 544 L.D. 740
(C "A" H-137)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, As Amended, in concurrence.

Senate

Bill "An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment"
S.P. 326 L.D. 907

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Protect Forest Management as a Viable Land Use"
S.P. 25 L.D. 56
(C "A" S-81)

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy"
S.P. 195 L.D. 504
(C "A" S-79)

Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs"
S.P. 260 L.D. 696
(C "A" S-82)

Resolve, to Revise the Reporting Date of the Home School Study Committee
S.P. 315 L.D. 896
(C "A" S-83)

Bill "An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-influence Statutes" (Emergency)
S.P. 332 L.D. 913
(C "A" S-84)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, As Amended.

Sent down for concurrence.

Bill "An Act to Revise the Maine Turnpike Authority's Powers with Respect to Commuter Tolls"
S.P. 139 L.D. 325
(C "A" S-85)

Which was READ A SECOND TIME.

On motion by Senator KIEFFER of Aroostook, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees"
S.P. 188 L.D. 496
(C "A" S-72)

Which was READ A SECOND TIME.

On motion by Senator BEGLEY of Lincoln, Senate Amendment "A" (S-96) READ.

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

Senator BEGLEY: Thank you Mr. President, just briefly, this is the amendment that we agreed upon, Senator Rand and the Committee, in regards to that bill yesterday. It simply is a case of her agreeing and we are agreeing and I move for its adoption.

On further motion by same Senator, Senate Amendment "A" (S-96) ADOPTED.

Which was PASSED TO BE ENGROSSED, As Amended by Committee Amendment "A" (S-72) and Senate Amendment "A" (S-96).

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Senator KIEFFER of Aroostook, moved that the Senate RECONSIDER its action whereby it PASSED TO BE ENGROSSED, without reference to a Committee:

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995" (Emergency) (GOVERNOR'S BILL)
H.P. 1001 L.D. 1412

(In House, April 27, 1995, under suspension of the Rules, PASSED TO BE ENGROSSED, without reference to a Committee.)

(In Senate, April 27, 1995, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee, in 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 the motion of Senator KIEFFER of Aroostook that the Senate RECONSIDER its action whereby the bill was PASSED TO BE ENGROSSED without reference to a Committee, in concurrence.

A vote of Yes will be in favor of RECONSIDERATION.

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

Senate at Ease

Senate called to order by the President.

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

Senator LAWRENCE: Point of parliamentary inquiry Mr. President. Are we properly in session? It is after 9:00.

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

Senator KIEFFER: Thank you Mr. President. Under Joint Rules, item 12, I make a motion that we extend for twenty minutes.

Senator KIEFFER of Aroostook moved that the Senate extend, pursuant to Joint Rule 12, until 9:20 o'clock in the evening.

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 Chair recognizes the Senator from Kennebec, Senator Carey.

Senator CAREY: Thank you Mr. President. Point of parliamentary inquiry. Mr. President, I am in possession of the Roll Call which was taken at 7:30 this evening. The Majority Leader, unfortunately, was not on the prevailing side for a reconsideration motion.

THE PRESIDENT: The Senator from Aroostook was on the prevailing side.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KIEFFER of Aroostook to SUSPEND JOINT RULE 12, to EXTEND UNTIL 9:20 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: ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

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

EXCUSED: Senators: BERUBE, GOLDTHWAIT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having been excused, and 18 being less than two-thirds of the membership present and voting, the motion of Senator KIEFFER of Aroostook to SUSPEND JOINT RULE 12 to EXTEND TO 9:20 p.m., FAILED.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator HATHAWAY of York, ADJOURNED in honor of all of the young ladies participating in "Take Your Daughter to Work Day" until Tuesday, May 2, 1995, at 9:30 o'clock in the morning.