

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 2, 1995 to June 16, 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  
May 4, 1995

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

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

S.P. 549

Prayer by Father Raymond Lebrun of St. Paul's Center in Augusta.

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 9, 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.

**FATHER RAYMOND LEBRUN:** Good morning everyone, also to the children from the various parts of the State. I would like to begin with a reading from the first book of Kings. "At Gibeon, Jaweh appeared in a dream to Solomon during the night. God said, "ask what you would like me to give you." Solomon replied, "You showed great kindness to your servant David, my father, when he left his life before you in faithfulness and justice and integrity of heart. You have continued this great kindness to him by allowing a son of his to sit on his throne today. Now, Jaweh, my God, you have made your servant King, in succession to David, my father. But I am a very young man, unskilled in leadership. Your servant finds himself in the midst of this people of yours that you have chosen, a people so many in number that it cannot be counted or reckoned. Give your servant a heart to understand how to discern between good and evil, for who could govern this people of yours that is so great?" It pleased Jaweh that Solomon should have asked for this. "Since you have asked for this," Jaweh said, "and not asked for long life for yourself, or riches, or the lives of your enemies, but have asked for a discerning judgement for yourself, here and now I do what you ask. I give you a heart, wise and shrewd, as none before you has had, and none will have after you. What you have not asked I shall give you, too, such riches and glory as no other King ever had." The Word of the Lord.

**COMMUNICATIONS**

The Following Communication: S.C. 149

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 900 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with Line-item Veto Power Relating to Budget Legislation

L.D. 1005 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Line-item Veto Power on Budget Legislation to the Governor

God, our Father, we come before you in the spirit of Solomon this day, acknowledging that our capacities are limited. As we face the responsibilities before us, those of this great State of Maine, and its over one million people, we ask you, indeed, to give us a discerning spirit. One that would be wise, in order to be able to make decisions that will be beneficial to protecting the rights of this people and helping the common good to progress. We believe that if we ask, first, for wisdom, then all the rest will come, in its time and in its place, for the glory of your name. Amen.

L.D. 1071 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dana C. Hanley  
Senate Chair

S/Rep. George J. Kerr  
House Chair

Which was READ, and with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication: S.C. 150

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 995 An Act Requiring Disclosure of Insurance Rating on All New Motor Vehicles Sold in the State
- L.D. 1000 An Act to Prevent Returned Check Charges to Merchants

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson  
Senate Chair

S/Rep. Marc J. Vigue  
House Chair

Which was READ, and with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication: S.C. 151

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

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 416 An Act to Expand the Shelter Operating Subsidy Program and the Temporary Housing Assistance Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip Harriman  
Senate Chair

S/Rep. G. Steven Rowe  
House Chair

Which was READ, and with Accompanying Bill, ORDERED PLACED ON FILE.

The Following Communication: S.C. 152

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 675 An Act to Require Disclosure of the Criminal History of a Juvenile That Moves into a Public Housing Project
- L.D. 682 An Act to Require Employers to Pay the Cost of Recertification Training for Law Enforcement and Corrections Officers
- L.D. 837 An Act to Protect Landlords from Certain Types of Fraud
- L.D. 1054 An Act to Revise the Requirements of the Policy Review Council for the Arthur R. Gould School at the Maine Youth Center
- L.D. 1072 An Act to Provide a Specific Formula to Determine Restitution of Economic Loss
- L.D. 1113 An Act to Make Possession of Armor-piercing Bullets a Class C Crime
- L.D. 1188 An Act to Strengthen the Truancy Laws

- L.D. 67 An Act to Extend the Deadline for a Town Wishing to Withdraw from a School Administrative District
- L.D. 87 An Act to Amend the Laws Regarding Alternative Voting Procedures for the Approval of a School Administrative District Budget
- L.D. 194 An Act to Extend the Probationary Period of New Teachers from 2 Years to 3 Years
- L.D. 300 An Act to Clarify the Approval Procedures for Semiprofessional Personnel in Schools
- L.D. 393 An Act to Provide for an Appeals Process for Teacher Certification
- L.D. 795 An Act to Require the State Agency Placing a Child in Foster Care to Pay for Special Education for the Child
- L.D. 905 An Act to Require Reimbursement to School Units for the Purchase of School Buses at the Time of Purchase

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John W. Benoit  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

Which was READ, and with Accompanying Bills,  
ORDERED PLACED ON FILE.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary E. Small  
Senate Chair

S/Rep. John L. Martin  
House Chair

Which was READ, and with Accompanying Bills,  
ORDERED PLACED ON FILE.

The Following Communication: S.C. 153

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 55 An Act to Amend the School Administrative District Alternative Voting Procedures

The Following Communication: S.C. 154

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

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 128 An Act to Enhance Access to Ombudsman Program Services for Consumers of Residential Care and Nursing Home Residents
- L.D. 144 An Act to Amend Medicaid Eligibility for Admission to Nursing Home Facilities
- L.D. 204 An Act to Legalize Cannabis for Medical Treatment of Patients With HIV/AIDS
- L.D. 218 An Act to Establish Standards for Medical Eligibility Determination for Applicants to Nursing Homes BY REQUEST
- L.D. 251 An Act Requiring Medicaid Recipients to Have Primary Care Physicians
- L.D. 575 An Act to Require the Department of Human Services to Pay for Testing Public School Water Supplies in Accordance with the Safe Drinking Water Act
- L.D. 604 An Act to Encourage Savings in the Medicaid Program through the Medicaid Waiver
- L.D. 628 Resolve, Establishing a Public Participation Process to Make Recommendations Concerning the Delivery of Health and Social Services
- L.D. 784 An Act to Legalize Marijuana for Medicinal Purposes
- L.D. 813 An Act to Replace Existing Child Support Guidelines
- L.D. 844 An Act to Improve Efficiency in Contracting and Program Evaluation for Social Services
- L.D. 1342 An Act to Eliminate Some Food Stamp Eligible Items and Allow Those Food Stores Authorized to Accept Food Stamps to be Women, Infants and Children Special Supplemental Food Program Vendors

The Following Communication: S.C. 155

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 804 An Act to Control the Overpopulation of Coyotes
- L.D. 865 An Act to Amend the Deer Limits and Licensing Fees for Bow Hunting
- L.D. 884 An Act to Ensure Equitable Participation in Special Deer Hunting Seasons
- L.D. 925 An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Establish the Number of Moose Hunting Permits Issued
- L.D. 1010 An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Award
- L.D. 1025 An Act to Allow Vanity Registration Plates for Snowmobiles
- L.D. 1036 An Act to Allow Bow Hunters to Take Antlerless Deer during the Open Firearms Season
- L.D. 1038 An Act Ensuring Fairness in the Distribution of Hunting Licenses by Allowing Out-of-state Landowners in Maine to Pay Reduced Hunting License Fees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael J. Fitzpatrick  
Senate Chair House Chair

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi  
Senate Chair House Chair

Which was READ, and with Accompanying Bills,  
ORDERED PLACED ON FILE.

Which was READ, and with Accompanying Bills,  
ORDERED PLACED ON FILE.

May 1, 1995

The Following Communication: S.C. 156

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 276 An Act to Adopt the English Rule with Exceptions and Limitations
- L.D. 383 An Act to Exclude Out-of-court Statements by Juveniles in Child Protection Cases
- L.D. 560 An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds
- L.D. 679 An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person
- L.D. 1158 An Act to Preserve the Life of Viable Fetuses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat  
Senate Chair House Chair

Which was READ, and with Accompanying Bills,  
ORDERED PLACED ON FILE.

The Following Communication: S.C. 157

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 624 An Act Concerning Binding Arbitration
- L.D. 728 An Act to Facilitate Employment for Maine High School Students Participating in a Co-op Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch  
Senate Chair House Chair

Which was READ and with Accompanying Bills  
ORDERED PLACED ON FILE.

The Following Communication: S.C. 158

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 18 An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee BY REQUEST

- L.D. 106 An Act to Amend the Laws Governing Agency Liquor Stores by Repealing the Bidding Process
- L.D. 359 An Act to Allow a Prevailing Tenant Reasonable Attorney's Fees in a Warranty of Habitability Case
- L.D. 467 An Act to Require that Political Signs be Placed No Closer than 100 Feet to Any Roadway Intersection
- L.D. 672 An Act to Ensure Appropriate and Equitable Penalties for Violation of Electoral Laws
- L.D. 676 An Act to Change the Deadline for Submitting Nomination Petitions for Independent Presidential Candidates BY REQUEST
- L.D. 743 An Act to Allow Voting for "None of the Above"

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr.    S/Rep. Guy R. Nadeau  
Senate Chair                            House Chair

Which was READ, and with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication: S.C. 159

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

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 472 Resolve, to Ensure Consistency in State Rules Pertaining to Municipal Assessment of Clam Flats
- L.D. 1017 An Act to Prohibit the Taking of Soft-shell Clams on Sunday and at Night BY REQUEST

- L.D. 1101 An Act to Impose Appropriate Fees and Restrictions to Prevent the Out-of-State Transport of Sea Cucumbers

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jeffrey H. Butland    S/Rep. Peter A. Cloutier  
Senate Chair                            House Chair

Which was READ, and with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication: S.C. 160

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 776 Resolve, to Require the Department of Environmental Protection to Restore Daigle Pond
- L.D. 817 An Act to Establish a System of Recycling Credits for Processed Wood Products

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord                    S/Rep. Richard A. Gould  
Senate Chair                            House Chair

Which was READ, and with Accompanying Bills, ORDERED PLACED ON FILE.



The Following Communication: S.C. 161

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

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 317      Resolve, Creating the Commission to Restructure State Government
- L.D. 342      An Act to Create a Legislative Budget Office
- L.D. 563      An Act to Require Local and Employee Participation in the Inspection of the Design of State-funded Buildings
- L.D. 861      An Act to Establish the Interim Office on Volunteerism

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero  
Senate Chair

S/Rep. Beverly C. Daggett  
House Chair

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

The Following Communication: S.C. 162

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 180      An Act to Establish a Job Creation and Retention Tax Credit
- L.D. 222      An Act to Provide a Rental Deduction from State Income Tax
- L.D. 274      An Act to Allow for Regional Local Option Taxing Districts
- L.D. 407      An Act to Promote Economic Growth and Job Promotion by Phasing Out the Personal Property Tax, Capping the Corporate Income Tax and Returning Revenue to Communities
- L.D. 413      An Act to Enable Municipalities to Expand the Use of Tax Increment Financing
- L.D. 462      An Act to Change the Eligibility Requirements for the Circuit Breaker Program
- L.D. 494      An Act to Amend the Property Tax Laws Related to Service Charges for Exempt Organizations BY REQUEST
- L.D. 568      An Act to Eliminate the Sales Tax Exemption for Packaging Materials
- L.D. 580      An Act to Adjust the Taxation of Public Pensions and Social Security Benefits
- L.D. 634      An Act to Amend the Laws Pertaining to the Taxes Paid on Sales Involving Trade-in Equipment
- L.D. 738      An Act to Require the State Tax Assessor to Determine whether Tax Forms Are Needed by Certain Taxpayers
- L.D. 741      An Act to Provide a Deduction from State Income Taxes for Federal Civil Service Pensions
- L.D. 852      An Act to Create the Position of Problems Resolution Officer in the Bureau of Taxation
- L.D. 963      An Act to Exempt Nursing Homes from the Rooms and Meals Tax
- L.D. 1078     An Act Eliminating Use of the Property Tax and Increasing the Sales and Cigarette Taxes to Fund Schools
- L.D. 1134     Resolve, to Establish Standards by Which to Review Property Tax Exemptions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. W. John Hathaway     S/Rep. Susan E. Dore  
Senate Chair                     House Chair

The Following Communication: S.C. 164

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

May 1, 1995

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

The Following Communication: S.C. 163

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 619             An Act Regarding     Consumer-owned  
                             Electric Utilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter     S/Rep. Carol A. Kontos  
Senate Chair                     House Chair

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

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 833             An Act to Require One License Plate for a Motor Vehicle BY REQUEST
- L.D. 893             An Act to Extend the Period of Time an Operator May Operate a Motor Vehicle with a Temporary Registration Plate
- L.D. 1012           An Act to Discontinue the Issuance of the Lobster License Plate
- L.D. 1088           An Act to Require Consumer Information on Motorcycle Helmets

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Albert G. Stevens, Jr.     S/Rep. William O'Gara  
Senate Chair                     House Chair

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

**SENATE PAPERS**

Bill "An Act to Establish the Comprehensive School Choice Program in the State"

S.P. 547 L.D. 1495

Presented by Senator **HARRIMAN** of Cumberland  
Cosponsored by Senators: **ABROMSON** of Cumberland, **BENOIT** of Franklin, **HALL** of Piscataquis, **HANLEY** of Oxford, **HATHAWAY** of York, **KIEFFER** of Aroostook, **LORD** of York, **MILLS** of Somerset, **STEVENS, JR.** of Androscoggin, Representatives: **JOYCE** of Biddeford, **JOYNER** of Hollis, **LIBBY** of Buxton, **LUMBRA** of Bangor, **TRUE** of Fryeburg

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

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

Sent down for concurrence.

Bill "An Act to Modernize Vital Statistics Reporting"

S.P. 545 L.D. 1493

Presented by Senator **PENDEXTER** of Cumberland

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Bill "An Act to Improve the AFDC Program"

S.P. 548 L.D. 1496

Presented by Senator **MILLS** of Somerset (GOVERNOR'S BILL)

Cosponsored by Senators: **CLEVELAND** of Androscoggin, **GOLDTHWAIT** of Hancock, **HANLEY** of Oxford, Representatives: **DONNELLY** of Presque Isle, **ETNIER** of Harpswell, **FITZPATRICK** of Durham, **KERR** of Old Orchard Beach, **LOVETT** of Scarborough

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

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

Sent down for concurrence.

Bill "An Act to Strengthen Prohibitions against Youth Access to Tobacco Products"

S.P. 546 L.D. 1494

Presented by Senator **CAREY** of Kennebec  
Cosponsored by Senators: **BENOIT** of Franklin, **HALL** of Piscataquis, Representatives: **BUCK** of Yarmouth, **FISHER** of Brewer, **TRUE** of Fryeburg

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

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

Sent down for concurrence.

Bill "An Act to Authorize Inspection of Truck Weight Records by Maine State Police"

S.P. 544 L.D. 1492

Presented by Senator **MILLS** of Somerset

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

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund

H.P. 630 L.D. 855

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

Signed:

Senator:

**BERUBE** of Androscoggin

Representatives:

**KERR** of Old Orchard Beach  
**SIMONEAU** of Thomaston  
**AIKMAN** of Poland  
**OTT** of York  
**JOSEPH** of Waterville  
**MORRISON** of Bangor  
**TOWNSEND** of Portland  
**POULIOT** of Lewiston  
**DIPIETRO** 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-177)**.

Signed:

Senators:

**HANLEY** of Oxford  
**BEGLEY** of Lincoln

Representative:

**DONNELLY** of Presque Isle

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

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected" H.P. 301 L.D. 405

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

Signed:

Senators:

HATHAWAY of York  
CAREY of Kennebec

Representatives:

DORE of Auburn  
KEANE of Old Town  
MURPHY of Berwick  
GREEN of Monmouth  
SPEAR of Nobleboro  
DUNN of Gray  
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-145).**

Signed:

Representatives:

TRIPP of Topsham  
TUTTLE, JR. of Sanford  
RICHARDSON of Portland

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

Which Reports were **READ.**

The Majority **UGHT NOT TO PASS** Report **ACCEPTED,** in concurrence.

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**Senate  
Ought to Pass**

Senator **MILLS** for the Committee on **LABOR** on Bill "An Act to Amend the Displaced Homemakers Act" S.P. 369 L.D. 1046

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

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

The Bill **READ ONCE.**

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

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Increase Capitalization of the Seal Harbor Water Company" S.P. 424 L.D. 1147

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

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

The Bill **READ ONCE.**

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Ban the Tripping of Horses" S.P. 316 L.D. 897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-107).**

Signed:

Senators:

CASSIDY of Washington  
LORD of York  
PARADIS of Aroostook

Representatives:

KNEELAND of Easton  
AHEARNE of Madawaska  
SPEAR of Nobleboro  
HICHBORN of Lagrange  
TYLER of Windham  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

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

Signed:

Representatives:

HEESCHEN of Wilton  
STROUT of Corinth

Which Reports were **READ.**

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-107) **READ** and **ADOPTED.**

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

**Divided Report**

The Majority of the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Concerning the Posting of Campaign Signs within 150 Feet of Private Property"

S.P. 189 L.D. 497

Reported that the same Ought Not to Pass.

Signed:

Senators:

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

Representatives:

NADEAU of Saco  
LABRECQUE of Gorham  
MURPHY of Berwick  
TRUMAN of Biddeford  
CHIZMAR of Lisbon  
GAMACHE of Lewiston  
FISHER of Brewer  
LEMONT of Kittery  
TRUE of Fryeburg

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-108).

Signed:

Representative:

BUCK of Yarmouth

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report ACCEPTED.

Sent down for concurrence.

**SECOND READERS**

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

**House**

Bill "An Act Pertaining to the Signing of Petitions"

H.P. 471 L.D. 652

Bill "An Act to Change the Department of Corrections' Lease Provisions to Conform with Statutes Regarding Leases of State Buildings by Other Departments"

H.P. 654 L.D. 877

Bill "An Act to Provide for the Timely Passage of the State Budget"

H.P. 687 L.D. 938

Bill "An Act to Protect the Integrity of the Maine Cellular Telecommunications Network"

H.P. 711 L.D. 968

Bill "An Act Regarding Designation by the Commissioner of Transportation of a Deputy or Another Staff Member to Represent the Commissioner of Transportation at Maine Turnpike Authority Meetings"

H.P. 847 L.D. 1178

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

**House As Amended**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Attorney General

H.P. 153 L.D. 201  
(C "A" H-70)

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

H.P. 297 L.D. 401  
(C "A" H-174)

Bill "An Act to Restrict the Use of Eminent Domain Power"

H.P. 397 L.D. 532  
(C "A" H-121)

Bill "An Act to Increase the Compensation of Members of the State Claims Commission"

H.P. 536 L.D. 732  
(C "A" H-159)

Bill "An Act to Allow the Submetering of Electric Rates in Campgrounds"

H.P. 565 L.D. 766  
(C "A" H-160)

Bill "An Act to Amend the Sexual Abuse Laws by Including 18-year-olds Who Are Still in School in the Provisions for Sexual Abuse of Minors"

H.P. 616 L.D. 826  
(C "A" H-157)

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

Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans"  
H.P. 431 L.D. 594  
(C "A" H-123)

Which was READ A SECOND TIME.

Senator LAWRENCE of York moved to TABLE 1 LEGISLATIVE DAY, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

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

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

A vote of Yes will be in favor of TABLING 1 LEGISLATIVE DAY.

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: BUSTIN, CAREY, CASSIDY,  
CLEVELAND, ESTY, FAIRCLOTH,  
GOLDTHWAIT, LAWRENCE, McCORMICK,  
MICHAUD, O'DEA, PARADIS,  
PINGREE, RAND

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

ABSENT: Senators: HANLEY, LONGLEY, MILLS, RUHLIN

EXCUSED: Senator: BERUBE

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

14 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators being absent and 1 Senator having been excused, the motion by Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, FAILED.

The Bill PASSED TO BE ENGROSSED, As Amended, in concurrence.

Senate As Amended

Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees"

S.P. 43 L.D. 73  
(C "A" S-100)

Bill "An Act to Fully Fund the Maine Human Rights Commission and the Civil Rights Unit in the Attorney General's Office"

S.P. 333 L.D. 914  
(C "A" S-98)

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (Emergency)

S.P. 345 L.D. 950  
(C "A" S-103)

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

Sent down for concurrence.

THE PRESIDENT: In reference to the action of the Senate on April 11, 1995, whereby it INSISTED AND ASKED FOR 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)

The Chair appointed as conferees on the part of the Senate:  
Senator HARRIMAN of Cumberland.  
Senator AMERO of Cumberland.  
Senator CIANCHETTE of Somerset.

The Secretary informed the Clerk of the House.

THE PRESIDENT: In reference to the action of the Senate on April 11, 1995, whereby it INSISTED AND ASKED FOR 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)

The Chair appointed as conferees on the part of the Senate:  
Senator **RUHLIN** of Penobscot.  
Senator **AMERO** of Cumberland.  
Senator **CARPENTER** of York.

The Secretary informed the Clerk of the House.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass**

Senator **CARPENTER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Unanimous Approval by the Hancock County Commissioners to Change the Recommendations of the Budget Committee" S.P. 422 L.D. 1145

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

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

The Bill **READ ONCE**.

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

Senate at Ease

Senate called to order by the President.

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

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

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 10:45 o'clock in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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

**HOUSE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund H.P. 630 L.D. 855

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-177)** (3 members)

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook

Pending - **ACCEPTANCE** of Either Report

(In House, May 3, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 4, 1995, Reports **READ**.)

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **LAWRENCE:** Thank you Mr. President. I hope that you will vote against the motion, and I ask for a Division.

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

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

Senator **CIANCHETTE:** Thank you Mr. President. I

will admit, right up front, I don't understand everything maybe I ought to understand about this bill, but if we are going to be establishing a reserve fund, and limiting spending, it would seem to me the most appropriate place for that money would be to go into paying back the money that we borrowed on the retirement accounts. It is costing the State a lot of money to pay the interest, and we are heading for a bust situation, especially with our teacher's retirement accounts. So, if we are going to do something like this, which may not be a bad idea, I think if we have surplus monies, or monies that we want to set aside, that they should be designated to pay off that debt that we owe and are putting on to the future generations. I'm not going to vote for this bill unless I see the money going to pay off the debt that we already owe. I would hope that somebody would give that serious consideration, perhaps table this bill and make an amendment to designate that money would go to paying off the debts of the retirement fund.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. Initially, to respond to the good Senator from Somerset, Senator Cianchette's, question, our Caucus has had an opportunity to discuss this at some length this morning, and have come to a similar conclusion, that the bill does need to be amended. Hopefully, there will be members of this Chamber who will be willing to vote for it at this point and then, at second reading, when the amendment is proposed, give it fair hearing at that time. I think we all want to get to the same end result, it is just what is the proper path to follow. Men and Women of the Senate, last night I voted to pass the supplemental budget, as did another 26 members of this Chamber. I voted with full knowledge that in doing so I would, once again, be tapping into the Rainy Day Fund. A Rainy Day Fund which had been set by a previous Legislature in statute, to provide a buffer for those times of economic downturns, when the State would not have the revenues coming in that it had had in years past, and when we would not have the growth that had been experienced in years past, and that you would then use this Rainy Day Fund to smooth out these ebbs and flows so that the people of the State of Maine would not be adversely impacted. We would not have to go to them for tax increases, nor would we have to dramatically cut back the programs which they are currently enjoying. Men and Women of the Senate, we tapped into that Rainy Day Account last night for a non-statutory purpose. We also, last night, decided not to put additional monies that had been over from the revenue reprojections of increased revenue, statutorily we are bound to put in that additional revenue as a cushion, with the language last night we did not even put that money back in. I agree with the good Senator from Somerset that we need to start taking action which will protect the people of the State of Maine, so when those debt payments need to be made, there will be money there. If there is a change in the economy, and we don't have the resources there, at that time, to make those payments, we will have a Rainy Day Fund, we will have a reserve account established, an account which will be constitutionally protected, an account that we, in

the Legislature, can't just say "notwithstanding the language established in the Rainy Day Fund, we are not going to be putting money in, and also, we are going to be taking money out." I would like to think that every member of this Chamber endorses that principle, that we should plan for the downtimes. It's just only a question of how do we do it. I would ask that this Chamber give us a day, pass this through, and then amend it on second reader. I would be happy to work with any member of this Chamber to get language which will properly address that. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. I would agree with my good colleague from Somerset, Senator Cianchette, with the exception that this is not a bill, it is a resolve to amend the Constitution. What it does, in essence, is bind the hands of future Legislatures on what they can do with surplus revenue. It says this surplus revenue is targeted to two funds, so if we reach an emergency situation where we need money to promote economic development, to address a shortfall in education, to address a shortfall in the retirement system, the only way we could change that surplus from going into these funds is propose another amendment to the Constitution to take that out of the Constitution, and that would take a two-year process. We are really tying our hands in doing this. If we, as Legislators, can't act responsibly to deal with surplus funds, to set something aside, then maybe we shouldn't be here trying to do that. I fully intend to address the unfunded pension liability, I fully intend to get the gimmicks out of the budget, but I don't want to tie the hands of future Legislatures on what they can do with surplus funds. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The only premise for protective measures, such as this, is that future Legislatures will do as bad a job as past and current Legislatures. I think it does not make sense to try to enforce fiscal responsibility by building it into the Constitution, and I do not believe that this level of fiscal policy detail belongs in the Constitution. I think that document should only be amended for matters of fundamental rights of the people of this State, and I believe that if we were truly fiscally responsible we would be taking measures, like the good Senator from York, Senator Lawrence, has just mentioned, in order to ensure fiscal responsibility through statutory or policy measures, and not by amending the State Constitution. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President. I, too, have a tendency not to vote for amendments to the Constitution. I, too, am fearful of tying hands. I do not want mine tied, I do not necessarily like the idea of tying others. I signed on to this



because it is becoming apparent to me, if only as a topic to us and the public, spending, in many areas of the State, has to be curtailed. I wish the past history of the Legislature was that we could handle it, and I still maintain that those people who tried, tried honestly. I am of the opinion, however, that the discussion has to take place and maybe, just maybe, something has to be done more positively or with more ties to it. I do agree, it is a very serious issue and it does tie hands, and that frightens me, but the other prospect frightens me even a little bit more.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. Just to respond to my good friend from York, Senator Lawrence. My reading of the proposed Constitutional amendment would, in fact, allow, we would not have a two-year waiting period if the Legislature and the Governor felt that it was necessary to draw from this. I am reading from line nineteen of page one of the proposed bill. Funds may be expended from this fund only upon recommendation of the Governor and approval by two-thirds of both houses of the Legislature. Yes, it does tie our hands. It requires the Governor to recommend it. It requires two-thirds of this body, as well as two-thirds of the other body, to approve it. I think that being the reasonable people that we are that we can make a judgement at that time, if it is a responsible fashion. I think it's time we do give it constitutional protection. Thank you.

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

Senator **CAREY:** Thank you Mr. President. I would like to pose a couple of questions, if I may, to any member of Appropriations or anyone else that wants to answer. Currently, in Title 30A, section 5683, there is a little provision that says, "This section establishes a revenue sharing program that distributes surplus funds from the General Fund during a time of prosperity, to municipalities." Am I to understand now that that 100% that might be going to municipalities under property tax relief would now be reduced to 25%, with the other 75% going to the reserve fund? How does this affect the Rainy Day Fund? You might also, if you can, tell me how many funds, and what have you, we have that really siphon off any extra monies that we have.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. To respond to the good Senator's questions. There are a number of various funds, and the good Senator has referenced two already, there are a number of others which I can provide for you which currently siphon off of the revenue rejections. What has been proposed, and what I would intend, is to amend that section of the bill dealing with the 75%, to re-work that formula as far as how monies would be set into this reserve fund. I think the most important aspect of this

bill, to me, is the protection of that reserve fund. I would be more than willing to work with the good Senator from Kennebec to get language which he would approve of as long as we can ensure the constitutional integrity of this reserve fund.

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

Senator **MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. I thought that the questions that the Senator from Kennebec, Senator Carey, posed were right on. That is exactly what I am not understanding about this, and I didn't get the answer. Maybe really what I am doing is re-posing those questions. Is this new reserve fund that we are setting up going to siphon off monies from an already established fund? How many funds do we have that siphon off monies? I guess, lastly, why are we siphoning off monies anywhere when we know exactly where our debts are? We have, by my count, \$400 million, just since I have been here, we have raided the Retirement System for \$400 million. So, that is where I would start. It doesn't take a rocket scientist to figure that out, nor a Constitutional Amendment. I guess I need to know a little bit more before I could vote for anything like this.

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

Senator **HANLEY:** Thank you Mr. President. In response to the good Senator's questions. Yes, there are currently five accounts which have money siphoned off - the State Contingency Account, the Rainy Day Fund, the General Fund operation, the reserve account for TQM, and the Loan Insurance Reserve Fund for FAME. It would be the intent of this Senator to work with those who have an interest in amending this, to work with the allotment that is currently going to the Rainy Day Fund, so that we would not be siphoning off from other accounts. But, we would be assuring some integrity, specifically to the Rainy Day Fund. Although I would be willing to enter into any discussions that other Senators may have, beyond the Rainy Day Fund, but that would be my initial reaction.

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

Senator **HARRIMAN:** Thank you Mr. President. Good morning Ladies and Gentlemen of the Senate. May I pose a question? I am wondering if one of the members of the body could answer for me, briefly, how many times, if any, the current Rainy Day Fund has been used for purposes other than what it was set up to accomplish?

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

Senator **HANLEY:** Thank you Mr. President. I think it may be easier to answer the good Senator from Cumberland's question in how many times has the

Rainy Day Fund been used for its statutory purpose, rather than how many times it has not, because it has been used for its non-statutory purpose, one would guess, probably close to a hundred. The number of times that it has been used for its statutory purpose is once. Once, since it has been created, it has been used for its statutory purpose once.

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

Senator **CAREY:** Thank you Mr. President. In reading the Statement of Fact, I would try to pose a question again, either to the good Senator from Oxford directly, or to Senator Begley, the Senator from Lincoln. As I read the Statement of Fact, and basically some of the language within the bill itself, I see this as some of Washington coming down to us, and we, apparently, are trying to establish a cap on spending. I would like to know if that is, in fact, what some of the Appropriations Committee members see this as.

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

Senator **BEGLEY:** Thank you Mr. President. It certainly would read that it appears to put a cap on it. The amendment, if this goes through and we are allowed to amend it at a time later on, hopefully will handle that cap.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Minority **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.

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-177) **READ**.

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

Senator **McCORMICK:** Thank you Mr. President. I am sitting here in shock at that last vote, I have to tell you. One, I don't think we knew enough to vote on it. I think we should know exactly, for the five funds that the good Senator from Oxford outlined to us, what the formulas are. For how much money is siphoned off and put into those funds, we didn't know that. We are creating another fund. That I found astonishing. Secondly, I wonder, for all of us that voted for that, why are you here? If you don't want

to make the tough decisions why are you here? I don't know what to say. I find this is a very embarrassing moment for us. We know what our debts are, we shouldn't be abrogating our responsibilities, and it seems like we are doing that left and right. I know that people are frustrated about the lack of decisions and lack of direction coming from government, but guess what? We are in a tough time. We are having a tough time because we are having a tough time, and we are going to continue to have a tough time for the next twenty years, and decisions are going to come hard, and consensus is going to take a long time. So, get used to it. There is no magic answer, and passing a constitutional amendment, and putting off to the future, tough decisions is not going to make the problems go away. I'm telling you they are going to be with us for another ten or twenty years. I ask for a Division on this amendment.

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

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-177).

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, Committee Amendment "A" (H-177) was **ADOPTED**.

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

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Off Record Remarks

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Senator **MILLS** of Somerset was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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On motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Tuesday, May 9, 1995, at 9:30 o'clock in the morning, pursuant to the **ADJOURNMENT ORDER**.