

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

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

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

In Senate Chamber
Thursday
May 11, 1995

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

Prayer by Rabbi Emeritus Harry Z. Sky of Temple Beth El in Portland.

RABBI EMERITUS HARRY Z. SKY: When I arrived this morning, I was told, by my greeter, that I can say anything I want in this Chamber. I just wanted to remind him the first time I offered prayer in this Chamber was in 1961, he said "I wasn't born yet." So, the prayer that I am about to deliver is to the one who existed before all of us came to this earth.

Mighty Father of us all, in this Chamber the future of your children in Maine is being considered. We have been taught your concern for us, your children, never ends. We ask, therefore, your awareness be ever present. We pray that we will concern ourselves with the needs of the citizens of this State, indulging the principles that belief in you calls for, justice, compassion, concern for the least among us. May we find the very essence of you, the Almighty, in ourselves. May we, in our deliberations, be the builders of a society based on the principles taught by your believers and followers. Amen.

Reading of the Journal of Yesterday.

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

S.P. 560

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 16, 1995, at 9:30 o'clock in the morning.

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

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

H.P. 284 L.D. 388

(In House, May 4, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71).**)

(In Senate, May 9, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

Comes from the House that body having **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE**.

Senator **CAREY** of Kennebec moved that the Senate **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

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

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

SENATE PAPERS

Bill "An Act to Create the Sunshine in Litigation Act"

S.P. 558 L.D. 1517

Presented by Senator **MILLS** of Somerset
Cosponsored by Representative: **RICHARDSON** of Portland

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

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

Sent down for concurrence.

Bill "An Act to Amend the Maine State Retirement System with Respect to the Consolidated Plan for Participating Local Districts" (Emergency)
S.P. 559 L.D. 1518

Presented by Senator **BEGLEY** of Lincoln

Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

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

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds"
H.P. 262 L.D. 364

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

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset

Representatives:

JOY of Crystal
JOYCE of Biddeford
PENDLETON, JR. of Scarborough
STEDMAN of Hartland
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-112).

Signed:

Senator:

RAND of Cumberland

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

Which Reports were **READ**.

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Senate

Change of Reference

Senator **KIEFFER** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Regulate Hybrid Wolves"
S.P. 360 L.D. 986

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

The Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

Ought to Pass

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend Laws Regarding False Claims for Payment or Approval by the Department of Human Services"
S.P. 462 L.D. 1258

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator CASSIDY for the Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund" (Emergency)
S.P. 468 L.D. 1264

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-132).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-132) READ and ADOPTED.

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

Senator BENOIT for the Committee on CRIMINAL JUSTICE on Bill "An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force"
S.P. 454 L.D. 1250

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-133).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-133) READ and ADOPTED.

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

SECOND READERS

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

House

Bill "An Act to Protect Maine's Maritime Heritage"
H.P. 708 L.D. 965

Resolve, to Name a Mountain in the Town of Oxford
H.P. 848 L.D. 1179

Bill "An Act Concerning the Office of Geographic Information Systems"
H.P. 861 L.D. 1192

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

House As Amended

Bill "An Act to Enable Sworn Law Enforcement Employees of the Immigration and Naturalization Service of the Department of Justice and Officers of the United States Custom Service of the Department of the Treasury to Enforce Maine Law"
H.P. 67 L.D. 103
(C "A" H-205)

Bill "An Act to Allow the Issuance of Life Sentences for Violent Crimes"
H.P. 152 L.D. 200
(C "A" H-184)

Bill "An Act to Amend the Laws Regarding Consent Agreements of the Department of Environmental Protection"
H.P. 167 L.D. 215
(C "A" H-220)

Bill "An Act to Revise the Security Deposit and Reinsurance Requirements for Individual Self-insurers"
H.P. 207 L.D. 266
(C "A" H-193)

Bill "An Act to Amend the Sales Tax Exemption for Emergency Shelter and Feeding Organizations"
H.P. 390 L.D. 525
(C "A" H-199)

Bill "An Act to Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas"
H.P. 409 L.D. 566
(C "A" H-180)

Resolve, to Encourage the Harvest of Coyotes
H.P. 583 L.D. 793
(C "A" H-194)

Bill "An Act to Enhance Criminal Penalties for Hate Crimes"
H.P. 592 L.D. 802
(C "A" H-204)

Bill "An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital" (Emergency)
H.P. 611 L.D. 821
(C "A" H-191)

Bill "An Act to Improve the Well-being of Communities by Providing Adequate Services for Victims of Sexual Assault, Incest, Rape and Child Sexual Abuse and Enhance Community Education and Prevention Programs Statewide"

H.P. 640 L.D. 863
(C "A" H-190)

Bill "An Act to Preserve the Confidentiality of Witnesses Providing Information on the Forest Fire Arson Phone Line"

H.P. 724 L.D. 998
(C "A" H-219)

Bill "An Act to Provide a 3-day Nonresident Small Game Hunting License"

H.P. 734 L.D. 1008
(C "A" H-217)

Bill "An Act to Appropriate Funds to the Baxter State Park Authority for Road Maintenance"

H.P. 783 L.D. 1100
(C "A" H-207)

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

Bill "An Act to Modify the Presidential Primary Laws"

H.P. 442 L.D. 608
(C "A" H-164)

Which was **READ A SECOND TIME**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act to Include the Emergency Medical Services' Board in the List of Boards Reviewing Criminal Convictions Before Licensing"

S.P. 346 L.D. 951

Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982"

S.P. 421 L.D. 1144

Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995" (Emergency)

S.P. 504 L.D. 1363

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 245 L.D. 642
(C "A" S-112)

Bill "An Act to Coordinate Low-income Energy Assistance Programs"

S.P. 270 L.D. 721
(C "A" S-126)

Bill "An Act Authorizing the Director of the Maine Forest Service to Dispose of Facilities and Properties of the Bureau of Forestry in Order to Streamline Operations"

S.P. 325 L.D. 906
(C "A" S-124)

Bill "An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology"

S.P. 394 L.D. 1082
(C "A" S-127)

Bill "An Act to Combine the Sabattus Water District and the Sabattus Sanitary District"

S.P. 411 L.D. 1099
(C "A" S-131)

Bill "An Act to Clarify the Definition of Escape"

S.P. 430 L.D. 1198
(C "A" S-125)

Bill "An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court"

S.P. 460 L.D. 1256
(C "A" S-130)

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

Sent down for concurrence.

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

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

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

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

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 11 o'clock in the morning.

Bill "An Act to Make the Maine Income Tax a Percentage of the Federal Income Tax"
H.P. 1079 L.D. 1521

After Recess

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

Senate called to order by the President.

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

Off Record Remarks

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

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

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

PAPERS FROM THE HOUSE

COMMITTEE REPORTS

House Papers

House

Bill "An Act to Amend the Earnings Limitations under the Disability Plan" (Emergency)
H.P. 1078 L.D. 1520

Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for Certain Amendments to Laws Affecting the Finance Authority of Maine" (Emergency)

H.P. 835 L.D. 1166

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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-235).

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

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

Comes from the House under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-235).

Resolve, to Allow Jose Gonzales to Bring an Action Against the State

H.P. 1077 L.D. 1519

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

The Bill **READ ONCE**.

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

Committee Amendment "A" (H-235) **READ** and **ADOPTED**, in concurrence.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Expand the Membership of the Loring Development Authority of Maine"

H.P. 162 L.D. 210

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allocate the State Ceiling Governing the Issue of Private Activity Bonds" (Emergency)

H.P. 856 L.D. 1187

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Supervision of Juveniles Under Observation"

H.P. 924 L.D. 1305

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Income Eligibility Criteria of the Small Community Wastewater Program"

H.P. 915 L.D. 1291

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Require the Department of Agriculture, Food and Rural Resources to Establish a Revolving Loan Fund to Increase Agricultural Growth in the State

H.P. 653 L.D. 876

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

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

The Committee on CRIMINAL JUSTICE on Bill "An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims" H.P. 732 L.D. 1006

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-222).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-222) 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 Regarding School Employees Serving on School Boards" H.P. 14 L.D. 8

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-218)

Signed:

Senators:

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

Representatives:

- MARTIN of Eagle Lake
- AULT of Wayne
- BARTH, JR. of Bethel
- DESMOND of Mapleton
- 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:

Representative:

STEVENS of Orono

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218).

Which Reports were READ.

THE PRESIDENT moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator McCORMICK: Thank you Mr. President. I was just called on this bill by one of my constituents who is a teacher, and also on the school board, in his same district. I promised him that I would, at least, raise his concerns to the Senate. He did not understand why he did all this to get elected, and to have an effect on his town and on his school board, and now, by legislation, we are going to basically kick him off, or say he can no longer be a member of the school board. I understand there are arguments on both sides of this, but I did want to give voice to my constituent's concerns. Thank you.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-218) READ and ADOPTED, in concurrence.

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

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

ENACTORS

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

An Act to Correct and Clarify Certain Provisions of the Liquor Laws

S.P. 281 L.D. 753
C "A" (S-101)

An Act to Clarify Detention Responsibilities

S.P. 388 L.D. 1065

An Act to Amend the Maine Criminal Code by Correcting References to Committee Structure

S.P. 431 L.D. 1199

An Act to Rename the Crime of Endangering the Welfare of an Incompetent Person
S.P. 435 L.D. 1203

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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); S "A" (S-96)

On motion by Senator HANLEY of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Resolve

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 was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Create the Franklin Utility District
S.P. 256 L.D. 694
C "A" (S-58);
H "A" (H-192)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 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.

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

PAPER FROM THE HOUSE

Non-concurrent Matter

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

In Senate, May 9, 1995, **PASSED TO BE ENGROSSED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-206)**, in **NON-CONCURRENCE**.

Senator **GOLDTHWAIT** of Hancock moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, Men and Women of the Senate. The purpose of this bill was to require that any recommendation of the Hancock County Budget Advisory Committee may only be overturned by a unanimous vote of the Hancock County Commissioners. The amendment provides that those recommendations from the Budget Advisory Committee must be made with a two-thirds vote of the Budget Advisory Committee, and then can only be overturned by a unanimous vote of the Commissioners. I think that is a reasonable amendment and I urge you to support the Recede and Concur motion. Thank you.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds"
H.P. 262 L.D. 364

Majority - **Ought Not to Pass**. (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-112)**. (6 members)

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

Pending - the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, May 10, 1995, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112).**)

(In Senate, May 11, 1995, Reports **READ.**)

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

Senator **RAND:** Thank you Mr. President, Men and Women of the Senate. I would move to reject the Ought Not to Pass report so that we can pass the Ought to Pass as Amended Report of the Committee. What this bill does is to ensure that State monies that are given to non-profit agencies are used for the purpose they are given for. It came to the attention of one of our elected Representatives, who at one time worked as a State Auditor, when she was auditing a particular non-profit, she came across a \$10,000 expenditure, which she could not immediately account for. After investigating, it was found that \$10,000 was used to attempt to prevent the organization of a union in that particular facility. What this bill, as amended, does is to prevent the use of funds for any reason, other than the monies that were actually given by the State to the agencies for. So, I would hope that you would reject the Ought Not to Pass, so that we can go on and pass this bill. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President. The incident mentioned, according to the situation as presented, is but one. The bill, if it were passed, would create all kinds of bookkeeping horror stories. It doesn't appear to me, or the majority of the Committee, that it is necessary in that fashion at all. Most of the business people would almost definitely find that it would be almost impossible to handle the situation in any fashion.

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

Senator **MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. I rise, briefly, on this bill because I am the director of a non-profit, and it would never even occur to me; the rules that we have to abide by, the Maine Accounting Practices Act, et cetera, are so strict that, clearly, this should never have been done. This, to me, is a good government bill. It cleans up a loophole. The funds are given for very specific purposes and it should be made clear that public monies, that taxpayers give, shouldn't be used against lawful activity by those same taxpayers. Especially when the money was given for either job training, as it is in my case, or serving the homeless or funding a food bank. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles"

S.P. 77 L.D. 165
(C "A" S-91)

In Senate, May 2, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91).**

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **PENDEXTER** of Cumberland, the Senate **RECEDED**.

Senator **KIEFFER** of Aroostook moved that the Senate **CONCUR**.

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

Senator **PENDEXTER:** Thank you Mr. President. I would urge members of this body to vote against the pending motion to Concur so that we may position this bill in a way with an amendment that I feel will pass muster in both bodies. So, I would ask you to please vote against the pending motion, and 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. I would urge you to support the motion on the floor. If this body wanted to move this bill into a posture where it could be amended, and I think, having looked at the amendment I know what it is, then what we would be doing is moving the bill to a point where it would no longer be a bill that provides for primary enforcement of the seat belt law. I guess, if you are one of those people who found the arguments of the proponents of the bill compelling, and who thought that the cost savings that would result from passing the bill, outweighed the concerns that were raised about the level of intrusion in people's lives by their government, than I would think that the amendment that will be up will substantially alter that balance. Because, as we heard in testimony during the last discussion on this bill in this chamber, it's the primary enforcement that really reaps the savings. If you are to believe in the premise at all, that seat belt laws are a good thing. I would suggest that if we really find that argument to be so attractive, that we really must have these cost savings, then what we should probably do is keep the bill in its present form, to allow for the most effective level of enactment. I don't think that there is anyone here who would really want to pass this bill, and have all of the negative ramifications of it, and not have any of the positive benefits. I still, in thinking back over the long campaign season that I endured last year, and the campaign season that many of us endured, I can't remember one constituent who came up to me and said, "Please pass another law that will result in me getting a summons to go to District Court." I just can't think of one constituent. I'm sure some people had them, but I don't have many in my district. I find this move to unweight this bill to be a little questionable at this time and I would urge you to support the main motion.

THE PRESIDENT: The Chair would remind members of the body that the motion before the body is Concurrence. The amendment is not before the body. If we could focus our comments on the motion to concur. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator CAREY: Thank you Mr. President. I would, if I could, direct a question through the Chair, after a remark that I might want to make. I would ask, if I may, a question of the Senator from Penobscot, Senator O'Dea. How many states have a primary law, and how many states have a secondary law? When he spoke about us being intrusive into people's lives, apparently we can only be intrusive into people's lives as long as they are nineteen years old or younger.

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 Penobscot, Senator O'Dea.

Senator O'DEA: Thank you Mr. President, Men and Women of the Senate. I was sitting here looking for that information just a few minutes ago. I do not have it here, but there is a good mix of states that have primary and secondary enforcement laws. As was brought up the other day, in the discussion on this

bill, there are a substantial number of states that have seat belt laws, 48 or 49. I think it is important to also consider that right now, in the United States Senate, a subcommittee of the Transportation Committee, is working on ways to get the federal government out of the business of mandating seat belt laws, and a number of other onerous provisions that affect several states also. I don't think that there is a whole lot to be gained by picking this up right now, on the tail end of what, hopefully, will be the end of federal involvement of things that are fairly state issues.

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

Senator PENDEXTER: Thank you Mr. President, Men and Women of the Senate. I will try to adhere to the rules to discuss the Concur motion. We tried to pass the best law that we could, and I think it is becoming obvious that we will have to pass a law that is acceptable. There is nothing wrong in doing that, a majority of states have the type of law which we hope to get this bill into position to look like. Most states have passed those types of laws. There is movement, however, amongst the states to change their laws to be primary enforcement. I still say, no matter what type of legislation we pass, you automatically get a 20% usage rate out there, because there is 20% of the population out there just waiting to be told to wear their seat belts. It doesn't matter what type of enforcement we have on our laws. So, even though this is not the best we could do, it is certainly very acceptable. I just remind people in this Senate that this is a safety issue. This is a highway safety issue. Thank you.

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 rise, in hopes that you will join me and my good colleague from Cumberland, Senator Pendexter. To me it is very difficult to understand why this bill would not receive your support. This is a life saving measure. The action we may take today will, indeed, save lives. If you will join me in supporting the good Senator from Cumberland, we will also be sending a message to those people who respond to 1055's and 1099's. For those of you who aren't familiar with these codes, they are the codes used by rescue personnel, firemen, police, and emergency room people. In my own personal experience, before having the honor of serving here in the Senate, I was a lieutenant in a volunteer fire department for eight years, and responded to more 1055's, car accidents, than I care to remember. Unfortunately, many of them also came with a request to respond to a 1055, possible code 99, which means potential fatality. After spending many long nights and weekends helping extricate people from vehicles involved in car accidents, I can assure you that the people who were not wearing their seat belts were the ones who were hurt more severely than others. This is a life saving device for our citizens, for their families, and for our emergency personnel. I hope you will join me in supporting the good Senator from Cumberland, Senator Pendexter. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. I think we have heard this same bill for some time now, and I have no intention of getting into debating the merits of the bill as to whether it saves lives or not. I have been in the insurance business all of my life, and I have seen people killed wearing seat belts, and I have seen them killed when they were not wearing seat belts. It seems to me they were equally as dead. I did hear the people tell me to stop passing regulations, first of all, that are totally unenforceable. They say no more government regulations, and that is exactly what this is, again. How many times do we have to be told this by the public that sends us down here, to stop overburdening them with government regulations? I just can't support this and I won't be supporting any other regulations that are burdening the public and are basically unenforceable. Thank you Mr. President.

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 **KIEFFER** of Aroostook to **CONCUR**.

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

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

NAYS: Senators: **ABROMSON, AMERO, BUSTIN, CAREY, CIANCHETTE, ESTY, FAIRCLOTH, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, STEVENS**

ABSENT: Senators: **CLEVELAND, RUHLIN**

EXCUSED: Senator: **BERUBE**

Senator **ABROMSON** of Cumberland requested and received Leave of the Senate to change his vote from **YEA** to **NAY**.

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent and 1 Senator having been excused, the motion of Senator **KIEFFER** of Aroostook to **CONCUR, FAILED**.

On motion by Senator **PENDEXTER** of Cumberland, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-91).

On further motion by the same Senator, Senate Amendment "A" (S-135) to Committee Amendment "A" (S-91) **READ**.

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

Senator **PENDEXTER:** Thank you Mr. President, Men and Women of the Senate. This is the amendment that reduces the enforcement to secondary enforcement, instead of primary. I had a chance to look through my notes. The question asked earlier was how many states had primary and how many had secondary enforcement. There are 14 states that have primary enforcement. The rest of the states tend to pass secondary enforcement laws. As I mentioned before, the best law that we could pass definitely would have primary enforcement, there is no question that that sends out a more positive message. It says that we are serious about people developing the habit of buckling up, however, a secondary enforcement bill is certainly very acceptable. As I had mentioned, it certainly gets to the root of getting people to develop the habit of wearing their seat belts. I hope you will look favorably upon this amendment. I feel that it positions the bill in a way that it will be acceptable and hopefully, we will be able to enact it. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President. Very briefly, my point to all of you, once again, is please give me a choice. You are talking about accidents, the law, the point of my choice, as an adult, in leading my life. You are letting the insurance companies off the hook, and that is where it belongs.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PENDEXTER** of Cumberland to **ADOPT** Senate Amendment "A" (S-135) to Committee Amendment "A" (S-91).

The Chair ordered a Division.

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

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PENDEXTER** of Cumberland to **ADOPT** Senate Amendment "A" (S-135) to Committee Amendment "A" (S-91), **PREVAILED**.

Committee Amendment "A" (S-91) as Amended by Senate Amendment "A" (S-135), thereto, **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE**.

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

COMMITTEE REPORT

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners"

H.P. 206 L.D. 265

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

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset

Representatives:

JOY of Crystal
JOYCE of Biddeford
LEMAIRE of Lewiston
PENDLETON, JR. of Scarborough
STEDMAN of Hartland
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Signed:

Senator:

RAND of Cumberland

Representatives:

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

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Reports were **READ**.

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 11 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Senate at Ease

Senate called to order by the President.

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

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 4:30 o'clock in the afternoon.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORT

House

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Further Encourage Electric Rate Stabilization" (Emergency)

H.P. 1037 L.D. 1456

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-229)**.

Signed:

Senators:

CARPENTER of York
HARRIMAN of Cumberland
CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham
TAYLOR of Cumberland
GIERINGER, JR. of Portland
O'NEAL of Limestone
POULIN of Oakland
STONE of Bangor
HEESCHEN of Wilton
POIRIER of Saco

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

Signed:

Representatives:

ADAMS of Portland
LUTHER of Mexico

Comes from the House under suspension of the Rules, **READ TWICE AND PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Establish a Paper Industry Council

S.P. 382 L.D. 1059

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-136)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-136) **READ** and **ADOPTED**.

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

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Change the Restricted Area around Aquaculture Pens from 500 to 300 Feet"

S.P. 268 L.D. 719

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-139)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-139) **READ** and **ADOPTED**.

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

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Further Restrict the Illegal Harvest of Cultivated Oysters" (Emergency)

S.P. 363 L.D. 989

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-138)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-138) **READ** and **ADOPTED**.

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

Senator **BUTLAND** for the Committee on **MARINE RESOURCES** on Bill "An Act to Repeal the Salmon Aquaculture Monitoring and Research Fund" (Emergency) S.P. 366 L.D. 992

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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-140)**.

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

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

Signed:

The Bill **READ ONCE**.

Representative:
RICHARDSON of Portland

Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Senator **LORD** for the Committee on **NATURAL RESOURCES** on Bill "An Act Preventing the Increase of Any Processing or Permitting Fees in the Department of Environmental Protection" (Emergency) S.P. 113 L.D. 288

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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-134)**.

COMMITTEE REPORTS

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

Senate

The Bill **READ ONCE**.

Ought to Pass

Committee Amendment "A" (S-134) **READ** and **ADOPTED**.

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

Senator **FERGUSON, JR.** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Charter of the Somerset Woods Trustees to Eliminate the Cap on the Value of Holdings" S.P. 352 L.D. 980

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Clarify the Property Tax Laws Related to Property Tax Exemptions Benefitting Nonresidents" S.P. 54 L.D. 83

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

The Bill **READ ONCE**.

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

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

Signed:

Ought to Pass As Amended

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford
CAREY of Kennebec

Senator **FERGUSON, JR.** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Law Concerning the Pricing of Discontinued and Test-market Liquor Items" S.P. 372 L.D. 1049

Representatives:

DORE of Auburn
TRIPP of Topsham
TUTTLE, JR. of Sanford

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-141) **READ** and **ADOPTED**.

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

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

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

H.P. 284 L.D. 388

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

Pending - the motion by Senator **CAREY** of Kennebec to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

(Roll Call ordered)

(In House, May 4, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.)

(In Senate, May 9, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 10, 1995, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

Senator **CAREY** of Kennebec requested and received Leave of the Senate to withdraw his motion for a Roll Call.

On motion by Senator **CAREY** of Kennebec, the Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE**.

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

Bill "An Act to Modify the Presidential Primary Laws"

H.P. 442 L.D. 608

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

(In House, May 9, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-164)**.)

On motion by Senator **KIEFFER** of Aroostook, Senate Amendment "A" (S-137) **READ**.

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

Senator **KIEFFER:** Thank you Mr. President. This is just a technical amendment to this bill which will give the various parties the choice as to whether or not they do hold a Presidential Primary.

On further motion by the same Senator, Senate Amendment "A" (S-137) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, As **Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

SENATE REPORTS from the Committee on **TAXATION** on Bill "An Act to Create an Income Tax Stabilization Program" (Emergency)

S.P. 98 L.D. 238

Majority - **Ought to Pass As Amended by Committee Amendment "A" (S-115)**. (10 members)

Minority - **Ought Not to Pass**. (3 members)

Tabled - May 10, 1995 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, May 9, 1995, the Reports **READ**.)

Senator **HATHAWAY** of York moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Our Committee has sent, I think, a strong message in bringing this bill forth to you. We had a ten to three vote on the

Ought to Pass as Amended Report. I hope that this body will continue to send that strong message to the people of the State of Maine that work so hard to earn their money. I think our message was that we are committed to widening the tax burden of the hard-working people of the State of Maine. I think our message is very simple, our taxes in this State are too high, and our job creation is too low. I think the two are directly related. We have one of the highest tax burdens in the country and one of the worst economies. Many of our best and our brightest are moving out of state to find work, and, in fact, many of our children will not be able to raise their families in our State. I think that, starting today, I hope that we will send a message, and continue that message, and I hope that that message is clear, and I hope that our policy is straightforward, and I hope that our actions are direct and firm. The message, I think, that must be clear, is the fact that people in this State who do work hard, must be able to keep the money that they earn. We must also send the message that our government has enough money to spend, without taxing any further, and that we must stop raising taxes. Already we have raised the price of gasoline fifteen cents a gallon, we have raised the price of a gallon of milk fifteen cents, and there is talk now, of all things, perhaps taxing sick people. I think our policy must be straightforward. Our tax policy in this State must be simple, it must be honest, and it must help restore the trust between the people and their government. To keep it simple we must know that people who work hard will be rewarded for their work. To keep it honest we must be sure that there are no more gimmicks. We have to repeal the snack tax. We have to realize that our temporary sales tax has been made permanent and we have to restore it back to 5%. We have to make sure that we don't pass any new taxes, particularly a tax on sick people. Doing this will help us restore that trust between the people and their government. I think that's the message that was sent to us. Our actions must be firm, and the first action that we must take is today with this bill. I urge you to pass this bill, knowing that it does help lift that tax burden from the hard working people of the State of Maine, at the same time it helps to create jobs. I hope that we will do one thing, finally do one thing, for the people that so often have been forgotten in this State, our hard-working taxpayers. We can take the first step right now. So, I urge you to support this Ought to Pass as Amended Report. Mr. President, I ask for a Roll Call.

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.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator HATHAWAY of York to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BEGLEY of Lincoln, ADJOURNED until Tuesday, May 16, 1995, at 9:30 o'clock in the morning.

Senate at Ease

Senate called to order by the President.
