

# 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

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

In Senate Chamber  
Tuesday  
May 23, 1995

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

Prayer by George Cyr, Former Vice Supreme Master of the Knights of Columbus, Hermon.

**GEORGE CYR:** Good morning. Let us pray. All Loving and Gracious God, we give you thanks and glory for the gift of this day and the opportunity to gather here this morning. Your care for us is constant, and also our response to your care is, itself, a gift from you. Help us appreciate all the many, many gifts that are part of this day; the tradition of freedom, the process of self-determination, the particular challenges of this year and this legislative session, and the dreams and visions for a better tomorrow; to name but a few. Help us accept those great gifts by blessing us with more wisdom and reverence, so that we might properly care for the nurture of all you have given us. Help us to bring to fulfillment all of creation you have entrusted to us. Loving God, we praise you, we thank you for this day, and we make this prayer in your name. Amen.

Pledge of Allegiance led by **SENATOR BEGLEY** of Lincoln.

Reading of the Journal of Thursday, May 18, 1995.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund" (Emergency)

S.P. 468 L.D. 1264  
(C "A" S-132)

In Senate, May 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) AND HOUSE AMENDMENT "A" (H-271), in NON-CONCURRENCE.**

On motion by Senator **AMERO** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

**Non-concurrent Matter**

**SENATE REPORTS**—from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Coordinate Low-income Energy Assistance Programs"  
S.P. 270 L.D. 721  
(C "A" S-126)

In Senate, May 11, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-126).**

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

On motion by Senator **HARRIMAN** of Cumberland, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE.**

**Non-concurrent Matter**

Bill "An Act to Limit Copayments for Participants in Medicaid Managed Care Demonstration Projects"  
H.P. 233 L.D. 313

In House, May 11, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198).**

In Senate, May, 16, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

Comes from the House that Body having **ADHERED.**

On motion by Senator **AMERO** of Cumberland, the Senate **INSISTED.**

Sent down for concurrence.

**Non-concurrent Matter**

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months"  
H.P. 263 L.D. 365

In House, May 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189).**

In Senate, May 17, 1995, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House that Body having **ADHERED**.

Senator **AMERO** of Cumberland moved that the Senate **INSIST**.

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

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland that the Senate **INSIST**.

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**Non-concurrent Matter**

Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"  
H.P. 251 L.D. 353

In House, May 11, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43).**

In Senate, May 16, 1995, the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House that Body having **ADHERED**.

Senator **FERGUSON** of Oxford moved that the Senate **RECEDE** and **CONCUR**.

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

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **FERGUSON** of Oxford to **RECEDE** and **CONCUR**.

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**Non-concurrent Matter**

Bill "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties" (Emergency)  
S.P. 72 L.D. 160  
(C "A" S-36)

In Senate, April 4, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-36).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-36) AS AMENDED BY HOUSE AMENDMENT "A" (H-97)**, thereto, in **NON-CONCURRENCE**.

On motion by Senator **AMERO** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

Bill "An Act to Permit Greenhouses To Have Temporary Road Signs"  
H.P. 193 L.D. 252  
(C "A" H-153)

In Senate, May 2, 1995, **PASSED TO BE ENACTED**, in concurrence.

**(Recalled from the Governor's Desk to the House pursuant to Joint Order H.P. 1094.)**

Comes from the House **RECOMMITTED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

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

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**House Papers**

Bill "An Act Regarding School Construction in School Administrative District No. 49" (Emergency)  
H.P. 1092 L.D. 1535

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

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

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

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**COMMUNICATIONS**

The Following Communication:

**THE MAINE SENATE  
OFFICE OF THE PRESIDENT**

May 19, 1995

The Honorable May M. Ross  
Secretary of the Senate  
State House Station #3  
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to my authority under Title 38 MRSA, Section 343-D, I have reappointed Richard D. Aronson of Falmouth to the Pollution Prevention Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S.C. 191

Which was **READ** and **ORDERED PLACED ON FILE**.

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**SENATE PAPERS**

Bill "An Act to Update and Clarify the Corporate Laws"

S.P. 571 L.D. 1545

Presented by Senator **MILLS** of Somerset

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.

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

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

Bill "An Act to Provide Funds for the Bigelow Laboratory for Ocean Sciences in Boothbay Harbor"  
S.P. 568 L.D. 1537

Presented by Senator **LAWRENCE** of York

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

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

Sent down for concurrence.

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Bill "An Act to Avoid a Shortfall in the Maine Ground Water Oil Clean-up Fund and Amend the Financial Assistance Program for Owners of Underground Oil Storage Facilities" (Emergency)  
S.P. 569 L.D. 1543

Presented by Senator **RUHLIN** of Penobscot (GOVERNOR'S BILL)  
Cosponsored by Representative **GOULD** of Greenville and, Representatives: **MERES** of Norridgewock, **NICKERSON** of Turner, **POULIN** of Oakland, **SHIAH** of Bowdoinham

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

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

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Bill "An Act to Streamline Permit Procedures for Freshwater Wetlands in the State"  
S.P. 570 L.D. 1544

Presented by Senator **LORD** of York (GOVERNOR'S BILL)  
Cosponsored by Representative **GOULD** of Greenville and Senator: **RUHLIN** of Penobscot, Representatives: **BERRY** of Livermore, **DAMREN** of Belgrade, **GREENLAW** of Standish, **MARSHALL** of Eliot, **NICKERSON** of Turner

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

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Change of Reference**

The Committee on **TAXATION** on Bill "An Act to Establish a Lead Poisoning Fund"  
H.P. 560 L.D. 761

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

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

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

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act to Fund Drug Abuse Resistance Education (DARE) by Increasing the Tobacco Tax by 1.5 Mills"  
H.P. 1007 L.D. 1418

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Which Report was **READ**.

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

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**Ought to Pass**

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Remove Outdated Provisions from the Public Utilities Law"  
H.P. 908 L.D. 1284

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**.

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Maine Criminal Code to Ensure Fairness in Classifying a Crime Based on the Value of Loss or Damage"  
H.P. 879 L.D. 1234

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-260)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260)**.

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

The Bill **READ ONCE**.

**Committee Amendment "A" (H-260)** **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HUMAN RESOURCES** on Bill "An Act to Require Special Care Program Disclosure by Entities Providing Alzheimer Care"  
H.P. 714 L.D. 971

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-255) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Modify and Update Certain Laws Pertaining to the Importation and Possession of Wild Turkeys"

H.P. 855 L.D. 1186

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-257)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-257) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Authorize the Use of Loon Plates on Baxter State Park Authority Vehicles" (Emergency)

H.P. 819 L.D. 1150

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-259)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-259) **READ** and **ADOPTED**, in concurrence.

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

### Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination"

H.P. 690 L.D. 941

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

Signed:

Senators:

CASSIDY of Washington  
LORD of York  
PARADIS of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-247)**.

Signed:

Representative:

HEESCHEN of Wilton

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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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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

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

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

Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles" H.P. 1093 L.D. 1538

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

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

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

After Recess

Senate called to order by the President.

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

**THE PRESIDENT:** In reference to the action of the Senate on May 11, 1995, whereby it **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE** on Bill, "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284 L.D. 388)

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

**COMMITTEE REPORTS**

The Chair appointed as conferees on the part of the Senate:

**House**

**Ought to Pass**

Senator **HALL** of Piscataquis.  
Senator **BEGLEY** of Lincoln.  
Senator **RAND** of Cumberland.

The Committee on **LABOR** on Bill "An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation"

H.P. 688 L.D. 939

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

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

Bill "An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes" (Emergency) H.P. 1096 L.D. 1540

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

The Bill **READ ONCE**.

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

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

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Searsport Water District" (Emergency)

H.P. 629 L.D. 854



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**.

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require County and State Inmates to Pay a Health Care Fee"

H.P. 891 L.D. 1244

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-270)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-270) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HUMAN RESOURCES** on Bill "An Act to Apply the Hospital Cooperation Act of 1992 to a Broader Range of Health Care and Social Service Agencies"

H.P. 548 L.D. 744

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-266)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-266) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Limiting the Types of Municipal Investments"

H.P. 892 L.D. 1245

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-262)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-262) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District" (Emergency)

H.P. 943 L.D. 1332

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269) AS AMENDED BY HOUSE AMENDMENT "A" (H-290)**, thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-269) **READ**.

House Amendment "A" (H-290) to Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-269) as Amended by House Amendment "A" (H-290), thereto **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution"

H.P. 60 L.D. 96

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-251).

Signed:

Senators:

LORD of York  
RUHLIN of Penobscot  
HATHAWAY of York

Representatives:

GOULD of Greenville  
POULIN of Oakland  
BERRY of Livermore  
MERES of Norridgewock  
GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

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

Signed:

Representatives:

SAXL of Bangor  
SHIAH of Bowdoinham

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-251).**

Which Reports were **READ.**

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

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

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

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, FAIRCLOTH, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MICHAUD, MILLS, O'DEA, PARADIS, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

**NAYS:** Senators: **BUSTIN, CLEVELAND, ESTY, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, RAND**

**ABSENT:** Senators: **PENDEXTER, PINGREE**

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

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

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

**Senate**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Broaden the Scope of the Farm Registration Laws to Include Farm Woodland Trucks" S.P. 243 L.D. 640

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

Signed:

Senators:

STEVENS, JR. of Androscoggin  
PARADIS of Aroostook  
CASSIDY of Washington

Representatives:

O'GARA of Westbrook  
RICKER of Lewiston  
DRISCOLL of Calais  
BOUFFARD of Lewiston  
STROUT of Corinth  
BAILEY of Township 27  
HEINO of Boothbay  
LINDAHL of Northport

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-170).**

Signed:

Representatives:

FARNUM of South Berwick  
CHARTRAND of Rockland

Which Reports were **READ**.

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

Sent down for concurrence.

(See Action Later Today)

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1995 (Emergency)

H.P. 1097 L.D. 1541

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 582.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve, under suspension of the Rules, was **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, the Resolve was **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (Emergency)

H.P. 1098 L.D. 1542

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 582.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve, under suspension of the Rules, was **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

Senator **AMERO** of Cumberland moved to Table 1 Legislative Day, pending **SECOND READING**.

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

At Ease

Senate called to order by the President.

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 Regarding School Employees Serving on School Boards

H.P. 14 L.D. 8  
(C "A" H-218)

An Act to Expand the Membership of the Loring Development Authority of Maine

H.P. 162 L.D. 210

An Act to Change Certain Provisions of the Saco River Corridor Law

H.P. 324 L.D. 445  
(C "B" H-152)

- An Act to Modify the Presidential Primary Laws  
H.P. 442 L.D. 608  
(C "A" H-164; S "A"  
S-137)
- An Act Concerning Municipal Rent Control  
H.P. 474 L.D. 655  
(C "A" H-200)
- An Act to Change the Restricted Area around  
Aquaculture Pens from 500 to 300 Feet  
S.P. 268 L.D. 719  
(C "A" S-139)
- An Act to Expand Access to Financing for Health  
and Social Service Agencies  
S.P. 283 L.D. 771  
(C "A" S-122)
- 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
- An Act to Amend the Adult Protective Services Act  
to Allow Referrals of Cases of Abuse, Neglect and  
Exploitation to Law Enforcement Agencies  
H.P. 710 L.D. 967
- 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
- An Act to Repeal the Salmon Aquaculture  
Monitoring and Research Fund  
S.P. 366 L.D. 992  
(C "A" S-140)
- An Act to Amend the Law to Provide for the  
Notification of Immediate Family Members of Homicide  
Victims  
H.P. 732 L.D. 1006  
(C "A" H-222)
- An Act to Require Prior Notice of Cancellation of  
Group Health Insurance Policies  
H.P. 765 L.D. 1039  
(C "A" H-231)
- An Act to Amend the Law Concerning the Pricing of  
Discontinued and Test-market Liquor Items  
S.P. 372 L.D. 1049  
(C "A" S-141)
- 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)
- An Act to Establish Minimum Qualifications for  
the Office of Sheriff  
H.P. 790 L.D. 1107
- An Act to Amend Certain Provisions of the Maine  
Emergency Medical Services Act of 1982  
S.P. 421 L.D. 1144
- 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)
- An Act to Amend Laws Regarding False Claims for  
Payment or Approval by the Department of Human  
Services  
S.P. 462 L.D. 1258  
(S "A" S-147)
- An Act to Amend the Income Eligibility Criteria  
of the Small Community Wastewater Program  
H.P. 915 L.D. 1291
- An Act to Clarify the Supervision of Juveniles  
Under Observation  
H.P. 924 L.D. 1305
- 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 Amend the Laws Governing Wrongful Death  
Caused by Truck Drivers  
H.P. 292 L.D. 396  
(C "A" H-212)
- On motion by Senator **HANLEY** of Oxford, placed on  
the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.
- 
- An Act to Amend the Laws Specifying the Place of  
Imprisonment  
H.P. 602 L.D. 812  
(C "A" H-233)
- On motion by Senator **HANLEY** of Oxford, placed on  
the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.
- 
- 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)
- On motion by Senator **HANLEY** of Oxford, placed on  
the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.
-

An Act to Amend the Maine Bail Code to Penalize Defendants Who Have Been Granted a Stay of Execution and Fail to Report

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

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

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**Emergency**

An Act Preventing Increases in Certain Processing and Permitting Fees in the Department of Environmental Protection

S.P. 113 L.D. 288  
(C "A" S-134)

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

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**Emergency**

An Act to Reestablish the Tax Credit for Intrastate Airlines

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

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

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**Emergency**

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control

H.P. 614 L.D. 824  
(C "A" H-227)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

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**Emergency**

An Act to Further Restrict the Illegal Harvest of Cultivated Oysters

S.P. 363 L.D. 989  
(C "A" S-138)

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

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**Emergency**

An Act to Allocate the State Ceiling Governing the Issue of Private Activity Bonds

H.P. 856 L.D. 1187

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

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**Emergency**

An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995

S.P. 504 L.D. 1363

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

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**Resolve**

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  
(C "A" H-225)

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

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**Emergency Resolve**

Resolve, to Establish a Paper Industry Council  
S.P. 382 L.D. 1059  
(S "A" S-146 to C  
"A" S-136)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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On motion by Senator **LAWRENCE** of York, the Senate **RECONSIDERED** its action of earlier in the day whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on:

Bill "An Act to Broaden the Scope of the Farm Registration Laws to Include Farm Woodland Trucks"  
S.P. 243 L.D. 640

On further motion by the same Senator, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Increase the Minimum Wage in Maine"  
H.P. 108 L.D. 143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-66)**.

Signed:

Senators:  
MILLS of Somerset  
RAND of Cumberland

Representatives:  
HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
PENDLETON, JR. of Scarborough  
SAMSON of Jay  
TUTTLE, JR. of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-67)**.

Signed:

Senator:  
BEGLEY of Lincoln

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

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 "B" (H-67)**.

Which Reports were **READ**.

Senator **RAND** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)** Report in **NON-CONCURRENCE**.

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

Senator **RAND:** Thank you Mr. President, Men and Women of the Senate. This seems to be one of those issues that most people make up their minds about before the floor debate begins. It is unfortunate that our Governor has publicly stated his possible opposition to this, especially since his reason consisted of a less than substantial aversion to sending a bad signal to the business community. So, for those few of you who are yet undecided, I hope to convince you with a few facts. And, to our Chief Executive, I hope that his feet are not in cement. This is not an issue of elusive signals, but a real

life, quality of life, issue to 21,000 minimum wage earners who will never receive a raise unless we, their representatives, initiate it for them. L.D. 143 proposes an extremely modest raise in the minimum wage to \$4.60 an hour in 1996, and to \$5.00 an hour in 1997. This is no more of anti-business move than the increased cost for the purchase and use of reformulated gas. It is a measure that is necessary for the greater good of our people and for our State's economy. In 1974 a minimum wage earner could keep his family of three just above the poverty line. In 1995 his, or her, minimum wage was \$3,692 below the poverty line. The poverty line goes up each year with inflation, and every year the real value of our \$4.25 minimum wage drops further. It will take a wage of \$7.81 an hour to keep a family of four out of poverty this year, or a wage of \$4.25 an hour if one works ten hours a day for seven days a week. Of the approximately 21,000 minimum wage earners in Maine, 80% are adults. Of this 80%, 63% are women. Most of these workers have no health benefits. When they, or their families, need health care it is often more cost-effective for them to go on public assistance to receive Medicaid. General Assistance, AFDC, food stamps, fuel assistance, subsidized rent, the earned income tax credit, the property tax circuit breaker, and other programs assist our lowest income workers to stretch their budgets. These are taxpayer funded programs which, in effect, subsidize those few businesses who are unwilling to provide a living wage for their employees. Raising the minimum wage will reduce the need for public assistance.

There was a study done by this body in 1984 that found that increasing the minimum wage would lead to annual income gains, overall income gains, of \$17 million to \$51 million. National studies have shown time and time again that little job loss, and even increases in employment, follow growth in the minimum wage. New Jersey and Pennsylvania, two neighboring States, went through this experience. New Jersey raised its minimum wage several years ago, Pennsylvania did not. The employment growth occurred in New Jersey, not in Pennsylvania. Connecticut has a minimum wage higher than the federal, Rhode Island, Vermont; in fact Vermont will go to \$4.75 an hour in January of 1996. Massachusetts is considering a raise. New York has proposed a minimum wage of \$6.00 an hour. Alaska and Oregon are at \$4.75. Iowa, \$4.65. Washington is at \$4.90. Hawaii and D.C. are \$5.25 an hour. Maine can join this growing movement to provide decent paying jobs as a realistic alternative to poverty and welfare. I would like to just note that the Wall Street Journal, in December of 1994, showed that over 75% of American support an increase in the minimum wage and when we did our own questionnaires this year, throughout our Senate districts, I did include the question asking my constituents if they thought that we should increase the minimum wage. Well over 80% returned the questionnaires with a positive response. In fact, out of the over 80% who agreed that we must increase our minimum wage, probably half of them had checked to increase it by \$1.25 an hour. I would urge you to please vote with the Majority on the Labor Committee. We heard all of the arguments on both sides of this issue, and have found it imperative that Maine increase its minimum wage in, as I said, an extremely modest manner to \$4.60 an hour next year

in 1996, and then to \$5.00 an hour in 1997. So, please vote for the pending motion. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President. I ask you to oppose the pending motion so that we can then adopt the Minority Report "B". It is always enticing to increase something, particularly wages, to a group that one may sympathize with, as I'm sure most of us do. However, that group is probably the most liquid group of employees in the State. It is mentioned that anywhere from 20,000 to 21,000 people are on the minimum wage. If you check with the Department of Labor on any one month, or six months, you will find that that group has changed substantially. Business has said all along raising the minimum wage may not, and in their respect they believe will not, enhance the business community or the situation of many people. The National Federation of Independent Businesses and the Maine Chamber of Commerce and Industry and the Maine Merchants Association all testified against the Majority Report, on the basis that just the opposite reaction may take place. If you raise the minimum wage you might, and generally do, at least for the first year or so, lose jobs. The comment has been made that the reports show that that is not necessarily so. One report can show you one thing, another report can show you the exact opposite. Minimum wage hikes still hurt. This gentleman was talking about a study that was put forward by the Carl Kruger Minimum Wage Work, which supposedly proved that that was not so, that minimum wage hikes did not reduce jobs. But it was done on such a narrow scale that even though it had been accepted by the New York Times on its initial report, after close study most economists came up with the opposite position. Much has been written in praise of the Carl Kruger Minimum Wage Work. Laura D'Andre Tyson, Chairman of the President's Council of Economic Advisors, has called it "the product of the most sophisticated techniques available to economists." These sophisticated techniques, coupled to the right data, produce a result the administration cannot now deny. Higher minimum wages cost jobs. In another report, the Carl Kruger data said, "Consistent reports that employment losses were none, actually took place in the employment gains far in excess of their true values." Although the EPI analysis covered 25% of the franchised units in the Carl Kruger Data set, there are very few instances in which the Carl Kruger numbers even closely resemble the actual payroll records. In fact, with one-third of the observation, the Carl Kruger data set fails to identify the correct directions of the employment change, whether it was a job loss or a job gain. Not only are the Carl Kruger numbers wrong, they are catastrophically wrong. If we come back to local businessmen, they will tell you that in general the minimum wage is but a very short period of time in getting those workers started. That is why you only have 21,000 people earning minimum wages, and that the employer moves them off that very rapidly and produces a better employee for that purpose. Business will also tell you that in their experience, the minute you raise one level in any factory, or in any job, it is almost automatic that within six months that every level will rise also. It was pointed out to us in the so-called grabbing of one

round of the ladder. If you raise it, you raise every round right with it.

Maine cannot lose its competitive position with our neighboring states that are now currently on the federal minimum wage law. We cannot afford that in any way, shape, or manner because we are, quite naturally, looking for the best advantage that we can have. If we raise this, Maine will come up into a range of anywhere from twelfth to fifth in the nation. The Minority Report "B", in recognizing the potential of minimum wage corrections, has put out a report tying our minimum wage to the federal minimum wage, where it belongs. That would be the position that we should take, so I ask you to vote against the pending motion.

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

**Senator CAREY:** Thank you Mr. President, Members of the Senate. As we, on the Taxation Committee, really turn around and give money to business, to better the climate for business, something that I support, we also ought to think about the person who is at the bottom of the ladder who has to pay those bills for the money that we are giving away.

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

**Senator LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. In response to the previous remarks about the effects of raising the minimum wage. Down along the border with our neighboring state, I also included that question on my survey, on whether or not to increase the minimum wage, and I was very surprised, over 67% of my constituents said we should increase the minimum wage. The majority of those, an overwhelming majority of those, who said we should increase it, said we should increase it more than this bill does, \$1.00 or \$1.25. When I think about debating this issue I only have to think of the comments of my good friend and colleague from Aroostook, Senator Kieffer, when he said the other day that when people have more money to spend they are going to spend it and that stimulates the economy. That's what minimum wage is all about. The first minimum wage was enacted during the Depression, back in 1938 to help stimulate us out of the Depression. Whenever we increased the minimum wage it stimulates the economy. Look at what minimum wage is now, in current dollars it is \$4.25, if you go back to 1979 it was over \$6.00 in current dollars what the minimum wage is today, in comparable amount of money. We would have to raise the minimum wage now to \$6.00 to get back where it was before. The fact is that minimum wage creates jobs, it creates spending, it creates the type of employment that creates a healthy economy. I had to laugh, I saw a cartoon in a paper about someone in a diner. The person in the diner said to the waitress, "What are you so crabby about? All the papers say that there are more jobs in the economy now than there were two years ago." And she said, "Yes, I know. I have three of them." That's what this bill is all about, creating quality jobs where people have enough discretionary money to spend, and that stimulates the economy. If you want to stimulate the economy and put money in Mainers' pockets, you will vote to increase the minimum wage.

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

**Senator KIEFFER:** Thank you Mr. President. I certainly did make that statement, and there is more than one way to put money in people's pockets. Increasing the minimum wage, I don't believe is the way, necessarily, to accomplish that. Increasing the minimum wage also increases the amount that that individual pays in Social Security taxes, it increases the amount he pays in income taxes. I think we are much better off and it would be to the advantage of a low-income person, if that's the way you want to refer to them, if we remove them from being subject to the income tax provisions of our laws. This would maintain their Social Security payments at the same level as it exists today, but it would return much more net dollars to their pocket to spend on a daily basis. I much prefer to see that approach taken to put more money into their pocket. Thank you Mr. President.

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

**Senator MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. I just would like to respond to the good Senator from Aroostook, Senator Kieffer, about his last comment. I'm glad that you support the earned income tax credit because that is exactly what the earned income tax credit is supposed to do. In fact, earlier this year, I calculated the taxes paid of all the graduates of my job training program, Women Unlimited, and I found an amazing thing about the earned income tax credit, which is that because of the earned income tax credit, which is really working at pulling people from the bottom up, one has to make around \$16,000 a year, before one pays federal income taxes. So, in fact, that is a step that this society has taken to make work a enterprise again that people have faith in, to raise them out of poverty. Asked the effect of raising the minimum wage on our business climate, as you might recall we did this before. We raised the minimum wage in 1984. I was talking to one of my constituents about that, Ray Fongemie, who works over at the Bureau of Labor Statistics, and I said, "Have you done any studies about the effect of that raising of the minimum wage on our business climate, on business leaving the State, on closings?" He said, "Yes, there has been many studies done on that and they could find no evidence that there was a negative impact at all for raising the minimum wage in Maine." This is not some other state, but in Maine, in 1984. I would remind you that we did that out of step with the federal government, so, in fact, our minimum wage was different than the federal government and still, there was no effect. Low wage employment in this country has increased. The full-time year-round employment, people working full-time year-round who are earning the minimum wage has increased way more in the last ten years than you or I would ever want. It has doubled for white men, and it has increased 20% for women. People working full-time year-round earning the minimum wage has doubled for white men and it has increased 20% for white women. That is a statistic that ought to strike fear into our hearts. That means that we are in danger of making work a disconsolate enterprise,



and we cannot afford to do that. I, too, asked my constituents, on my survey, whether they wanted to raise the minimum wage or not, and 64% of them said yes, 64%. So, please, I couldn't agree with the Minority Leader more, there is no reason for us not to take this step and only good reasons for us to take this step. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President. Good evening Ladies and Gentlemen of the Senate. I rise this evening to state, for the Record, that I, too, want to raise the minimum wage. In fact, I think most everyone of us here wants to raise the minimum wage, but there is a better way to do it than the pending proposal. For this bill to pass, the message, once again is, to those who take the risk of providing jobs here in Maine, you've got one more mandate, along with the rest of them. Instead, we have an opportunity to recognize that there is some momentum starting in our private sector in our economy. In fact, a company that is recently moving into my district is going to hire 300 people. Another company is moving into the Lewiston/Auburn area, they are projected to hire 400 people, and do you know what that has caused? The people who are already employing people in this area are asking themselves these questions, are our benefits in line? Are our wages competitive? Do we offer child care? Are we providing the sorts of opportunities to attract the quality employees that we want? That's what we want, Ladies and Gentlemen of the Senate, we want employers to look at those things and ask, are we paying enough? Are we providing enough incentives for people to come and work for us? So, we can raise the minimum wage by creating opportunity, not by passing yet another law that sends a signal that Maine is out of step with the rest of the country. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Faircloth.

Senator **FAIRCLOTH:** Thank you Mr. President, Colleagues of the Senate. I have heard a couple of the good Senators refer to the support of the people of Maine for the motion of the good Senator from Cumberland, Senator Rand, and that perhaps over 60% of the people support an increase in the minimum wage, and even, perhaps, a higher increase. I'm glad to hear that, and gratified by it, but on the other hand, if on the merits the evidence was that we should not raise the minimum wage, I would hope that despite what the public sentiment might be, that we would vote against it. So, I was curious about arguments in opposition to the minimum wage in terms of economics and how it would affect the economy of the State of Maine. I found an article from Business Week, not exactly a leftist publication, which I found quite interesting. In it, an economist, Ray Marshall, states that to win in the world market a raising of living standards, including increasing the minimum wage, will help produce more productive, higher wage workers, and that indexing the minimum wage will help to spur that transition to a more high-wage, high-productive society. That, in and of itself, is not necessarily dramatically persuasive. I think Harry Truman said he wished he could find a

one-armed economist, because then they couldn't say "on the other hand". However, what I did think was interesting was that further in the article they quoted representatives from the National Federation of Independent Businesses, Mr. Thomas Gray and also Mr. Richard Burman from the Employment Policies Institute, both of which support the employer interest and oppose the minimum wage in general. But, they both conceded and said that they have trouble countering the logic of the argument set forth by Mr. Marshall, that indeed they seem to concede the point in this article, that in the long run an increase in the minimum wage is good for the economy. To me, that's the end of the discussion if, in the long run, it is going to help the economy then we should support it. They made short-term arguments, they made admittedly short-term arguments that it might hurt in the short run in terms of the drawbacks in that respect but, and again this is quoting from a Business Week article, an economist from Princeton University said even that, in recent studies, doesn't appear to be the case. That in the short run it also helps the economy. They compared the State of California, which increased its minimum wage, to other states which did not. Another study, by Lawrence Katz, the Chief Economist for the Department of Labor, found the same thing studying the State of Texas. So, it seems to me that everyone seems to agree that it is good in the long run, and from the recent evidence from Princeton and Harvard and the Department of Labor, it is good in the short run. So, it seems reasonable to me, that on an objective analytical basis, that we should treat people with justice and fairness. So, if a sense of justice toward working people in this State is not enough, I think the economic arguments are strong in favor of the motion from the good Senator from Cumberland. Thank you.

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

Senator **MILLS:** Thank you Mr. President, Men and Women of the Senate. This is a fairly boring subject, when you look at the weather outside and you come indoors to talk about economics and the minimum wage. My own reflections on it are very personal. I can recall my first serious employment, after newspaper routes and the like. Back in 1958 my mother went down to the new IGA store in Gorham, and asked the proprietor if I could have work after school and on Saturdays. Senator Harriman, from Cumberland, his grandfather was the owner of this store, and was kind enough to give me a job. After he got done running the store, many years later, he came down and was a member of the other body for several years, but that's another story. At that time, the minimum wage was \$1.00, and I might say that was Dwight Eisenhower's minimum wage. It was increased from .75 to \$1.00 in 1956. With \$1.00 in my pocket I could fill up my Dad's Chevrolet with about six or seven gallons of gas and drive around all night. I could pay calls on all the women that I knew anyway. If I could get into Portland, if they would allow me to go in, you could go to Amato's and pick up four Italian sandwiches. There was a big billboard in downtown Portland, right into the early sixties, with a big huge Italian sandwich on it saying "Amato's - still 25c". I cannot avoid mentioning that the competitor was DiPietro's.

DiPietro's started in 1944, Amato's started in the 1930's. DiPietro's was 30c and we had great debates about whether it was worth the extra nickel to go over there, but in any case you could get three of them for a buck, and a coke too. Now, the interesting thing is, DiPietro's still makes those sandwiches, the same family actually. The Amato's sold out to the Riali family, but they still make the same sandwiches in the same location. If you go down to either place today, with \$4.25 in your pocket, you cannot get two sandwiches at either place. They are \$2.50 at DiPietro's and \$2.39 at Amato's. The point is that my concern is that we are in danger, I'm not so much in favor of increasing the minimum wage, as I am in preserving it, I think that the minimum wage is very likely to be repealed through time and through inflation. I think we have to ask, should we have a minimum wage? That's what this debate is really about. Does it serve a useful societal function? Because we are slowly repealing it as the years tick away. So, I did some survey work in Somerset County. I had some sense, already, of who was paying the minimum wage, but I went down to the Labor Department to ask what they thought, and I got a report that pretty well confirmed what I already knew. There are many marginal factories in Somerset County, that is, if there is ever a place in North America that is tender on the job front, it's Somerset County. We have a lot of entry-level employment into shoe factories, electronic parts factories, wood products factories, saw mills and the like. If some ripple in the wage rate was going to cause a loss of jobs in Maine, believe me, it would happen where I live. I found out that these factories are already paying \$5.50 to start. New Balance, and some of the higher level non-union employers are paying \$6.50 and \$7.00 to start. That's the training wage. So, I inquired, well who is paying minimum wage? There are 20,000 people in Maine, a large fluid population of people, somewhere, according to the Department of Labor, being paid only \$4.25 an hour. I inquired about Hannaford Brothers, the local shopping Shop n' Save, not there, they pay \$5.00 to teenagers to start bagging groceries. So, they have outgrown the minimum wage as it now exists. Shaw's is the same. What I found was that the minimum wage is being paid by McDonald's, Burger King, Dunkin' Donuts, Pizza Hut, Kentucky Fried Chicken, you name it. Although many of these companies are owned in the form of franchises, every one of them is on the New York Stock Exchange, and is among the top 500 corporations, by size, in the United States. Pepsi Cola owns the largest number of fast food franchises in the world. They outnumber McDonald's, and the reason is because they own Taco Bell, they own Kentucky Fried Chicken, and they own Pizza Hut. When you add those three up they are bigger than McDonald's. They pay the minimum wage in Somerset County. They are one of the few employers that pay it. I bought five shares of Pepsi Cola stock some years ago, for one of my daughters. I was trying to develop a sense of innate capitalism in this fifteen-year-old child. So, I get the proxy statement. The President of Pepsi Cola Company, God bless him, he makes \$3 million a year. He makes the minimum wage every ten seconds. He lives down in New York somewhere and I don't take anything away from him, he must be a very capable person. But, a company like that can afford to drop a few extra pennies into the pockets of people struggling to

survive in Somerset County, and that is how I feel about it.

We don't have very good statistics to tell us who these people are. We have national statistics, but we don't have a great deal that tells us about the profile of the Maine population that earns the minimum wage. From my own observations, however, I would say that they are adults. I see adults working behind the counter at Dunkin' Donuts. They may sometimes be young adults, but most of them are out of school. The teenagers, the ones that I observed, are making \$5.00 an hour at the other places that I have mentioned. My sense is that if we give these people .35 an hour, and then another .40 in a year and a half, that one of the interesting things about that process is that the money, what little it is, will be paid by corporations who can very well afford to pay it, and the money will stay here and it will be spent in Skowhegan, Maine, and other places like that, that need money circulating. One of the things that we have learned about the minimum wage over the years, is that the increase is spent. It doesn't go into savings, it doesn't go into stocks and bonds. I opposed the COLA increase bill because I think that the union wage is something that we need to retain control over, as a Legislature. I think that also carries with it a certain responsibility. We have the responsibility, as a public body, to periodically review the minimum wage and to make sure, that if we believe in the policies behind the establishment of the minimum wage, that we don't allow it to be repealed by inflation. The other thing I wanted to end on is that we, as a Legislature, are going to be faced with one version or another of welfare reform, and well we should, welfare is a system that does need review, it needs revision. It is being seriously looked at by the Human Resources Committee, by the Administration and by most of us here. All of us have given some very careful thought to what we will be doing on welfare reform. The end result of almost any plan that is presently under consideration, whether by the Governor or by the Human Resources Committee or whatever, every one of those plans will result in either propelling or dumping people off the welfare system into the private economy. It seems to me that the minimum wage, doing something about the minimum wage, increasing it modestly, is one of the very small but nevertheless effective safety nets that we can raise around such people. Thank you Mr. President.

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

**Senator PINGREE:** Thank you Mr. President, Men and Women of the Maine Senate. I want to add a few remarks to what my good colleague from Somerset County said, which I appreciated very much. We have been spending a tremendous amount of time in the Human Resources Committee, on the issue of welfare reform. We will, I'm sure, be debating that on the floor very soon. While we like to talk about the issues that, I think, are around the edges - the 5% of teenagers who have babies and need to collect AFDC, the certain families who have a difficult time ever getting out of the system, and the fact that we have a system that is disadvantaged by the fact that it's all or nothing, and is not efficient or effective in that way - there are some facts that

have become very clear to me when we have spent these hours and hours listening to testimony and debating amongst ourselves. The majority of people on welfare leave after two years. They may come back, but they leave, and 92% of people who collect welfare want to work. I have no doubts that the problem with our system, with the majority of people on the system, almost all of whom are single mothers, almost all of whom got there because a change in their family status - divorce, separation, or lack of child support - there are three things we have to do, as a culture, to change the system. We have to have affordable health care for everybody, we have to have child care that is safe, accessible, and that you can afford, and the minimum wage has to pay you to go to work. Right now minimum wage is something like \$8000 or \$9000. Poverty level in Maine, for a woman with two children, or a man with two children, is \$12,900. You just can't make a living, and it is no wonder people say they can't support themselves in the world of work, they need to collect AFDC, they need to go to a system that they don't want to be on but it's the only way they can make a living. I was really pleased to hear Senator Mills, the good Senator from Somerset, talk about this shared responsibility, because I think that's what we are doing right now. We are subsidizing low-wage jobs. I spent twelve years as a business owner myself, and before that I spent ten years as a farm owner, employing people. It never occurred to me, in all twelve of those years, that I could pay people less than minimum wage. I had to live in my community, my children went to school with the children of the people who worked for me. If I was to take a vacation when I was paying somebody less than poverty level, or I was to buy a new car, I couldn't have slept at night. It just doesn't make any sense to me that we could even imagine that that would be appropriate, to pay someone for their labor for us to make money in a small business when they couldn't live on that wage. The same with health care, it never occurred to me that it was not my responsibility to pay for that, and not to expect somebody else, particularly the government or our taxes, to pay that.

I had the same experience as all of my colleagues when I sent out my questionnaire. 67% of the people in my district, a district that fuels its economy, basically, on small businesses, that is 40% Republican, 40% Independent and 20% raving liberal Democrats, who I have yet to meet, but I know they are out there somewhere, they said raise the minimum wage and raise it substantially more than we are proposing today. These were the same people who wrote all over these one thousand questionnaires, "government is the problem", "get government off my back", "why don't you go home and take a vacation", "you people are just a pain in the neck". But the fact is they said raise the minimum wage. They asked government to protect their wages, and they asked to stop having to subsidize the very companies who are paying low wages and asking us to pay the rest of the bills. I urge you to support this bill.

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

**Senator BEGLEY:** Thank you Mr. President. I told you that this topic would certainly bring out all

kinds of opinions, particularly those on the side of raising the minimum wage because it is a topic that seems to be necessary to help poor people. It is very difficult to argue against that, unless you use statistics, and people don't like statistics when you are talking about minimum wage or people. But, it is true, as I stated earlier, more than 65% of the 20,000 people on minimum wage are only part-time employees. Of the other, there has been no evidence at all that that is going to raise those people out of the poverty level. The other aspect of statistics will prove that if we raise the minimum wage to \$4.60 and \$5.00, Maine will have the highest minimum wage in New England and the northeast. At the present time, according to the Maine Department of Labor Statistics, at \$4.60 Maine would have the eighth highest minimum wage in the country. These people are certainly wage earners, and certainly would like to have a particular standard of living, nobody is arguing that point. Turn it around, however, and simply remember that businesses are saying, "We want to be able to hire people, particularly incoming people, students or college students, in certain jobs, because it is necessary for us to remain competitive and yet start these people off into occupations, or into the labor force." If you go beyond that, a University of South Carolina study found that higher minimum wages have no measurable impact on poverty rates of key groups. A Vanderbilt University study found that 50% of the benefits from the last minimum wage increase went to households with incomes at least twice the poverty level, and most of the benefits with an additionally mandated increase would not go to the poor households, and on and on. I would simply tell you the same stories that you may hear from other people. I have talked with people in my area, and they have told me if the minimum wage goes up it would jeopardize that second fellow who pumps gas. I'm keeping him on because he is a student and I would like to help out his folks. If it goes up I can't afford it, I can't be competitive, I will have to cut back, either on his hours or on his job completely. Those are the facts Ladies and Gentlemen. You can be sympathetic, but business is telling you that if you do this it is likely in the next year that jobs will be lost, and the very people who are moving out of minimum wages very rapidly, because they get started and prove themselves, may not have that opportunity, the students and other people along that line may be hurt by what you do. Again, I ask you to vote against that and accept the Minority Report "B", which definitely ties it to any federal program, which most of the States are doing. Thank you.

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

**Senator CLEVELAND:** Thank you Mr. President, Men and Women of the Senate. In 1966 I was given my first real job, working in a shoe shop. My father was the Superintendent of the shoe shop. He decided I ought to learn the business well so he put me to work, sweeping the floors and cleaning and doing other things, and decided I ought to get the wage everyone else in the shop got, minimum wage, so I would learn it properly. I worked with him for a while, went to school, went off to college, worked hard in college; I was making \$1.25 an hour incidentally, the minimum wage had just gone up in

1966; so I went off to college and got a college education and came back. I'm really proud to say now that I am a Maine State Senator and I'm making \$1.30 an hour. I know that my folks would be very proud of me for having made that accomplishment, at least this week, until we reduce the benefits some. I worked with my Dad, in the shop, for minimum wage for two or three years. One of the things I noted, my Dad worked in the shoe shop for fifty-five years, he started out sweeping the floors as well, supporting his family. He had to leave school to get enough money to feed the family and pay the rent, and never finished his high school education, but worked hard and learned a trade and learned how to make shoes pretty well. He worked there for fifty-five years, and one of the things that I saw, and that he showed me as well, there were 300 or 400 people who worked at that shop, most of the people in that shop got a wage increase when the minimum wage went up. These weren't trainees, these were people who worked ten, fifteen, or twenty years, mostly women, stitchers, full-time, supporting families. They got a pay increase after all of those years of training when the state and federal government increased the minimum wage. It seems to me pretty clear, as the arguments have been made today, that the cost of living back then was much less. You could get an apartment for \$10 or \$15 a week. You'd be lucky if you could get one of any kind for \$100 a week today. Yet, proportionally the wage for individuals who are working, many of them trying to support their families, haven't kept pace. It seems to me that it would improve the economy, give those individuals who are working hard and trying to support their families some encouragement, and provide additional incomes for those individuals, to be spent back home, to recirculate in the economy, and to help their neighbors and friends in their small businesses to create a little more business as well, and perhaps hire that additional worker to take care of the increased business. I'll be supporting the motion for the increase in the minimum wage, and I hope you will be as well. Mr. President, when the vote is taken, I request it be done by the yeas and nays. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator RAND of Cumberland that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66) Report in NON-CONCURRENCE.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll

ROLL CALL

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

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

ABSENT: Senators: NONE

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, with No Senators being absent, the motion of Senator RAND of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66) Report in NON-CONCURRENCE, FAILED.

The Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-67) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-67) READ and ADOPTED, in concurrence.

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

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Off Record Remarks

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On motion by Senator LAWRENCE of York, RECESSED until 7:30 o'clock in the evening.

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After Recess

Senate called to order by the President.

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Divided Report

The Majority of the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks" H.P. 372 L.D. 507

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

Signed:

Senators:

STEVENS, JR. of Androscoggin  
MICHAUD of Penobscot

Representatives:

TRUMAN of Biddeford  
CHIZMAR of Lisbon  
GAMACHE of Lewiston  
FISHER of Brewer  
NADEAU of Saco

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-142)**.

Signed:

Senator:

FERGUSON, JR. of Oxford

Representatives:

BUCK of Yarmouth  
LABRECQUE of Gorham  
MURPHY of Berwick  
LEMONT of Kittery  
TRUE of Fryeburg

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

Which Reports were **READ**.

Senator **FERGUSON** of Oxford moved that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report, in concurrence.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President, Men and Women of the Senate. I hope that you would not accept the Ought to Pass Report and accept the Majority Ought Not to Pass after. What this amendment does is it treats migrant farmers differently than it would for the regular mobile home parks. The major reason why the majority of the Committee voted against this bill was because if we exempt them then they will not be protected as far as being tested for pesticides or radon or what have you. So, that's why I would hope you would reject the Minority Ought to Pass Report, and I request a Division.

Senator **MICHAUD** of Penobscot requested a Division.

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

Senator **PARADIS:** Thank you Mr. President, Men

and Women of the Senate. The Grapes of Wrath seem to live in the minds of most people as the absolute corruption of employers regarding their employees. The details are so graphic that none of us have ever forgotten the incredible abuse at the hands of the unethical, crass, and greedy employers. I urge your support for Committee Amendment "A" because this is not a migrant worker bill, it's about a specific situation. We can debate the issue of having migrant workers in the State of Maine at a later date. I grew up close to what are now being called "picker shacks". I have never heard this expression until this week, but for some of us, we saw the houses that migrant workers lived in in the St. John Valley as a regular house that was like our own. Now we are using trailers because that is an easier way of purchasing and setting up. We do require thousands of dollars of special recommendations for these particular trailers before these migrant workers are allowed to move in. If you are living in California, Texas, or Florida, this issue would not even be coming up right now because the employers have walked away from providing housing, probably because of debate that is happening here right now. They have abandoned the migrant workers to slum lords, in other words, if you are in the Caribou area and you walk in, these employees would have to find housing no matter where they could, and where the standards don't exist. The producers I know now take pride in the housing that they provide. As a matter of fact, I was sitting on a Commission all summer, a Potato Quality Commission, with a broccoli grower. He invited me to come and visit his operation. I know he uses migrant workers in his operation, he was not afraid to show me their housing. Since then, I have found out that the others feel the same about it. There are pages and pages of requirements for migrant worker housing, from toilet paper to how smooth the floors are to how far the dumpster can be placed from the building. One of the arguments why this bill is before you is because this, indeed, would not be causing the degradation of living conditions, but they are trying to have relief from some of the onerous regulations. For example, each unit has to have an electric meter, even if one person is paying all the bills. The square footage has to be just right outside, even if it is just being used for a month, and the composition of the material used in the driveway has to be up to specs also. OSHA's, the Department of Labor, the communities, and the State all have a say in these regs. It is not unusual for a federal employee to park himself in that housing complex for a few days as they go, word by word, to find out how many dishes are in the cupboard, and if there are windows in every room where people are going to be living.

The one issue that came up that I had not heard before was the water testing. Indeed, they have to do water testing continually. The one that came up was testing specifically for pesticides. I don't think anybody would ever question that happening and neither will the camp owners, because right now we are not requiring private property owners to test. Indeed, my own family experienced something, they had some symptoms and they tested the water and they found out that the whole neighborhood was suffering from it, because we have no rules requiring our private homes to be tested. So, I'm not arguing with degrading anything here. I would urge your support

to give some relief to these homes that are used for just a few weeks. Most of the growers feel that the broccoli crop, which is the one crop that is on the move right now in Maine, the market is forever expanding and consistency is one of the reasons why the market is expanding, one of the ways they have achieved that is by hiring the same people, the same very qualified people. The families come back year after year because there is better pay, our every service is offered to them, including immunizations, because a lot of them are on the move but Maine has a lot higher standards. So, I urge your support for this amendment.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President, Men and Women of the Senate. I agree with what most of what the Senator from Aroostook, Senator Paradis, has stated about the cumbersome regulations. However, those regulations do not require testing for pesticides or radon. That's what they should be tested for. This one part that is involved, it has had its test, and there has been traces of radon and pesticides in the water, and that should still be monitored. That's why I supported the Majority Ought Not to Pass Report. I think it is important that those items be tested. However, on some of the other items that the good Senator has mentioned, I have no problem dealing with that issue, but I do not think we ought to exempt these from the mobile home parks altogether, because it is a problem out there and there is a problem in this particular park as far as being tested for pesticides. That's why I supported the Majority Ought Not to Pass Report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **FERGUSON** of Oxford that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in 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.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **FERGUSON** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-142) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Licensed Activities for Marine Worm Diggers"

H.P. 413 L.D. 570

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

Signed:

Senators:

**BUTLAND** of Cumberland  
**PINGREE** of Knox  
**GOLDTHWAIT** of Hancock

Representatives:

**CLOUTIER** of South Portland  
**BIGL** of Bucksport  
**ETNIER** of Harpswell  
**LAYTON** of Cherryfield  
**PINKHAM** of Lamoine  
**RICE** of South Bristol  
**VOLENIK** of Sedgwick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-256)**.

Signed:

Representative:

**BENEDIKT** of Brunswick

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase the Property Tax Exemption for Farm Machinery"

H.P. 17 L.D. 11

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Signed:

Senators:

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

Representatives:

TRIPP of Topsham  
TUTTLE, JR. of Sanford  
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 Not to Pass.

Signed:

Representatives:

DORE of Auburn  
KEANE of Old Town  
RICHARDSON of Portland

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-242).

Which Reports were READ.

On motion by Senator HATHAWAY of York, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

**Divided Report**

The Majority of the Committee on TAXATION on Bill "An Act to Exempt Business Machinery and Equipment from the Property Tax"

H.P. 64 L.D. 100

Reported that the same Ought Not to Pass.

Signed:

Senators:

FERGUSON, JR. of Oxford  
CAREY of Kennebec

Representatives:

DORE of Auburn  
TRIPP of Topsham  
TUTTLE, JR. of Sanford  
RICHARDSON of Portland  
GREEN of Monmouth  
SPEAR of Nobleboro  
DUNN of Gray  
REED of Falmouth  
KEANE of Old Town

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-243).

Signed:

Senator:

HATHAWAY of York

Representative:

MURPHY of Berwick

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

Which Reports were READ.

On motion by Senator FERGUSON of Oxford, the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report, in concurrence.

**Divided Report**

The Majority of the Committee on TAXATION on Bill "An Act to Repeal the Snack Tax" H.P. 144 L.D. 192

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-208).

Signed:

Senators:

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

Representatives:

TRIPP of Topsham  
TUTTLE, JR. of Sanford  
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 Not to Pass.

Signed:

Representatives:

DORE of Auburn  
RICHARDSON of Portland

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

Which Reports were READ.

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

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First of all, I would just like to explain that this bill, as amended, takes effect in the last quarter of fiscal year 1997 and has a roughly \$3 million fiscal note involved with it. I have said many times on this floor, and I will continue to say it, the tax policy in this State needs to be simple, it needs to be honest, and it needs to help restore the trust between our people and our government. I would just like to discuss, for a second, the issue of it being simple. The snack tax, I would like to read to you for just one second, if you would just think of yourself as, perhaps, a new clerk in a grocery store somewhere in your hometown and you are faced with thousands of pieces of food coming across your counter every day that you have to make this decision. The decision is such, it's snack foods, "Snack food" means any item that is ordinarily sold for consumption without further preparation or that requires no preparation other than combining the item with a liquid; that may be stored unopened without refrigeration, except that ice cream, ice milk, frozen yogurt and sherbet are snack foods; that is not generally considered a major component of a well-balanced meal; and that is not defined in this section as a grocery staple. "Snack food" includes, but is not limited to, corn chips, potato chips, processed fruit snacks, fruit rolls, fruit bars, popped popcorn, pork rinds, pretzels, cheese sticks and cheese puffs, granola bars, breakfast bars, bread sticks, roasted nuts, doughnuts, cookies, crackers, pastries, toaster pastries, croissants, cakes, pies, ice cream cones, marshmallows, marshmallow creme, artificially flavored powdered or liquid drink mixes or drinks, ice cream sauces including chocolate sauce, ready-to-eat puddings, beef jerky, meat bars and dips. Now we will have a test on that in a minute.

To see exactly how confusing this snack tax was, there has been a survey done on the stores throughout Maine, to see if, in fact, the snack tax is being applied equitably, that meaning it is being charged to all purchasers, no matter where they shop, and to see whether it is being applied uniformly, that being charged to all snacks as defined by the statute. The findings were that seven out of eight stores made constant errors. Certainly, I don't think that the average clerk in a grocery store would find this to be a simple tax policy. What I would like to do, if you would allow me, is to give you a small test. Now, a fresh croissant is taxed, how about a frozen croissant? No. Instant tea, yes. Tea, no. Banana bread, yes, if it's whole. Not if it's sliced. Regular muffins, yes. English muffins, no. Do you want a peanut butter sandwich? Marshmallow fluff is taxed, jam is not. Onion dip, yes. Pate, no. Nestles Quik, for your children or yourself, yes. Cappacino coffee, no. Roasted peanuts, taxed, but if you buy them unroasted, not taxed. I will let you score yourselves on that test.

The third point I would like to make is what they call "cross-border activity". 51% of the people in York County are what we know as "cross shoppers".

They shop across the border. One-third of the people in Maine do the same. In New Hampshire, our bordering state, in wines and spirits alone, New Hampshire gained almost \$2 billion last year from cross-border activity. That equals more than 1,000 jobs. Again, I will repeat that our taxes are too high and that our job creation is too low, not so in our bordering state. Some have said that tax cuts at this time give us a false economy, that right now we can't do without the money, that if we are going to repeal a tax, specifically the snack tax, and be proud of ourselves for repealing the snack tax, then we ought to do so without the money. Again, I would submit that there is \$232 million of new spending in this proposed budget. We certainly can afford the \$3 million to repeal the snack tax. It has been said that if you repeal the snack tax, and everyone has an extra fifty cents in their pocket, that there will be nothing measurable to show for it. I would suggest that there are many people in this State who no longer have two nickles to rub together, and that an extra fifty cents, or a dollar, or ten dollars a year, for \$12 million a year would add greatly to our economy. So, once again, I am going to ask you to help make our tax policy simple, to help make it honest, and to help restore the trust between the people and their government. To rid of us yet another gimmick. It may seem like a small tax but it is a big gimmick. It may seem like a small inconvenience to the people of Maine, but this would send a big message. So, I would ask you to please support the repeal of the snack tax. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Someone once explained to me that reason that doughnuts are not subject to the snack tax is because they are considered a staple in Maine. I'm not sure whether that is true or not, but I was reflecting on the Senator from York, Senator Hathaway's, comments about his horoscope last week and I knew there was something that always reminded me of Nancy Reagan about him, I think that perhaps I have stumbled across it. Thinking further about horoscopes, and their usefulness in predicting political issues, I would like to pose a question through the Chair if I could. My question is, unless the horoscope today reads, "You will be able to take credit for an act without facing its consequences", I wonder why, if the repeal of the snack tax is so important, we are putting it off until the last quarter of 1997? Thank you.

**THE PRESIDENT:** The Senator from Hancock, Senator Goldthwait, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Hathaway.

Senator **HATHAWAY:** Yes, I would like to answer the good Senator, if I could. Knowing that it was Nancy Reagan's husband who said, "There you go again." I would just like to add that now is the time for a tax cut in this State. There are many people who, in fact, say that it is not now the right time because we need the money. That reminds me of some people, and one person that I read about recently who said that they were getting married and they were thinking about having a baby but they



weren't sure if it was the right time, in fact they weren't sure when that perfect time would come. The time is now for tax cuts. It's time for us to stop spending people's money and put it back in their pockets. It's time for us to send a message that we are concerned about the economy of this State and we think that the best way to regenerate our economy is to let people keep their money and spend it. I think we have had this discussion on this floor tonight, and I think many people have made the argument already, and probably many better than I, and I would just say that if we wait for the right time there will never be a right time. I think this is the right time to do it right now, and I think this is the right vote, and I hope that you will agree.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. I will repeat my question. If the right time is right now, why are we not having this take effect until the last quarter of 1997? Or am I mistaken about the intent of the bill?

**THE PRESIDENT:** The Senator from Hancock, Senator Goldthwait, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Hathaway.

Senator **HATHAWAY:** Thank you Mr. President. The reason is we are trying to plan ahead, we understand that there are some difficult budget questions, we also understand that there is an important message to make, and in a compromise we are trying to put the next legislature on notice that their revenues will, perhaps in a sense, be capped in some way, to force the cut in spending, and that we feel we have to balance our budget by cutting spending, not by raising more revenue from people. We came to the conclusion that this was, perhaps, the most affordable way to do it, and at the same time redirect the tax policy of this State and to send this message. It is only a \$3 million fiscal note on this, but again, I think the message is a big one and a very clear one.

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

Senator **RAND:** Thank you Mr. President. May I pose a question through the Chair? My question is to the good Senator from York, Senator Hathaway, you mentioned a mere fiscal note of \$3 million for one year. Could you please fill us in on what the fiscal note is for the following year, or maybe the following two years?

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

Senator **HATHAWAY:** Thank you Mr. President. I would answer the question from the good Senator from Cumberland, Senator Rand. The repeal would go into effect the last quarter of 1997 with a \$3 million fiscal note. For the four quarters of 1998 it is projected to be \$12 million, and for two years it would be \$24 million.

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

The President 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 by Senator **HATHAWAY** of York that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

**NAYS:** Senators: **CIANCHETTE, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

**ABSENT:** Senators: **BUSTIN, CAREY, ESTY**

**EXCUSED:** Senator: **BERUBE**

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent and 1 Senator having been excused, the motion by Senator **HATHAWAY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE, PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-208) **READ** and **ADOPTED.**

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

**Senate  
Ought to Pass**

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Increase the Number of Primary Care Practitioners in the State"  
S.P. 119 L.D. 294

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 **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Correct Certain Errors and Inconsistencies in Employer's Contributions and Coverage in Unemployment Compensation"  
S.P. 439 L.D. 1207

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 **MICHAUD** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Part-time Police Officers to Acquire Liquor Licenses"  
S.P. 393 L.D. 1081

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 **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Loring Development Authority Law"  
S.P. 304 L.D. 843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-159)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-159) **READ** and **ADOPTED**.

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

Senator **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Requiring a Study of the State's Export Financing Services  
S.P. 378 L.D. 1055

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-167) **READ** and **ADOPTED**.

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

Senator **ESTY, JR.** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Improve Public Access to the Maine State Museum"  
S.P. 483 L.D. 1317

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-168)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

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

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Immunity for Clinicians Contracted by the State Forensic Service"  
S.P. 413 L.D. 1136

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-166).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-166) READ and ADOPTED.

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

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Senator BEGLEY for the Committee on LABOR on Bill "An Act to Amend the Child Labor Laws to Allow Minors to Work in Hotels or Rooming Houses"  
S.P. 146 L.D. 332

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-164).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-164) READ and ADOPTED.

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

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Senator BEGLEY for the Committee on LABOR on Bill "An Act Concerning Employee Leasing Companies"  
S.P. 418 L.D. 1141

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-162).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-162) READ and ADOPTED.

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

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Senator BEGLEY for the Committee on LABOR on Bill "An Act to Conform State Unemployment Compensation Laws to Federal Requirements"  
S.P. 437 L.D. 1205

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-163).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-163) READ and ADOPTED.

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

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Senator MICHAUD for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments"  
S.P. 76 L.D. 164

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-28).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-28) READ and ADOPTED.

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

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Senator FERGUSON, JR. for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Regarding Liquor Licenses for Golf Courses"  
S.P. 348 L.D. 976

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-155) READ and ADOPTED.

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

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Senator RUHLIN for the Committee on NATURAL RESOURCES on Resolve, to Establish the Task Force to Study Environmental Regulation  
S.P. 409 L.D. 1097

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-169).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

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

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**Divided Report**

Eleven Members of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Mortgage Insurers to Offer a Policy Following the Cancellation of an Original Policy"

S.P. 314 L.D. 895

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-160)**.

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc

Representatives:

VIGUE of Winslow  
CAMPBELL of Holden  
CHASE of China  
GATES of Rockport  
GUERRETTE of Pittston  
LUMBRA of Bangor  
MAYO, III of Bath  
MITCHELL of Vassalboro  
SAXL of Portland

One Member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-161)**.

Signed:

Senator:

MCCORMICK of Kennebec

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

JONES, JR. of Pittsfield

Which Reports were **READ**.

Senator **ABROMSON** of Cumberland moved that the Senate **ACCEPT** Report "A" - **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160)**.

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

Senator **CLEVELAND:** Thank you Mr. President, Men and Women of the Senate. I would like to take a few minutes to explain the issue to you, because I think it is a fairly important one, and will become even more important as the years go on. I do appreciate the Committee's efforts in reviewing this. They spent much time on it and this compromise amendment is basically a consumer disclosure, that's about all it does. Let me explain a little bit to you about what the issue is here. In the marketplace now, if you go to a financial institution, a bank or the like, and you take out a home equity loan, and you want to be prudent about it because it is going to involve a fair amount of money on the equity on your home, and you choose to take out the policy offered to you by the bank or the financial institution. They offered to you what is known as a group credit life and disability policy. That is a policy that is owned by the financial institution. What is currently happening, and has happened, and has come to my attention, is that the financial institution, or the insurance company who is providing the insurance for disability or death, can cancel that at any time, leaving everyone who has been covered without insurance. So, you go in and you say you want to buy a policy, the bank offers you one, you choose to sign up, and you pay every premium, you are never late behind a premium, you are a good customer, you pay into it, the bank makes money on selling you this policy, and because the insurance company or the bank chooses to cancel it; the insurance company may choose to cancel because they may have made some very poor decision and find out that their experience rating has gone down, they have a lot more claims than they anticipated, so the easiest way to get rid of it is to cancel it. This is happening in our State. The Aetna Insurance Company has provided those policies, and is doing very well in their other lines of insurance, but in this particular line was not doing well and chose to eliminate it. What happens is that those individuals who are insured now find themselves, if another insurance carrier comes forward, that they have to re-apply and that there are pre-existing conditions, so that if your health has changed, if you were middle aged and now you have become a little older because you have borrowed against your mortgage to put your children through school, and you still have a fairly substantial loan and you knew it was going to be for a longer period, now you have gotten a little older and your health has changed, you find you are not eligible for any insurance because your health has deteriorated to some degree. But you still have this large liability out there. If, for some reason, your health deteriorates even further and you can't make the mortgage payments, you are going to lose your home.

This came to my attention, unfortunately, through a real life situation. This family in my district, a man and a woman with three children, has taken a fairly substantial second mortgage because of an illness in the family, and were paying it off. The company cancelled the policy. Just a few weeks before the policy was cancelled, the father wasn't feeling well and went to a doctor. The doctor told

him he had terminal cancer. The policy was cancelled. They were offered another policy but it said if you had these various pre-existing conditions, including a diagnosis of cancer, you were not eligible. They applied. They were turned down. The gentleman died. The doctor's prognosis was correct. They now find themselves, a woman in her late fifties, working part time as a food service provider, with a mortgage on the house that she can't pay for with her meager income, and no way to continue to get insurance because of the conditions that existed before. The minority amendment that exists would require that if there is additional insurance purchased or provided, either by another carrier or by the financial institution, that they provide, without pre-existing condition, an opportunity for those who were originally insured to buy that insurance. I think that is only fair. As more and more families struggle to find money to put their children through school or meet their emergencies, as the aging population continues to grow, I am concerned and I think what you are going to find is a situation where insurers are going to drop these policies, get rid of the bad risks, leave people hanging out there, who are a little bit older in life and have, perhaps, picked up a couple of illnesses, and now find themselves in a position where they can no longer get insurance, in a situation where they really didn't realize that they could be terminated. They didn't realize that even if they paid every premium, they never were late, and they made every good faith effort to meet their obligation, they can be left standing out there with a loss of a wage earner and no ability to pay off that mortgage as they thought they had done. I think it is fair and only prudent, that if you are going to be in the business you have got to be willing to accept those individuals who were on the policies before and continue them. This doesn't make any requirements, you can make all the pre-existing conditions you want for a new applicant. You can screen those applicants if you want. This doesn't change that a bit. What it does say is that if people, in good faith, bought and paid for a policy, they ought to have an opportunity to continue on with the life insurance and disability that they have. I hope that you will do what I think is the right thing to do for those people who are in the most vulnerable conditions and have an opportunity to vote on the Minority Report, which I think is much stronger and more appropriate. Thank you.

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

Senator **ABROMSON:** Thank you Mr. President. The Senator from Androscoggin, Senator Cleveland, is correct. The people to which he refers did lose their insurance shortly after the diagnosis of cancer. However, that was not cause and effect. The company, Aetna in this case, pulled out of selling this type of insurance to anybody, it had nothing to do with this particular couple. The biggest problem is that the couple did not realize that the policy could be discontinued. After much debate, the Committee recognized a number of issues were significant and we addressed them by expanding consumer protections in the compromise amendment, Committee Amendment "A". The most important issue was that of disclosure, and the requirement now is to

include language, which by the way was in the policy that these people bought, but to include this language, regarding termination, be highlighted in bold print. Also, we have added the availability of a thirty-day free look provision to this type of policy because, frankly, many of the insurance people, some of whom who were insurance agents on the Committee, said that this was not the best type of insurance to buy, and given their choice they would go out and buy a term life policy that would be less expensive than buying the credit policy from the bank. The original title, by the way, is now amended. It does not require that every credit insurance policy provide continuity of coverage. Credit insurance is a very tiny niche market, of that niche market Maine is an extraordinarily small piece. No one has to do business in Maine, and certainly no carrier is going to be enticed given our historic tough constraints in profiteering. We have tougher standards that really could drive insurers out of Maine, in fact the financial institution that was dealing with Aetna had a heck of a time trying to find someone else to provide this insurance. So, I think we have addressed the concerns that were originally brought to the Committee, through Committee Amendment "A", and I would urge acceptance of the Ought to Pass as Amended Report.

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

Senator **MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. The Committee had three choices as to how to act here. We could have done nothing, we could have done a whole bunch, or we could have done Report "B", which is in the middle. Report "A" is doing nothing. As the good Senator from Cumberland said, it is already written in these policies that they can be cancelled at any time. That is why I did not go with Report "A". It's silly to do nothing. The Committee could have done a whole bunch, which is to apply our guaranteed issuance statute and guaranteed renewal statute to this market niche, which is credit insurance. We chose not to do that. The option in the middle, which is actually on the low side of the middle, to my mind, is Report "B", which does what Report "A" does, which is the consumer truth-in-lending disclaimer on the cover in boldface print so everybody can see it. It also says to insurers that when you start in on this market you just can't cancel when your bottom line looks bad, and just take the cream of the crop and run, which is basically what they are doing. That is basically what Aetna did. They decided to insure people, and take their money, as long as it was okay with them and their bottom line and then they took the money and ran. Report "B" says to Aetna, and other companies, yes, you may start imposing and requiring a physical to find out if pre-existing condition exist, but you cannot do that for people whose policies you assume. Who have done their part, who have paid their money, who have stayed insured, as Senator Cleveland's, from Androscoggin, clients had for ten and twelve years. So, please, let's vote down Report "A" so we can vote positively on Report "B", the moderate option.

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

Senator **HARRIMAN**: Thank you Mr. President. Good evening Ladies and Gentlemen of the Senate. I would just like to add a few words to the testimony of my good friend from Cumberland, Senator Abromson, and I do so because there is another side to the story here that hasn't been discussed. He's right, this is an opportunity for better consumer protection, the putting of bold print the terms and conditions upon which the policies are issued. For most consumers it becomes almost a fait accompli at the time of closing. Do you want to protect your mortgage in the event of a death or disability? Of course I do. So, you check the box and you pay the premium. What often happens is that the bank owns the policy, so that if there are any dividends declared on the policy, the bank gets the dividend. If, subsequently, you sell your house and pay off the mortgage, then the bank no longer has an insurable interest, so the policy is terminated because of the pay off. In this case, from the Senator from Androscoggin, Senator Cleveland, it was terminated for another reason. So, what happens is you go from one house to another house, and you buy more mortgage insurance, at an older age, the premium goes up, and so on and so forth. The better consumer choice is to buy an individual policy that you own for the rest of your life, that you carry with you as you go through life, where the premium can't be changed and if there are dividends declared they are paid to you as the policy holder, not the bank as the policy holder. So, I think the pending motion from the good Senator from Cumberland is fair. It explains that this policy can be terminated and under what conditions. Thank you.

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

Senator **CLEVELAND**: Men and Women of the Senate. I certainly think it's useful that it is at least now in bold print. At least you have more of an opportunity in that you don't have to read the fine print. Unfortunately, not all consumers are as sophisticated as others. I remember when I went to my house closing for the first time. I happened to be scared to death. I never thought I would owe that much money in my life. But there were tons of papers there, about the titles and the taxes and mortgages and surveys and legal documents. It must have been three inches thick. They were all placed in front of me and I had to sign them all in triplicate, and everybody is sitting around, the banker and the attorney and the real estate broker, looking anxiously, let's get this done so we can get these checks distributed and get out. Unfortunately, what happens, I think, is that people who aren't as sophisticated as others don't realize the product that they are buying is fairly inferior. Rather, the bank takes the opportunity, because there is a sitting and waiting customer who, perhaps, doesn't clearly understand, and doesn't have the time to go and check out the policy, and they sign up for it. They are left hanging to dry while the insurance companies and the banks and the others make money off from it. It seems to me that that doesn't put the consumer in the best position possible.

I would also like to mention one other point, which I failed to mention before. The Minority Report also stipulates that in this credit line of

insurance, that the company that would take it over is only obligated for the balance of the credit line that is left. So, if you had a \$30,000 line of credit, and you were only using \$10,000 of it, they would only be obligated for the \$10,000. You couldn't go and write a check for the next day for the other \$20,000 simply because you were there. It tries to protect the lender as well, but it provides some continuity for those individuals who bought a policy to protect themselves and their families, that they are going to have some access and opportunity to those insurance policies. I don't think that's an unfair request for people to ask, that you simply treat people fairly, and that if they do their part and pay their premiums, and do it timely, they ought to get what they thought they were buying, protection for their home and their families. I would ask you to consider that before you cast your vote.

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

Senator **ABROMSON**: Thank you Mr. President. I will be very brief. I would just remind the good Ladies and Gentlemen of the Senate that they would not be going in with a pile of papers and have to make a quick decision. They have thirty days. They can sign up and have thirty days to bring that piece of paper back. So they can look for all of the alternatives. The other point is I just want to make it very clear that the bank, the financial institution, or whatever it is, or even the insurance company, does not cancel an individual policy. It's because they chose to leave or for another reason, for example the debt was paid off or whatever. It's because the insurance company chose not to do business in this State. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **ABROMSON** of Cumberland that the Senate **ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160)**.

The Chair ordered a Division.

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

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

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **ABROMSON** of Cumberland to **ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160)**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-160) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend Real Estate Appraisal Licensing and Certification Laws" S.P. 168 L.D. 429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-158).**

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland  
BRENNAN of Portland  
DAVIDSON of Brunswick  
KONTOS of Windham  
REED of Dexter  
SIROIS of Caribou

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

Signed:

Representatives:

BIRNEY of Paris  
CAMERON of Rumford  
LIBBY of Kennebunk  
POVICH of Ellsworth

Which Reports were **READ.**

**THE PRESIDENT** moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

On motion by Senator **HARRIMAN** of Cumberland, 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 **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

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**Divided Report**

Six Members of the Committee on **HUMAN RESOURCES** on Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (Emergency)

S.P. 35 L.D. 65

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165).**

Signed:

Senator:

PINGREE of Knox

Representatives:

FITZPATRICK of Durham  
JOHNSON of South Portland  
SHIAH of Bowdoinham  
ETNIER of Harpswell  
JONES of Bar Harbor

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

Signed:

Senators:

PENDEXTER of Cumberland  
BENOIT of Franklin

Representatives:

JOYNER of Hollis  
MARVIN of Cape Elizabeth  
WINGLASS of Auburn  
LOVETT of Scarborough

Which Reports were **READ.**

On motion by Senator **KIEFFER** of Aroostook, Tabled 2 Legislative Days, pending **ACCEPTANCE** of Either Report.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Authorize Municipalities to Pay Employees Biweekly"

S.P. 259 L.D. 695

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

Signed:

**Committee of Conference**

Senator:  
RAND of Cumberland

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND  
VETERANS AFFAIRS** on Bill "An Act to Require That a  
Vacancy in a County Office Be Filled by an Appointee  
from the Same Political Party"

S.P. 390 L.D. 1067

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

Signed:

Senators:  
FERGUSON, JR. of Oxford  
MICHAUD of Penobscot

Representatives:  
NADEAU of Saco  
MURPHY of Berwick  
BUCK of Yarmouth  
LEMONT of Kittery  
CHIZMAR of Lisbon  
FISHER of Brewer  
GAMACHE of Lewiston  
LABRECQUE of Gorham

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

Signed:

Senator:  
STEVENS, JR. of Androscoggin

Which Reports were **READ**.

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

The **Committee of Conference** on the disagreeing  
action between the two branches of the Legislature on  
**RESOLUTION**, Proposing an Amendment to the  
Constitution of Maine to Provide for 4-year Terms for  
Senators

S.P. 155 L.D. 378  
(S "A" S-25)

Have had the same under consideration and ask  
leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator HARRIMAN of Cumberland  
Senator AMERO of Cumberland  
Senator CIANCHETTE of Somerset

Signed on the part of the House:

Representative AHEARNE of Madawaska  
Representative SAXL of Bangor  
Representative YACKOBITZ of Herman

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

Sent down for concurrence.

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**SECOND READERS**

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

**House**

Bill "An Act to Add the Prohibition of False  
Official Statements to the Maine Code of Military  
Justice"

H.P. 554 L.D. 755

Bill "An Act to Facilitate the Regulation of  
Alcohol in Auditoriums"

H.P. 739 L.D. 1013

Bill "An Act to Clarify Recent Amendments to the  
Laws on Guardianship and Conservatorship"

H.P. 833 L.D. 1164

Bill "An Act to Correct a Fishing Zone Definition  
Error"

H.P. 840 L.D. 1171

Bill "An Act to Correct Obsolete References to  
Justices of the Peace"

H.P. 906 L.D. 1282

Bill "An Act to Expand Eligibility for the Maine  
Veterans' Homes"

H.P. 938 L.D. 1327

Bill "An Act to Repeal Boards That Have Not Filed  
Annual Reports with the Secretary of State"

H.P. 961 L.D. 1350



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

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**House As Amended**

Bill "An Act to Increase Safety in Highway Construction and Work Maintenance Areas"  
H.P. 134 L.D. 182  
(C "A" H-239)

Bill "An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs"  
H.P. 540 L.D. 736  
(C "A" H-241)

Bill "An Act to Amend the Trust Fund Provisions of Cemeteries and Crematories"  
H.P. 561 L.D. 762  
(C "A" H-248)

Bill "An Act to Authorize a Multi-day Bass Tournament Permit"  
H.P. 795 L.D. 1112  
(C "A" H-253)

Bill "An Act to Continue the State's Dioxin Monitoring Program"  
H.P. 823 L.D. 1154  
(C "A" H-250)

Bill "An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard"  
H.P. 905 L.D. 1281  
(C "A" H-249)

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

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Bill "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information"  
H.P. 788 L.D. 1105  
(S "A" S-157 to C "A" H-252)

Which was **READ A SECOND TIME**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

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**Senate As Amended**

Bill "An Act to Prohibit Any State or Independent Agency from Establishing Private Accounts"  
S.P. 277 L.D. 749  
(C "A" S-151)

Bill "An Act to Amend the Law Dealing with Agreements for Recovery of Personal Property"  
S.P. 359 L.D. 985  
(C "A" S-154)

Bill "An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements"  
S.P. 408 L.D. 1096  
(C "A" S-150)

Bill "An Act to Reduce the Maine Sales Tax and the Meals and Lodging Tax to 3%" (Emergency)  
S.P. 470 L.D. 1266  
(C "A" S-152)

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

Sent down for concurrence.

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Bill "An Act to Amend the Maine Tree Growth Tax Law" (Emergency)  
S.P. 64 L.D. 93  
(C "A" S-153)

Which was **READ A SECOND TIME**.

On motion by Senator **LORD** of York, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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**ENACTORS**

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

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)

An Act to Clarify the Liquor Licensing Laws for Certain Establishments  
S.P. 94 L.D. 234  
(C "A" S-121)

An Act to Clarify the Tax Records Laws  
S.P. 140 L.D. 326  
(C "A" S-111)

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

An Act to Discourage Prescription Drug Fraud  
S.P. 265 L.D. 705  
(C "A" S-120)

An Act to Allow Certain Employees of the Maine  
State Liquor and Lottery Commission and Their  
Families to Purchase Lottery Tickets  
H.P. 530 L.D. 726  
(C "A" H-141)

An Act to Amend the Procedures for Conducting a  
School District Referendum  
S.P. 317 L.D. 898

An Act to Remove Outdated and Duplicative  
Provisions from the Statute Governing the Office of  
Substance Abuse  
S.P. 349 L.D. 977

An Act to Clarify Juvenile Detention  
S.P. 354 L.D. 982  
(C "A" S-114; S "A"  
S-129)

An Act to Establish Standards for Preadmission  
Assessments for Long-term Care Services  
H.P. 804 L.D. 1121  
(C "A" H-186)

An Act Regarding Abandoned Prescription Drugs at  
State Facilities  
S.P. 419 L.D. 1142

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 Clarify the Sales Tax Law Applicable to  
Packaging  
S.P. 207 L.D. 550  
(C "A" S-113)

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

An Act to Provide Funds for Family Crisis  
Shelters  
S.P. 307 L.D. 846  
(C "A" S-110)

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

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

Senator **MILLS**: Mr. President, Men and Women of  
the Senate. My earliest political memory goes back  
to about 1948. I was five years old at the time and  
my father had a Chevrolet that was not exactly new, I  
think it was a 1941. We had the pleasure of  
transporting around Franklin County a widow who was  
about the same age that I am now. She was very kind  
to, if you remember the 1941 Chevy's, they had a  
window in the back that was very small and it was  
very hard to see out of the car. You could see a lot  
better if you could sit up front. I remember  
specifically this very gracious widow allowing me to  
sit up front so I could see out the window, and she  
sat in the back. We drove around politicking. I  
have just been informed that Margaret Smith has  
suffered a stroke. She is resting, in a coma, at  
home, and her doctor, who is a close friend of mine,  
Allan Jurgis, says there is not much chance that she  
will live for very long. I do ask that when we  
adjourn this evening, that we do so in the honor of  
Margaret Chase Smith.

Senator **LONGLEY** of Waldo was granted unanimous  
consent to address the Senate on the Record.

Senator **LONGLEY**: Thank you Mr. President, Men  
and Women of the Senate. I have had a few distinct  
honors in my life, one has been to become a close  
friend of Senator Margaret Chase Smith. I could tell  
you wonderful stories. She had an open door policy  
and was always willing to let me, and any other  
student, in. Stories like the time she was on Route  
196, running late for a meeting and went, in her big  
old car, from one guardrail, hit it with one side of  
the car, over to the other side of the road and hit  
the other guardrail, and finally got back on, rushing  
to her meeting. I see pictures of her; and you turn  
the pages in the books; and there are pictures of one  
woman; and it's not just like one row, like this,  
where there is one woman; there is a whole room of  
just one woman. I really love this woman. She has  
been a great political influence on me, and a  
personal influence. I just talked to her May 12, and  
her voice was stronger than ever. We have the same  
birthday, so many a year we celebrated our birthdays  
together. I'm with her in spirit right now and in  
honor of her, if anyone would like me to pick up a  
rose for her, tomorrow morning on my way to work, I  
would be happy to. Thank you.

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

Senator **PARADIS**: Thank you. I would like to add  
my two cents because there is this little spiel I  
make every day here. I remind the young students,  
who are coming through this building, that they will  
not see any females on the walls of this building,  
except one, and she is Margaret Chase Smith and she

is on the corner of the second floor. I hope one of these days we can get her out of the corner on the second floor and move her up to the third floor where she belongs.

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

Sent down for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Today Assigned (May 17, 1995) matter:

Bill "An Act to Require Uniform Public Access and Tax Status for Water Districts"

H.P. 311 L.D. 415  
(C "A" H-228)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED.**

(In House, May 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228).**)

(In Senate, May 17, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**, in concurrence. Subsequently **RECONSIDERED.**)

On motion by Senator **HANLEY** of Oxford, the Senate **SUSPENDED THE RULES** for the purposes of **RECONSIDERATION.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-228), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-171) to Committee Amendment "A" (H-228) **READ.**

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

Senator **HANLEY:** Mr. President, Men and Women of the Senate. This amendment purely corrects an error in the fiscal note.

On further motion by the same Senator, Senate Amendment "A" (S-171) to Committee Amendment "A" (H-228) **ADOPTED.**

Committee Amendment "A" (H-228), as Amended by Senate Amendment "A" (S-171), thereto, **ADOPTED in NON-CONCURRENCE.**

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

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

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

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On motion by Senator **MILLS** of Somerset, **ADJOURNED**, in honor of Margaret Chase Smith, a unique Maine treasure, until Wednesday, May 24, 1995, at 9:30 o'clock in the morning.