

# 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  
Thursday  
June 8, 1995

Senate called to Order by the President Pro Tempore, Jane A. Amero of Cumberland.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

**SENATOR GEORGETTE B. BERUBE:** One of my favorite prayers is the one by Francis of Assisi, but I was really looking for a prayer written by a woman today, until I remembered the nuns where I was at boarding school always reminded us that that prayer had been co-authored by Saint Clare of Assisi. So, together we will ponder on the prayer of Saint Clare of Assisi.

Lord, let us be an instrument of your peace. Where there is hatred, let us show love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. And, where there is sadness, joy. Grant that we may not so much seek to be consoled as to console, to be loved as to love, and to be forgiven as to forgive. Amen.

National Anthem by the Honorable Julie Marie Robichaud of Caribou.

Pledge of Allegiance led by Senator **BEVERLY MINER BUSTIN** of Kennebec.

Off Record Remarks

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Prohibit the Employment of Professional Strikebreakers" H.P. 505 L.D. 686

In House, June 5, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312).

In Senate, June 6, 1995, the Minority **UGHT NOT TO PASS Report READ and ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that body having **ADHERED**.

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

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

Senator **BUSTIN** of Kennebec moved that the Senate **RECEDE and CONCUR**.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion of Senator **BUSTIN** of Kennebec that the Senate **RECEDE and CONCUR**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

**NAYS:** Senators: **ABROMSON, BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LORD, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator AMERO**

**ABSENT:** Senators: **CIANCHETTE, HANLEY, HATHAWAY, LAWRENCE, MILLS, PENDEXTER**

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **BUSTIN** to **RECEDE and CONCUR, FAILED**.

On motion by Senator KIEFFER of Aroostook, the Senate **INSISTED**.

Sent down for concurrence.

The Following Communication:

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

June 5, 1995

**COMMUNICATIONS**

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 287      An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Construction of Wastewater Treatment Facilities
- L.D. 1077     An Act to Authorize a General Fund Bond Issue in the Amount of \$100,000,000 to Encourage the Modernization of Paper Industry Facilities and Equipment
- L.D. 1094     An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Fund Municipal Infrastructure Improvements

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

Sincerely,

S/Sen. Dana C. Hanley  
Senate Chair

S/Rep. George J. Kerr  
House Chair

S.C. 220

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

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 832      An Act to Protect Natural Gas Customers and the Public through Licensing and Regulation of Natural Gas Technicians
- L.D. 1029     Resolve, to Establish Work Opportunity Regions in the State
- L.D. 1195     Resolve, Directing the Department of Professional and Financial Regulation to Provide Greater Uniformity among Occupational Regulatory Boards

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

Sincerely,

S/Sen. Philip Harriman  
Senate Chair

S/Rep. G. Steven Rowe  
House Chair

S.C. 221

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 535 An Act to Improve the Efficiency of the Maine Technical College System
- L.D. 1160 An Act to Authorize the Maine Principals' Association to Govern Official Refereeing and Umpiring of Secondary School Athletic Contests
- L.D. 1275 Resolve, Directing the Department of Education and the Department of Professional and Financial Regulation to Review the Continuing Education Requirements for Speech Therapists Working in the Schools
- L.D. 1422 An Act to Establish the Maine State Honors Marching Band
- L.D. 1480 An Act to Require School Administrative Districts to Provide Funding for Independent Evaluations
- L.D. 1495 An Act to Establish the Comprehensive School Choice Program in the State

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

Sincerely,

S/Sen. Mary E. Small  
Senate Chair

S/Rep. John L. Martin  
House Chair

S.C. 222

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 209 An Act to Reduce Costs in the Department of Human Services by Reducing Functions to the Federally Mandated Level
- L.D. 1135 Resolve, Directing the Department of Human Services to Establish an Oversight Committee to Study Child Protective Services
- L.D. 1389 An Act to Promote Work, Family and Dignity
- L.D. 1413 Resolve, to Create Access to Child Care

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

Sincerely,

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

S.C. 223

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1181 An Act to Establish a Moose Lottery Point System

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

Sincerely,

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

S.C. 224

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 170 An Act to Require the State and Political Subdivisions to Pay Property Owners when Regulations Lower the Value of Property by More Than 50%

L.D. 471 An Act Concerning the Jurisdiction of the Penobscot Nation Tribal Court

L.D. 1146 An Act to Prohibit the Practice of Scalping BY REQUEST

L.D. 1239 An Act to Restrict the Use of State Agencies for Representation of Nonresidents under the Uniform Interstate Family Support Act

L.D. 1249 An Act to Allow the Court to Dismiss Frivolous Lawsuits Filed by Persons Requesting Leave to Proceed In Forma Pauperis

L.D. 1359 An Act to Establish a New Prosecutorial District Consisting of Oxford County and Franklin County

L.D. 1433 An Act to Prevent Scalping of Entertainment Tickets

L.D. 1468 An Act Regarding Custody and Support of Children

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

Sincerely,

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

S.C. 225

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 745 An Act to Allow Employees of Local Districts to Decline Membership in the Maine State Retirement System and Choose Other Alternatives

L.D. 917 An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals

L.D. 1478 An Act to Create a Special Accidental Death Benefit for the Surviving Family Members of Law Enforcement Officers Killed in the Line of Duty

S.C. 227

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

L.D. 1490 An Act to Prohibit Retirement Contributions by Employees of Agricultural Commodity Groups from Being Applied towards the Unfunded Liability of the Maine State Retirement System

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

Sincerely,

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

S.C. 226

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 99 An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources

L.D. 1159 An Act to Create a Tire Emergency Readiness Fund

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

Sincerely,

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

S.C. 228

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1377 An Act to Require That Campaign Finance Reports Be Archived

L.D. 1378 An Act Allowing an Initiative Petitioning Organization to Withdraw Its Ballot up to a Certain Time Period

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

Sincerely,

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

June 5, 1995

The Following Communication:

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

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 280 An Act to Annex Fortunes Rocks and Granite Point to the Town of Kennebunkport
- L.D. 934 An Act to Allow Peaks Island and Certain Other Islands in Casco Bay To Vote in a Referendum To Secede from the City of Portland
- L.D. 1165 An Act to Incorporate the Town of Biddeford Pool
- L.D. 1338 An Act to Restructure the Department of Human Services and the Department of Mental Health and Mental Retardation
- L.D. 1355 An Act to Establish Standards for Privatization Contracts

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

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett  
Senate Chair House Chair  
S.C. 229

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 163 An Act to Clarify What Machinery and Equipment Used in Business Are Tax Exempt
- L.D. 533 An Act to Repeal Tax Exemptions for Railroads

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

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore  
Senate Chair House Chair  
S.C. 230

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 252 An Act to Permit Greenhouses To Have Temporary Road Signs BY REQUEST
- L.D. 446 An Act to Consolidate the Regulation of Driver Education
- L.D. 1180 An Act Authorizing Seasonal Road Signs Advertising Maple Syrup
- L.D. 1426 Resolve, Transferring Jurisdiction of County Bridges to the Department of Transportation



L.D. 1431 An Act to Require the State to Provide Its Share in Implementing the Salt and Sand Schedules

L.D. 1484 Resolve, to Reopen Maine State Rest Areas to Only Commercial Tractor Trailer Use

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

Sincerely,

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

S.C. 231

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

The Following Communication:

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

June 5, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 866 An Act to Establish a Reduced Rate for Electric Utility Consumers on Life-support Equipment

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

Sincerely,

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

S.C. 232

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LEGAL AND VETERANS AFFAIRS on Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine

H.P. 89 L.D. 124

Reported that the same Ought Not to Pass.

Signed:

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

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-356).

Signed:

Senator: MICHAUD of Penobscot

Comes from the House with the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356).

Which Reports were READ.

On motion by Senator MICHAUD of Penobscot, Tabled until Later in Today's Session, pending ACCEPTANCE of Either Report.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes"

H.P. 33 L.D. 27

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-372).**

Signed:

Senator:

HATHAWAY of York

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Establish Qualifications for Public Utilities Commissioners"

H.P. 713 L.D. 970

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345).**

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham  
ADAMS of Portland  
TAYLOR of Cumberland  
GIERINGER, JR. of Portland  
O'NEAL of Limestone

POULIN of Oakland  
LUTHER of Mexico  
HEESCHEN of Wilton  
POIRIER of Saco

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

Signed:

Senators:

CARPENTER of York  
HARRIMAN of Cumberland

Representative:

STONE of Bangor

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).**

Which Reports were **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act Concerning the Sites for Western Aroostook District Court"

S.P. 572 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-226) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Promote Competition and Managed Care Cost Savings in the Pharmaceutical Market"

S.P. 224 L.D. 584

House As Amended

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

Signed:

Senator:

BENOIT of Franklin  
PINGREE of Knox

Representatives:

FITZPATRICK of Durham  
JOHNSON of South Portland  
JOYNER of Hollis  
SHIAH of Bowdoinham  
MARVIN of Cape Elizabeth  
ETNIER of Harpswell  
WINGLASS of Auburn  
LOVETT of Scarborough  
JONES of Bar Harbor  
MITCHELL of Portland

Bill "An Act to Provide Merchants Greater Recourse to Combat Deceptive and Illegal Practices"  
H.P. 359 L.D. 479  
(C "A" H-360)

Resolve, to Improve Postsecondary Education in the State (Emergency)  
H.P. 361 L.D. 481  
(H "A" H-390)

Bill "An Act to Amend the Maine Cancer Registry Law to Require the Reporting of All Cancer Cases to the Department of Human Services"  
H.P. 845 L.D. 1176  
(C "A" H-370)

Resolve, to Create a Task Force on Economic Development Tax Incentives (Emergency)  
H.P. 858 L.D. 1189  
(C "A" H-339)

Bill "An Act to Amend the Maine Civil Rights Act to Provide Greater Protections to Reproductive Facilities"  
H.P. 866 L.D. 1216  
(C "A" H-361)

Bill "An Act to Conform Maine Law with the Provisions of the Federal Clean Air Act and the Internal Revenue Code Pertaining to the Use of Dyed Fuel on Highways" (Emergency)  
H.P. 919 L.D. 1295  
(C "A" H-371 and H. "A" H-391)

Bill "An Act to Change Eligibility for the Elderly Low-cost Drug Program"  
H.P. 963 L.D. 1372  
(C "A" H-364)

Bill "An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects"  
H.P. 1017 L.D. 1432  
(C "A" H-362)

Bill "An Act to Create Wet-weather Water Quality Standards"  
H.P. 1023 L.D. 1438  
(C "A" H-366)

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

Bill "An Act to Increase Levels of Property Tax Relief Found in the Maine Residents Property Tax Program"  
H.P. 450 L.D. 616  
(C "B" H-334)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**.

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-224).**

Signed:

Senator:

PENDEXTER of Cumberland

Which Reports were **READ.**

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

**SECOND READERS**

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

**House**

Bill "An Act to Amend the Real Estate Laws Concerning Validation of Defects"  
H.P. 1059 L.D. 1488

Bill "An Act to Clarify the Operations of the Maine Board of Bar Examiners"  
H.P. 1062 L.D. 1497

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems"

S.P. 38 L.D. 68  
(C "A" S-211)

Bill "An Act to Create an Intermediate License for Minors"

S.P. 166 L.D. 427  
(C "A" S-220)

Bill "An Act to Amend the Teacher Certification Laws Relating to Certification Waivers"

S.P. 353 L.D. 981  
(C "A" S-225)

Bill "An Act to Create the Northern New England Passenger Rail Authority" (Emergency)

S.P. 459 L.D. 1255  
(C "A" S-202)

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 Connect Libraries and Communities Electronically"

S.P. 191 L.D. 500  
(C "A" S-223)

Which was **READ A SECOND TIME.**

On motion by Senator **SMALL** of Sagadahoc, the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent down for concurrence.

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Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent forthwith.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault"  
H.P. 589 L.D. 799  
(C "A" H-299)

In Senate, May 31, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299) AS AMENDED BY HOUSE AMENDMENT "A" (H-393)**, thereto, in **NON-CONCURRENCE.**

On motion by Senator **PENDEKTER** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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**Non-concurrent Matter**

Bill "An Act to Require Licensure for Use of the Title Athletic Trainer"

H.P. 699 L.D. 957  
(C "A" H-282)

In Senate, May 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282) AS AMENDED BY HOUSE AMENDMENT "B" (H-392)**, thereto, in **NON-CONCURRENCE.**

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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**ENACTOR**

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

An Act Protecting a Citizen's Right of Petition  
under the Constitution

H.P. 576 L.D. 781  
C "A" (H-300)

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

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Off Record Remarks

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Senator BUSTIN of Kennebec was granted unanimous  
consent to address the Senate off the Record.

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On motion by THE PRESIDENT PRO TEM, RECESSED  
until 11 o'clock this morning.

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After Recess

Senate called to order by the President Pro Tem.

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**THE PRESIDENT PRO TEM:** It's a pleasure today to sense the vitality and the excitement that are in the halls of this capitol building. It is such a pleasure to see so many women who have come back today to be honored for their service to the people of the State of Maine. All over this country, this year, different states, in their own ways, are honoring the women who have served in their state legislatures. We are so thrilled today to be spending one whole day giving the awards, recognition, and really, the fun of bringing people back together to share the times that they have served in the Maine Legislature. In particular, today, we in this Chamber, are going to be honoring women who have served in the Maine Senate. At this time I would ask the Sergeant-at-Arms if he would please escort the Senator from Waldo, Senator Longley, to the podium to make a presentation.

---

The Sergeant-at-Arms escorted the Senator from Waldo, Senator LONGLEY, to the Rostrum.

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Senator LONGLEY: Thank you. It is my privilege to read the Resolution. The reason I got picked was I happen to be the youngest woman Senator in this Senate. I happen to believe also that with women, and men, age is wisdom, thank God. So, I don't take that as too much of a compliment. I should add this woman from Waldo beat out two other women from Sagadahoc and Knox by a few days in terms of being the youngest.

---

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

**JOINT RESOLUTION CELEBRATING THE 100TH YEAR OF  
WOMEN SERVING IN STATE LEGISLATURES**

**WHEREAS**, the National Foundation for Women Legislators, Incorporated, which serves as the educational arm of the National Order of Women Legislators, the oldest professional association for women legislators in the country, is coordinating state, regional and national celebrations to commemorate the 100th year of women serving in state legislatures; and

**WHEREAS**, women state legislators were elected to serve before American women had the universal right to vote; and

**WHEREAS**, in the state of Colorado in January 1895, the first 3 women were sworn in to serve as state legislators; and

**WHEREAS**, in 1923, Dora Pinkham of Fort Kent was the first woman in the State of Maine to be sworn in to serve as a state legislator; and

**WHEREAS**, the members of the 117th Legislature proudly recognize the 100th year of women serving in state legislatures; and

**WHEREAS**, the members of the 117th Legislature recognize the women from across the State who are currently serving or formerly served in the state legislature for their outstanding contributions and accomplishments; and

**WHEREAS**, the celebration of this centennial will elevate public knowledge and awareness of women in state history who have diligently served and devoted most of their lives to their communities and to our great State; and

**WHEREAS**, their knowledge, expertise and wise leadership are valuable tools to carry the State of Maine into the 21st century; and

WHEREAS, the members of the 117th Legislature, by this resolution, would like to congratulate the following:

Representative Rosalie Aikman  
 Honorable Carol Allen  
 Honorable Katharine Allen  
 Honorable Angela Aloupis  
 Senator Jane Amero  
 Honorable Priscilla Attean  
 Representative Wendy Ault  
 Honorable Anne Bachrach  
 Honorable Ethel Baker  
 Honorable Reta Baker  
 Honorable Jean Lois Bangs  
 Honorable Joline Landry Beam  
 Honorable Edith Beaulieu  
 Honorable Jeanne Begley  
 Honorable Susan Jane Bell  
 Honorable Sharon Benoit  
 Honorable Glenys Berry  
 Senator Georgette Berube  
 Representative Brenda Birney  
 Honorable Anne Boudreau  
 Honorable Linda Curtis Brawn  
 Honorable Ada Brown  
 Honorable Marion Fuller Brown  
 Honorable Karen Brown-Mohr  
 Honorable Christine Burke  
 Honorable Mabel Burnham  
 Senator Beverly Miner Bustin  
 Honorable Pamela Cahill  
 Honorable Catherine Hendricks Carswell  
 Honorable Bessie Carter  
 Honorable Claire Carter  
 Honorable Mary Cathcart  
 Honorable Jean Chalmers  
 Honorable Mabelle Chaney  
 Representative Gail Chase  
 Honorable Mary Chisholm  
 Representative Nancy Chizmar  
 Honorable Lorraine Chonko  
 Honorable Augusta Christie  
 Honorable Grace Church  
 Honorable Margaret Pruitt Clark  
 Honorable Nancy Randall Clark  
 Honorable Ruth Thorndike Clough  
 Honorable Barbara Coffey  
 Honorable Mary Cahill Conley  
 Honorable Virginia Constantine  
 Honorable Lucia Cormier  
 Honorable Cecile Boisvert Cote  
 Honorable Constance Cote  
 Honorable Minnette Cummings  
 Honorable Marion Currier  
 Honorable Judith Curtis  
 Honorable Ada Daggett  
 Representative Beverly Daggett  
 Representative Catharine Damren  
 Honorable Lena Day  
 Honorable R. Blanche Dean  
 Honorable Jean Dellert  
 Representative Mabel Desmond  
 Representative Susan Dore  
 Honorable Eleanor Downing  
 Honorable Dorothy Doyle  
 Honorable Susan Dubay  
 Honorable Lena Durgin  
 Honorable Ruth Ellingwood  
 Honorable Phyllis Erwin

Honorable Susan Farnsworth  
 Honorable Marguerite Fay  
 Honorable Florence Files  
 Honorable Blanche Folsom  
 Honorable Sarah Hughes Forbes  
 Honorable Judith Foss  
 Honorable Ruth Foster  
 Honorable Katharine Gavett  
 Honorable Maude Clark Gay  
 Representative Belinda Gerry  
 Honorable Barbara Gill  
 Honorable Naomi Giroux  
 Senator Jill Goldthwait  
 Honorable Tracy Goodridge  
 Honorable Kathleen Watson Goodwin  
 Honorable Marian Gowen  
 Honorable Neota Fowles Grady  
 Honorable Glenith Gray  
 Representative Bonnie Green  
 Honorable Mona Walker Hale  
 Honorable Bernice Hanson  
 Honorable Mary Hanson  
 Honorable Betty Harper  
 Honorable Hallie Harriman  
 Honorable Barbara Harrington  
 Honorable Ida Harrington  
 Honorable Alice Harvey  
 Honorable Edith Hatch  
 Representative Pamela Hatch  
 Honorable Gennette Ingraham Hawley  
 Honorable Annette Hogle  
 Honorable Muriel Holloway  
 Honorable Maria Glen Holt  
 Honorable Sherry Huber  
 Honorable Marjorie Hutchings  
 Representative Ruth Joseph  
 Honorable Mary Kane  
 Honorable Judy Kany  
 Honorable Mary Kavanaugh  
 Honorable Dorothy Kelley  
 Representative Marge Kilkelly  
 Honorable Jane Callan Kilroy  
 Honorable Minnie Knapp  
 Honorable Patricia Hughes Knight  
 Representative Carol Kontos  
 Representative Janice Labrecque  
 Honorable Elaine Lacroix  
 Representative Priscilla Lane  
 Honorable Sharon LaPlante-Cote  
 Honorable JoAnne Lapointe  
 Honorable Anne Larrivee  
 Honorable Florence Latno  
 Honorable Gail Laughlin  
 Honorable Dorothy Laverty  
 Honorable Dorothy Lawry  
 Honorable Catharine Lebowitz  
 Honorable Ella Leidy  
 Representative Patricia Lemaire  
 Honorable Harriet Lerman  
 Honorable Joyce Lewis  
 Honorable E. Louise Lincoln  
 Honorable Stephanie Locke  
 Senator Susan Longley  
 Honorable Marion Longstaff  
 Representative Theone Look  
 Honorable Hazel Lord  
 Representative Glenys Lovett  
 Honorable Margaret Ludwig  
 Representative Lisa Lumbra  
 Honorable Sylvia Lund

Representative M. Ida Luther  
Honorable Mary MacBride  
Honorable B. Carolyn Mahany  
Honorable Bessie Mann  
Honorable Antoinette Martin  
Honorable Hilda Martin  
Honorable Marion Martin  
Representative Jean Ginn Marvin  
Honorable Vivian Massey  
Honorable Nancy Masterton  
Senator Dale McCormick  
Honorable Dorothy McCormick  
Honorable Rita Melendy  
Representative June Meres  
Honorable Kathryn Merrill  
Honorable Rita Michaud  
Honorable Margaret Miskavage  
Representative Elizabeth H. Mitchell  
Representative J. Elizabeth Mitchell  
Honorable Elizabeth Deering Moffatt  
Honorable Maude Morey  
Honorable Johanna Morgan  
Honorable Leatrice Morin  
Honorable Edna Murchison  
Representative Eleanor Murphy  
Honorable Mary Najarian  
Honorable Merle Nelson  
Honorable Alma Oakes  
Senator Judy Paradis  
Honorable Nancy Hill Payne  
Honorable Mary Payson  
Representative Judith Peavey  
Senator Joan Pendexter  
Honorable Peggy Pendleton  
Honorable Sophia Douglass Pfeiffer  
Honorable Susan Pines  
Honorable Elizabeth Pinette  
Senator Rochelle Pingree  
Honorable Dora Pinkham  
Representative Debra Plowman  
Honorable Bonnie Post  
Honorable Sandra Prescott  
Senator Anne Rand  
Honorable Mary- Ellen Randall  
Honorable Polly Reeves  
Honorable Sally Rice  
Honorable Dorothy Robbins  
Honorable Cora Roberts  
Honorable Phyllis Roberts  
Representative Julie-Marie Robichaud  
Honorable Etta Robinson  
Honorable Harriet Lewis Robinson  
Representative Dorothy Rotondi  
Honorable Christine Ruby  
Honorable Charlene Rydell  
Honorable Vivian St. Onge  
Honorable Emily Saunders  
Representative Christine Savage  
Honorable Mary Sawyer  
Representative Jane Saxl  
Honorable Esther Shaw  
Honorable Natalie Shepard  
Senator Mary Small  
Honorable Marguerite Smith  
Honorable Mildred Smith  
Honorable Olympia Snowe  
Honorable Madonna Soctomah  
Honorable Margaret Sproul  
Honorable Louise Steeves  
Representative Kathleen Stevens

Honorable Patricia Stevens  
Honorable Madeline Stevenson  
Honorable Isabel Stickney  
Honorable Barbara Strout  
Honorable Thelma Cornell Strout  
Honorable Mary Sullivan  
Honorable Gail Tarr  
Honorable Priscilla Taylor  
Honorable Ellen Thomas  
Honorable A. Mavourneen Thompson  
Honorable Florence Thurston  
Honorable Bonnie Titcomb  
Representative Elizabeth Townsend  
Honorable Louise Townsend  
Honorable Barbara Trafton  
Representative Sharon Anglin Treat  
Honorable Helen Tupper-Southard  
Honorable Mary Vaughn  
Honorable Ellen Walker  
Representative Elizabeth Watson  
Honorable Mary Clark Webster  
Honorable Alma Weed  
Honorable Alberta Wentworth  
Honorable Mildred Wheeler  
Honorable Charlotte White  
Representative Julie Winn  
Honorable Marie Wood  
Honorable Charlotte Zahn

; and

**WHEREAS**, the 117th Legislature, by this resolution, extends its sincerest appreciation to all of these women who have unselfishly served the State of Maine; now, therefore, be it

**RESOLVED**: That the 49 women members of the 117th Legislature of the State of Maine, now assembled in the First Regular Session, join with their colleagues in recognizing the 100th Year Celebration of Women in State Legislatures; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the women listed in this resolution.

H.P. 1113

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

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

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**THE PRESIDENT PRO TEM**: Since the first woman served in the Maine Senate, in 1927, there have been 41 women who have had the privilege and opportunity to represent their districts in this Senate. At this time, I would ask the Secretary to call the Roll of all women who have served in the Maine Senate, and for those women who are here today, when you hear your name called, if you would please stand, and remain standing until the Secretary has called the entire roll.

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The Secretary called the Roll:

Sen. Katharine C. Allen of Penobscot  
Sen. Georgette B. Berube of Androscoggin  
Sen. Linda Curtis Brawn of Knox  
Sen. Beverly Miner Bustin of Kennebec  
Sen. Pamela L. Cahill of Sagadahoc  
Sen. Catherine Hendricks Carswell of Cumberland  
Sen. Claire S. Carter of Androscoggin  
Sen. Jean B. Chalmers of Knox  
Sen. Mary E. Chisholm of Cumberland  
Sen. Augusta K. Christie of Aroostook  
Sen. Nancy Randall Clark of Cumberland  
Sen. Ruth T. Clough of Penobscot  
Sen. Minnette H. Cummings of Penobscot  
Sen. Ruth S. Foster of Hancock  
Sen. Maude Clark Gay of Lincoln  
Sen. Barbara A. Gill of Cumberland  
Sen. Jill M. Goldthwait of Hancock  
Sen. Ida M. Harrington of Penobscot  
Sen. Muriel D. Holloway of Lincoln  
Sen. Judy C. Kany of Kennebec  
Sen. Mary L. Kavanaugh of Androscoggin  
Sen. Gail Laughlin of Cumberland  
Sen. Susan W. Longley of Waldo  
Sen. Hazel C. Lord of Cumberland  
Sen. Margaret G. Ludwig of Aroostook  
Sen. M. Ida Luther of Oxford  
Sen. Marion E. Martin of Penobscot  
Sen. Dale McCormick of Kennebec  
Sen. Mary Najarian of Cumberland  
Sen. Judy A. Paradis of Aroostook  
Sen. Joan M. Pendexter of Cumberland  
Sen. Rochelle M. Pingree of Knox  
Sen. Anne M. Rand of Cumberland  
Sen. Mary-Ellen Randall of Penobscot  
Sen. Mary E. Small of Sagadahoc  
Sen. Olympia J. Snowe of Androscoggin  
Sen. Margaret Sproul of Lincoln  
Sen. Bonnie L. Titcomb of Cumberland  
Sen. Barbara M. Trafton of Androscoggin  
Sen. Charlotte Zahn of Lincoln  
President Pro Tem Jane A. Amero of Cumberland

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**THE PRESIDENT PRO TEM:** I would invite the Senate to please join me in honoring these women who have served in the Maine Senate.

At this time we would like to recognize the woman who has served the longest in the Maine Legislature, twenty-two years. She began her service in the House in 1971, served until 1982, began her service in the Senate in 1985, and is still serving with us, Senator Georgette Berube.

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The Sergeant-at-Arms escorted the Senator from Androscoggin, Senator **BERUBE** to the Rostrum.

Senator **BERUBE:** I wish I could say a few things, but I am not good at those things that are unexpected. Senators are supposed to be ice-cold, I can't be, so I want to thank you very much for this honor. Thank you very much.

**THE PRESIDENT PRO TEM:** We would now like to recognize the Senator who is presently serving, who has served the longest time in this body, that is Senator Beverly Miner Bustin, who has served for twelve years.

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The Sergeant-at-Arms escorted the Senator from Kennebec, Senator **BUSTIN** to the Rostrum.

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Senator **BUSTIN:** Thank you, Madam President. I would just like to say thank you. This year is my fifteenth year, so it's eight terms in this body. I have been very pleased to do that and I have thanked my constituents many times for sending me back because it has been a pleasure. Being one of the older members of the body, I feel that I do have the right, and maybe the responsibility, to leave you with a couple of words of wisdom, not that I have followed it all of my career here, but I will leave it with you anyway. That is, take your ego out of the process and do the job. Thank you.

**THE PRESIDENT PRO TEM:** Now, we would like to recognize the former Senator from the earliest legislative session, that is the 105th Legislative session. Joining us today is the Honorable Catherine Carswell, from Portland. She served in the House from 1963 to 1967, and was elected to the Senate in 1971.

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The Sergeant-at-Arms escorted the Honorable Catherine Carswell to the Rostrum.

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Honorable Catherine **CARSMELL:** Thank you very much. I really am sky-high with all of this excitement. First, I would like to say that Senator Georgette Berube was the first woman in the State of Maine to run for Governor, and I worked on her campaign. I have so many pleasant memories and I carried many of them over from the House, to the Senate. I was first elected in 1957, during the Muskie days. We followed in on Muskie's coattails, let's say, and I served twelve years in the House and two in the Senate. During my term in the House, I would like to mention this because it is very important today, you are still dealing with the same



problems. A constituent contacted me and told me she wanted her elderly brother to live at home, but he was at the Augusta State Hospital, and there were no funds at home to take care of him. I checked the statutes and sure enough, if you were mentally ill, you could not receive aid to the disabled. So, the mentally ill and the mentally retarded were on the outside. I got the law changed, the definition of aid to the disabled, to include the mentally ill and the mentally retarded. I don't give myself that credit. It was the lady back home who contacted me and told me the situation. As you know, many of them who shouldn't be there are getting out. The purpose of the bill really was for those who were able to live in the community. I still feel there are some who are not able to. I don't like to see all this pushing out of the institutions, but we will work along with it. I still work in the background. I was getting complaints from inside the Augusta State Hospital, I was the House Chairman of Health and Institutions and Retirements and Pensions and Veterans, and so forth, so those were my people that I was trying to handle. I was getting reports from people within the State Hospital, people of good repute, saying that there was abuse going on in there. Then I started seeing it in the newspapers, so I got together with the Maine State Nurses Association, they were my buddies, they were right beside me all the time while I was in the Senate. We got quite a bit done, and I give them the credit for taking the leadership in this. We decided that something should be done about the abuse, so I asked the Senate to do an investigation of the State Hospital. One of the problems was there was this Indian man who was being taunted in maximum security. To get back at them he would plug the toilet up and the toilet would flood over, so he would get the worst of the bargain. Anyway, we had the investigation and those who were abusing patients were brought to justice, they were fired, or they served time. I never followed that up because I wasn't interested in that part of it. I was just interested in getting the thing straightened out. Shortly thereafter the max was closed. Many of the people who are out of the institutions today, I give credit to women in the Maine State Nurses Association, and let's say my little part that I did. Thank you.

**THE PRESIDENT PRO TEM:** I would now like to recognize the former Senator to first serve in leadership in the Maine Senate, the Honorable Minnette Cummings from Newport, who was the Assistant Majority Leader in 1975, in the 107th Session of the Maine Legislature.

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The Sergeant-at-Arms escorted the Honorable Minnette Cummings to the Rostrum.

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Honorable Minnette CUMMINGS: Thank you. All I want to say is while I was in the Senate, I was the only woman, so it depended on me to say, "Gentlemen, you may remove your jackets." So, gentlemen, if you would like, you may remove your jackets. Thank you.

**THE PRESIDENT PRO TEM:** It is now a great honor to recognize Maine's first lady, Mary Herman. Would she please rise and accept the honor of the Senate. Mary hosted a very nice coffee and tea for all of the returning women legislators this morning. I would also like to recognize the first woman to carry her political party's nomination for Governor of the State of Maine, Susan Collins. I would also like to recognize the President of the Maine League of Women Voters, Sally Bryant. Finally, I would also like to recognize the Vice President of the Maine League of Women Voters, and the President of the Portland Area League of Women Voters, Jana LaPoint.

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Off Record Remarks

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

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

Senator **PARADIS:** Thank you Madam President. When the Senate adjourns this evening, I would like to do it in honor of Dora Pinkham, our first Republican legislator from Fort Kent, and for all of the other women who have served in this body.

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Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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On motion by the **PRESIDENT PRO TEM**, **RECESSED** until 4:30 o'clock this afternoon.

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After Recess

Senate called to order by the President Pro Tem.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Appropriate Funds for the Building Alternatives Program" (Emergency)  
H.P. 1120 L.D. 1564

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

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

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

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Bill "An Act to Create the Prospect Water Authority" (Emergency)  
H.P. 1121 L.D. 1565

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

---

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Strengthen the General Fund's Unappropriated Surplus" (Emergency)  
H.P. 268 L.D. 370

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-380).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-380).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-380) **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 Provide Services for Children in Need of Supervision"  
H.P. 1073 L.D. 1508

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-382).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-382).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-382) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Resolve, Directing the Attorney General to Review Standards for Reporting Suspected Sexual and Physical Abuse of Minors  
H.P. 1013 L.D. 1428

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-385).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-385).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-385) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on JUDICIARY on Bill "An Act Authorizing the Judicial Supervision of the Disclosure of Utility Records to the Attorney General"

H.P. 1076 L.D. 1515

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-384).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-384) READ and ADOPTED, in concurrence.

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

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Senate

Ought to Pass As Amended

Senator ABROMSON for the Committee on BANKING AND INSURANCE on Bill "An Act to Consolidate the Functions of the Bureau of Consumer Credit Protection within the Bureau of Banking in Order to Streamline the Regulation of Creditors and Financial Institutions"

S.P. 294 L.D. 792

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-234).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-234) READ and ADOPTED.

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

Senator LORD for the Committee on NATURAL RESOURCES on Bill "An Act to Establish Temperature Limits for Certain Existing Discharges" (Emergency) S.P. 328 L.D. 909

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-231).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-231) READ and ADOPTED.

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

---

Senator LORD for the Committee on NATURAL RESOURCES on Bill "An Act to Reduce Duplicative Reporting"

S.P. 385 L.D. 1062

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-228).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-228) READ and ADOPTED.

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

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ENACTORS

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

An Act to Amend the Laws Governing Reciprocity in the Licensure of Pharmacists

S.P. 96 L.D. 236  
(C "A" S-187)

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

---

An Act to Promote Economic Development by Establishing a Research and Development Tax Credit  
S.P. 217 L.D. 559  
(C "A" S-188)

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

**Emergency Resolve**

Resolve, to Establish the Task Force to Study Environmental Regulation Relating to the Paper Industry

S.P. 409 L.D. 1097  
(H "A" H-331 to C "A"  
S-169)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 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.

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

**COMMUNICATIONS**

The Following Communication:

**117TH MAINE LEGISLATURE**

June 8, 1995

Senator Philip E. Harriman  
Representative G. Steven Rowe  
Chairpersons  
Joint Standing Committee on Business and Economic Development  
117th Legislature  
Augusta, Maine 04333

Dear Senator Harriman and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated Richard J. McGoldrick of Cape Elizabeth for appointment as a member of the Finance Authority of Maine.

Pursuant to Title 10, MRSA Section 965, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

S.P. 584

Which was READ and referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT.

Sent down for concurrence.

The Following Communication:

**117TH MAINE LEGISLATURE**

June 8, 1995

Senator Jane A. Amero  
Representative Beverly C. Daggett  
Chairpersons  
Joint Standing Committee on State and Local Government  
117th Legislature  
Augusta, Maine 04333

Dear Senator Amero and Representative Daggett:

Please be advised that Governor Angus S. King, Jr. has nominated Linda Riddell of South Portland and P. Vincent O'Malley of Portland for appointment as members of the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA Section 151, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

S.P. 585

Which was READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine

H.P. 89 L.D. 124

Majority - Ought Not to Pass. (11 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-356). (1 member)

Tabled - earlier in the day by Senator **MICHAUD** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In House, June 7, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356).**)

(In Senate, June 8, 1995, Reports **READ.**)

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you Madam President. This is a case of an individual, Verne Lee, and he is asking permission to sue the Department of Human Services and the State of Maine. This is a very sad and unfortunate case. We heard testimony in excess of an hour on this. It involves children that were voluntarily committed to the Department by his wife when they separated. He is trying to get the children back at this particular time. There are five children involved. There is one that is seven years old, one that is four, and a set of twins that are three years old, and one other child. We did hear a lot of testimony on this and it was the conclusion of a majority of the Committee, it was a twelve to one vote, that he shouldn't be allowed to proceed with this suit. Thank you.

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

Senator **MICHAUD:** Thank you Madam President, Members of the Senate. I hope you will vote against the pending motion. It's true, this is a sad case, and although I am in the minority on this one, the problem we have, particularly in the Division of DHS, which I do represent two regional offices and I hear more problems with these regions, is these are allegations. The individual involved, and the Department's testimony, said that the Department caseworker and the doctor could not substantiate that there was abuse in this particular case. Unfortunately, for this individual, to see his children he has to admit guilt and seek treatment. He maintains that he is not guilty and therefore should not seek treatment. I would hope that you

would vote against the pending motion. Madam President, when the vote is taken, I would request a Division. Thank you.

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

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

Senator **MILLS:** Thank you Madam President, Men and Women of the Senate. Just a word. I am not familiar with the specific facts of this case, but I do have some knowledge, generally, of the procedures that are followed in the district courts when these unfortunate matters are presented to the court. If this man has indeed lost access to his children, that is if it's true that he has lost his rights as a parent, that cannot and does not happen unless it is done in a trial that has already taken place. A trial where he has an attorney who is paid for by the state if he cannot afford one. An attorney to represent his interests in every stage of that proceeding. It's also true that it is general practice in those proceedings that the court will appoint, if necessary, a guardian, someone to represent the kids and speak with them. A lawyer will also be appointed, at state expense if necessary, for the mother, so that all of the parties who have something to lose or gain in this affair are well represented before the matter is ever presented in court. In the event that there has been any over-reaching, if there has been by the DHS or any of the state officials, in the proceedings, the evidence of that is brought forth to the court. There is no reason by way of confidentiality that the court will be deprived of any relevant information. We pay judges at the district court to sit in judgement on these unfortunate cases, they are tasked to hear everything and exercise their intelligence to make a hard decision on the basis of the evidence they see and hear. There may well be occasions when the DHS has made a wrong judgement, or a wrong call, or the evidence may be very thin on either side and the judge may have to make a difficult decision on the basis on closely contested facts, or situations where the evidence is very thin. This is what judges get sworn in to do, to make the hard decisions. It's a cruel world sometimes, but when someone who loses, and sometimes they lose cases I suppose. Maybe this person is not guilty, I don't know. But it's a really hard position to come down here and expect this body, or a committee from this body, to sit and second guess judgement on these difficult cases after they have been fully litigated in the court system. The best that we can do is make sure that we have procedures in place that make it clear that people in this situation have access to free legal services if they cannot afford them. We don't take kids away from parents without making sure that those rights are well protected, and to make sure that we have competent judges to sit in judgement on these hearings, and to make sure that we do what we can to fund the DHS to do its job adequately. With all of those provisions set in policy, made by this body and the other body, I think we have done all that we can in this situation. The other thing is, I understand the resolve would authorize this man to sue for a certain sum of money. I don't know how that's going to get his kids back. I would hope that that's not what he is truly seeking.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Madam President, Ladies and Gentlemen of the Senate. This particular issue today was also of interest to me as it came across our desks this morning. We also have another one of these situations coming from the same Committee in the very near future. I, like Senator Michaud, also have had some situations in my district where, from some of the information I have received, it seems as though families were used unjustly. I think sometimes DHS has the power that can maybe put a real burden on families. I also talked to an attorney in our area, and one of our fellow colleagues will correct me if I am wrong, but I think in some of these cases, on these child situations where children are being considered to be taken away from their parents that DHS can use hearsay testimony, which isn't allowed in any other forms of our court system. We have a situation at home, and again I think the alternative for the parent is to admit yes, I was guilty, even though I wasn't, and you can now see your children. I don't know how many of you have children here in the body, but I know with myself, and my family, with our four children, it's perhaps the most important thing in our life. To think that somebody could come in and dissolve that and I didn't have the power. So, this issue to me isn't necessarily this one individual. Hopefully we will see him have justice. I would like to see it go to court and have him have his chance to have his say in court, but the other thing is to make sure that if we have a couple of these cases and we find that yes, there was some error in the past, that maybe DHS will be a little more compassionate, a little more involved in the situation and look at this and make sure that they are exactly right before they make those kinds of decisions. Therefore, I personally will be voting against this motion for the majority and hope that somewhere down the road we will see justice served. Thank you.

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

Senator **CAREY:** Thank you Madam President, Members of the Senate. A day or two ago I told you about my disdain for the Attorney General's office in part. I served as the Chair of the Legal Affairs Committee in the last session, and I was very ably assisted by the Senator from Androscoggin, Senator Stevens, who was at that time a House member. I know that he would attest to the fact that we are given a handbook that basically says don't let anybody sue the state. The reason for that, obviously, is the Attorney General's office would have to defend the suits and therefore they don't want to take a chance on losing. My Minority leader, the Senator from York, Senator Lawrence, was also the House Chair at one time on that Committee, and obviously he may have comments of his own. Somewhere along the line, we are the people's court, but they don't get justice, in effect, from us, they get it from the Judicial Department. They are never really allowed to go to the Judicial Department, and this is what we are saying. These cases should be decided in court, just as the good Senator from Washington, Senator Cassidy, said. I would hope, certainly, that you would go with the minority report.

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

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **FERGUSON** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on **TAXATION** on Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes"

H.P. 33 L.D. 27

Majority - **Ought Not to Pass**. (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-372). (1 member)

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

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, June 7, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 8, 1995, Reports **READ**.)

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

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

HOUSE REPORTS from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Establish Qualifications for Public Utilities Commissioners"

H.P. 713 L.D. 970

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-345). (10 member)

Minority - Ought Not to Pass. (3 members)

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

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).)

(In Senate, June 8, 1995, Reports READ.)

On motion by Senator CARPENTER of York, the Senate ACCEPTED the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

Sent down for concurrence.

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

SENATE REPORTS from the Committee on HUMAN RESOURCES on Bill "An Act to Promote Competition and Managed Care Cost Savings in the Pharmaceutical Market"

S.P. 224 L.D. 584

Majority - Ought Not to Pass. (12 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-224). (1 member)

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

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, June 8, 1995, Reports READ.)

On motion by Senator PINGREE of Knox, the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report.

Sent down for concurrence.

Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" H.P. 589 L.D. 799 (C "A" H-299)

Tabled - earlier in the day by Senator PENDEXTER of Cumberland.

Pending - FURTHER CONSIDERATION.

(In Senate, May 31, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299), in concurrence.)

(In House, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299) AS AMENDED BY HOUSE AMENDMENT "A" (H-393), thereto, in NON-CONCURRENCE.)

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

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

Bill "An Act to Require Licensure for Use of the Title Athletic Trainer" H.P. 699 L.D. 957 (C "A" H-282)

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

Pending - FURTHER CONSIDERATION.

(In Senate, May 30, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282), in concurrence.)

(In House, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282) AS AMENDED BY HOUSE AMENDMENT "B" (H-392), thereto, in NON-CONCURRENCE.)

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

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

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Under suspension of the Rules, all matters thus acted on were ordered sent forthwith.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 516 L.D. 706

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

- KERR of Old Orchard Beach
- POULIOT of Lewiston
- JOSEPH of Waterville
- TOWNSEND of Portland
- MORRISON of Bangor
- DIPIETRO of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-387)**.

Signed:

Senators:

- HANLEY of Oxford
- BEGLEY of Lincoln

Representatives:

- AIKMAN of Poland
- OTT of York
- DONNELLY of Presque Isle
- SIMONEAU of Thomaston

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY HOUSE AMENDMENT "A" (H-402)**, thereto.

Which Reports were **READ**.

Senator **HANLEY** of Oxford moved that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387)** Report in **NON-CONCURRENCE**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Madam President, Ladies and Gentlemen of this Chamber. I had hoped that my distinguished Senate Chair would have been more explicit in the reasons why he feels we should accept the minority report. However, I would like to tell you why I will personally be voting against it, and urge that all of you do so as well. The first 280 pages of both of these documents are essentially the same, so with a little more effort, perhaps we could have come to a unanimous and amicable agreement, but such was not the case. I had hoped that we could agree on a package that was perhaps a little more sensitive, if you will, to the needs of the many people who rely on us for assistance, and to do so within revenue estimates. There are two major divisive issues, as I see it. First, the hospital tax question, and the other was the tax reductions.

In this report that you are asked to support, the repeal comes about in the next biennium but the actual funding would have to be found, \$300 million if you will, in 1998 and 1999. Add to that the matching federal dollars of approximately \$550 million and you have a very costly package that we are leaving to a future legislature. Bear in mind that you can repeal something today to a time certain, but there is no assurance that a future legislature will do so. Case in point, the sales tax repeal that should have come about a year or two ago, and the snack tax, that never came about. I think that those of us who are in opposition to this minority report felt that we should give the Governor's proposal a chance, giving \$19.5 million to the hospitals for this first year of the biennium, plus matching Medicaid dollars of another \$30 million or \$40 million, and repeal date, time certain, if and when the federal dollars dry up as far as the Medicaid matching funds are being allocated. Forty states have this program, and forty states, as of this moment, have not repealed their hospital tax. I would remind you that the dollars that this draws down goes for the medical services for the most vulnerable people who send us here to speak on their behalf, the elderly, the children, and those who have no means of being treated medically. The big question unanswered is where will the future legislature find \$300 million to offset this largesse that we are giving them today, in three or four years from now.

The other divided issue, which I think divided us, was the tax reduction. The sales tax reduction of 1%, the snack tax removal. In my view, and I think other members of the Committee, in fact some members of the minority report, are in agreement that before we cut taxes, and jeopardize our revenues coming in, we must, at the same time, think of cutting expenses first and then take a second breath and at that point in time, of course, we can assess whether or not we are in a good position to indeed cut taxes. There is only one true tax reduction that the people of this state want, and it is the most onerous, that is the property tax. This budget addresses it partially with \$6.4 million. The real need is \$20.8 million. You might have a chance, if you defeat this motion, to vote for a \$20.8 million



needed tax reduction. You must ask, again, where will the money come from. This tax reduction is being paid by assessing the state employees of our state 20% of their insurance premium costs, plus removing merit pay increases. Certainly, I don't believe that any employee of any company or any government should be denied the incentive to better themselves and to be more productive, and why should they not do so if they are going to have a merit pay increase. Removing that, I think, is not the right way to do it.

If you approve this minority report you will leave in the till \$2.3 million. That is not enough, in my view, to leave in the cash drawer. We are, in a sense, spending the cupboard dry if you will. I think you will have an opportunity to perhaps view another report that would address leaving a little bit more in the cash drawer. I probably have spoken too long, but in my view the role of government is to assist those who struggle to survive, whoever that may be, whatever organization that may be, and that includes business. I think that is our role. This bill does not address that at all. It lacks necessary funding for education of our students, and a lot of other issues that are not addressed. So, I would ask that you vote against the motion and perhaps then we can discuss something that would be more palatable to all of us. Thank you.

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

Senator **LAWRENCE:** Thank you Madam President, Men and Women of the Senate. I think today there is an issue here of what we are going to do for the future of Maine's citizens. My concern with the motion we have before us is many-fold. Specifically I will point out a few things. What this motion does is level-fund the university system. In other words they are not going to get the increases that were originally recommended by the Governor, and that's going to mean for the average citizen of the State of Maine who sends their child to the university system, increased costs. What this does is reduces the amount recommended by the Governor to the technical college system. So, the average worker who goes to the technical college system to improve themselves, it is going to cost them more. While this bill makes an attempt at property tax cuts, it does not add property tax cuts for one single new individual in the State of Maine. Not one new single individual will receive a property tax cut because of this budget. The question before us today is whether or not we do what the people of Maine have asked of us. Let's get the state's fiscal house in order, address the gimmicks in the budget, provide the kinds of property tax cuts they want, and put the state back on a good fiscal track. What this budget would do, what this minority report would do, is not only create a problem in this budget, but in the next budget you would have a tremendous problem that would jeopardize money going back to local school districts for education. It would jeopardize the university system. It would jeopardize the technical college system. For all those reasons, I urge you to defeat the minority report. Thank you.

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

Senator **CAREY:** Thank you Madam President, Members of the Senate. As I look at the very back end of the minority report, which is Committee Amendment "B", if you would look, on page 415 at parts RR, TT, UU, we are talking about repealing the 6% hospital assessment tax, effective in June 1997. So, that doesn't hurt us, but in the next biennium it would be \$306 million that we would have to try to make up. Under part TT we are repealing the snack tax. That's \$12.3 million that we would have to find in the next biennium, because it's really not hurting us too much this biennium. In part UU we use the general sales tax and reduce it to 5%. That will create a revenue loss to us of \$105 million, and this does not count the roughly \$7.5 million to \$8 million that will be lost to the local government fund. So, we are putting ourselves in a position of having to find, in the very next session of the legislature, the 118th, some \$500 and some odd million to try and fill some holes. I ran because I was a little sick of gimmick financing, and I have got to tell you, this is gimmick financing at its best.

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

Senator **MICHAUD:** Thank you Madam President. I would request a roll call, and while I'm on my feet, this is the worst I have seen as far as gimmicks. The minority report is full of gimmicks. I am very disappointed that it came out that way. Also, what concerns me the greatest, is the minority report sets the distribution formula for school funding. That's what the minority report does. It sets it at the current level that we currently have. What that means for some towns, quickly looking at the printout, Alexander will lose \$80,000, Calais will lose \$40,000, Caribou will lose around \$300,000, Eastport will lose \$77,000, and the list goes on and on. Woodland will lose \$54,000, Presque Isle will lose over \$375,000, Farmington will lose \$279,000, Jackman will lose \$114,000, Mexico will lose \$247,000, Skowhegan will lose almost \$1 million. I can go on and on and on Ladies and Gentlemen of the Senate. I'm very disappointed that this came out of Committee on partisan lines, because we all know that nothing will pass if it comes out on partisan lines. However, I am in hopes that the members of this body will vote what is right, and not what the party line tells us, because that is not always right, whether you are a Republican or a Democrat. I think I realize the problem that we have with the hospital tax. I believe that the Governor has made a commitment to address that, and I think it will be addressed, however, if you vote for the minority report, what you are voting is to accept the school funding formula as it is in current law. If you think partisan politics is worth jeopardizing the education of the young people of this state, then I would encourage you to vote for the minority report, because that is what that report does.

We all talk about education and how important it is. By voting yes, you will be voting to destroy a lot of the schools within this State. I do not believe that partisan politics is worth it. I do understand the concern with the hospital tax, and I am committing and willing to work with that. I think the Governor has also made a commitment, but we

cannot let the education system of this state go down the tubes because of partisan politics. I realize that a lot of these schools cannot afford a cut that's in this budget. I realize that this budget, both the minority and the majority, will not go anywhere until the Appropriations Committee comes out with a better report than what they came out with. I served on that Committee for four years, and we tried our best to come out with reports that would sail through the House and the Senate. This report will not pass. If the local school superintendents find out what the minority report does to their school systems, I think they will be equally as upset with this body if it accepts the minority report. Therefore, Madam President, I hope the members of this body would reject the report and I do request a Roll Call. Thank you.

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

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

Senator **CIANCHETTE:** Thank you Madam President. I want to admit a couple of things. I don't know all the numbers in these budgets, and I heard the Senator from Penobscot, Senator Michaud, say that Skowhegan, under this bill, the Skowhegan school district would lose \$1 million. I would like to have someone verify that to me if they could. I don't today represent Skowhegan, but I once did, and it's my understanding that Skowhegan has one of the lowest per pupil costs in the State of Maine, that's my understanding. They used to at least, I think it is still very low. This budget cuts Skowhegan school district \$1 million? Would someone please verify that for me? Thank you.

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

Senator **HANLEY:** Thank you Madam President, Men and Women of the Senate. To answer the good Senator from Somerset, let's be quite clear. In my caucus we had said people know the issues, let's not try and get the rhetoric flowing so fast. Let's not let our emotions get away from us. Let's not have misinformation rule the day. In fact, my good seatmate, the Senator from Piscataquis, said let's hold off. The House did their part, we have all had an opportunity to review them side by side and take a look at the budgets. But I, having waited through five different speakers, I guess I did feel a need to rise and answer the question. The budget before you will utilize the last school funding formula that was in place in 1991. As far as Skowhegan goes, the formula that was in place in 1991 will be utilized but one of the very important factors that hasn't been shared is that the minority report doesn't put the \$37.8 million that we have set aside for our kids off in hopes that we may get a funding formula some day. No, we pump it into the system now. We force this legislature to say, okay, vote in a funding formula which will be appropriate. This bill before you will pump in \$37.8 million more into the school funding formula, more than was there in 1991. I guess I would like to have someone stand up, maybe some member of the Education Committee, and read through some of the printouts that have been tallied,

because there will be some winners and some losers in the education funding formula. If there weren't, it would be my understanding that this would have already been done, and would have been integrated into the budget. The minority report made a commitment to the people of the State of Maine that education is the number one priority, that we don't want to put \$37.8 million out there that may not ever get implemented by a funding formula. There has to be something in place. We took the reasonable, the rational, approach and said okay, if a previous legislature had a funding formula that the schools lived with, that had gone through the process, that had had public hearing and public testimony, that the school have lived with in 1991, and we add \$37.8 million more, that's a fair start. We are hopeful, and the way the budget reads, for those who would like to review that language, it would be applied to the funding formula. Now, if this Legislature were to adopt a new funding formula, we wouldn't have to wait for part two or something else. As soon as that funding formula was put into place, that \$37.8 million that the minority report thought it was appropriate to infuse into our school funding formula immediately, through the general purpose aid to education immediately, that was the most prudent way to go.

Now, if someone can stand up here on the floor of the Senate this evening, from the Education Committee or just someone else who has a printout, and can show the various iterations that they have looked at, that doesn't show any winners or losers, I would be most grateful. To the Senator from Somerset, if you have that information we would be most willing, in fact if the Education Committee was to come out now with a unanimous report on the funding formula, that could be adopted on an amendment on this budget on second reader. The important component that has to be kept in mind is that the minority report pumps that money into the system immediately. There is no waiting around. So, when people try and use scare tactics, using Skowhegan, or Calais, or Mexico, I don't think that's fair. I think that's misinformation. I think that's trying to distort the true facts. The true facts are that we have, in our report, \$37.8 million more to be funded by the last funding formula accepted by the legislature. It may not have been the best funding formula in 1991, but it's a continuing process, it's a fluid process here.

Before I sit down, I hope not to have to rise again to correct misinformation, but if necessary I will. Just as far as some people have said that it is full of gimmicks and they are sick of gimmick financing, and \$250 million of largesse, men and women of the Senate, the minority report is the only one that tries to diffuse crisis management. The Governor of this state has admitted that if the federal government eliminates this program, he will repeal the tax and match immediately. Why don't we be honest with the people of the State of Maine. He has admitted that if it is eliminated he is going to repeal it. There's going to be a \$250 million problem, why don't we prepare for that eventuality. I see my good friend from Cumberland, Senator Esty, who has an answer, hopefully, to the funding formula that we can interject into the debate right now. Thank you.

On motion by Senator **BUTLAND** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-387) Report in **NON-CONCURRENCE**.

(In House, June 7, 1995, the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-386) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-402), thereto.)

(In Senate, earlier in the day, Reports **READ**.)

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

Senator **CIANCHETTE:** Thank you Madam President. I just had to stand up. I think I'm surprised to hear the suggestion from the Senator from Oxford, Senator Hanley, that suggests that I'm the guy who starts the rhetoric. I think that's a little strange. I asked a simple question. If I vote for this amendment that is before us now, would I be voting for a \$1 million cut in the Skowhegan school funding formula? I understood that that was an unfair question. If that's an unfair question, I don't know what a fair question is. Thank you.

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

Senator **HANLEY:** Thank you Madam President. My apologies to the Senator from Somerset. No, it was not an unfair question. I just think it's appropriate that it be looked at in the whole context of school funding. As far as the answer, I don't think there is an answer to your question as far as will Skowhegan be hit for \$1 million because it depends on what school funding formula is in place. It was my understanding that this legislature, and the Education Committee, had made a commitment, along with the Governor, to pass out a new school funding formula, one that would be fair. If that happens prior to July 1, then I'm not sure whether or not Skowhegan may lose a million or gain a million.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Madam President, Men and Women of the Maine Senate. I would just like to make a couple of quick points regarding some of the discussion that we have heard so far. First of all, let me make it clear to all of you that the distribution of the money has not been finalized. So, within both budgets that are proposed, there is no final distribution method. The distribution will be addressed before this session of the legislature adjourns. Secondly, what I think is most important to recognize in both of these budgets is that both parties recognize the priority that education should have within the State of Maine and within the State of Maine's budget. Both the majority and the minority report have fully funded education at the Governor's recommended levels. I think, frankly, we should all be applauded that all this is recognized as our top priority. This will be addressed in the negotiations that continue in the next few days, hopefully not in the next few weeks, but in the next few days so that it can be resolved regarding the distribution issue. Frankly, I don't think that it is, at this point in time, a point that we need to spend much of our discussion on. Thank you.

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

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

**ORDER**

**Joint Order**

On motion by Senator **KIEFFER** of Aroostook, the following Joint Order:

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 12, 1995, at 9:00 o'clock in the morning.  
S.P. 586

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

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

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

**HOUSE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1997" (Emergency)

H.P. 516 L.D. 706

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-386). (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B"** (H-387). (6 members)

Tabled - earlier in the day by Senator **BUTLAND** of Cumberland.

Pending - the motion by Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-387) Report in **NON-CONCURRENCE**. (Roll Call ordered.)

Senator **MICHAUD**: Thank you Madam President, Men and Women of the Senate. Since we are still on the minority report I hope you vote against it. Look at the budget document on page 275. You will find the distribution formula. That's where it is. The Education Committee, they can work all they want to work, if you vote for the minority report you are voting for the distribution method, whether we like it or not, it's here. It's on page 275. I did a calculation on Skowhegan, it's \$851,732 from the printout I have, so it will lose. Whether the Education Committee deals with this issue or not, by voting for the minority report you are voting to set the distribution funding formula by this bill. That is not acceptable to me, because this is going to kill towns. It's going to kill Skowhegan, it's going to kill Caribou, it's going to kill Limestone, it's going to kill Presque Isle, it's going to kill Belfast, it's going to kill Woodland, it's going to kill Calais. Whether we like it or not, that's what this bill does, it sets the funding formula. Although there are towns who gain, Portland gains, South Portland gains, Norway gains. They gain well over \$1 million. I'm glad, but I'm not going to support it because it's irresponsible government in the name of politics. Whether you like it or not, it's politics. There are some items in the majority report, which is not before us so I cannot discuss that report, but I will not be voting for this report, and the primary reason is because of the distribution formula. There are other items in the report, which I haven't found, but going by the side-by-side from the staff downstairs, it also takes money, if I understand it correctly, out of the Transportation fund, even more than what the legislature currently does. That's a gimmick as well. I was a member of the other body when we raised taxes for roads, to repair our highways, and the Governor has been trying to get away from that. He has made some small steps in this budget, but if I read the minority report correctly, it takes about an additional \$4 million out of the highway fund. I have not been able to find that provision in the budget yet. I want to correct what Senator Esty has stated. This does set the funding formula, and by voting for the minority report, you are voting to establish a funding formula. I think that is wrong. That should be the job of the Education Committee. That is a major policy decision and it should not be dealt with in the budget process. I hope that the superintendents out there, the teachers and the members in your districts, realize that in the name of politics you're voting to really dismantle a lot of the schools within this state. But you will not be doing it on my vote. Thank you Madam President.

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

Senator **MILLS**: Thank you Madam President, Men and Women of the Senate. Under every version of the school funding formula that has been under discussion, my town of Skowhegan, which is one of 24 towns I represent, loses several hundred thousand dollars at the very least. I have every confidence that the Education Committee will work out a formula that will, in some fashion, address the various inequities around the state. Skowhegan is prepared to do its share. I have talked with the

Superintendent on numerous occasions. They understand that under any version of an amended school funding formula they will be a loser because they are a property-rich town. The Democratic version of this budget costs my hospital \$850,000, which will put it in jeopardy of closure. That's why I'm voting against the Democratic budget.

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

Senator **FAIRCLOTH**: Thank you Madam President, Colleagues of the Senate. I want to cut taxes for the middle class. There are many tax cut proposals that have been floated during this legislative process. Viewing each of them on their own, they are all good, I would like to provide all of them. But, responsible voices, including responsible voices on the second floor, tell us that a budget that is going to gain a two-thirds vote is only going to have a very limited number of tax cuts. So, the question is, if you believe that you want tax cuts for the middle class, what is the best route? When I look at the minority report before us, I conclude that it is inadequate. It provides \$6.4 million in property tax cuts. We need more property tax cuts. That's what I remember during the campaign. Just to throw a number out there, I think that \$20.8 million in property tax cuts would be a good number. That's what the people in my district spoke to me most emphatically about, a property tax cut for middle class citizens, say up to \$35,000 a year is something that I think the people in our home districts would appreciate very much. So, we have to pick and choose. This minority report does not achieve that goal adequately. Let's reject it and move on to property tax cuts for the middle class of this state. Thank you.

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

Senator **HANLEY**: Thank you Madam President. Just to correct the good Senator from Penobscot. While it establishes a mill rate, all budget documents that have come forward prior to this have said in the budget document how much will be for general purpose aid to education. It does not set the formula, as far as how it will be applied. As far as the discussions that the Education Committee has had, with respect to cost of living and income, are part of that formula. I do not profess to be an expert on school funding, but I have confirmed with the Office of Fiscal and Program Review, which have dealt with many budgets over the course of their work. To respond to the other Senator from Penobscot, Senator Faircloth, as far as property tax relief, I could not agree more. That is why the amendment that you are voting on not only has \$6.4 million additional above the fifteen that's already there, but what about that community hospital up in Aroostook County. A municipal community hospital which, if the sick tax isn't dealt with, will impact directly onto the property taxpayers in that town. What about the rest of us who have hospitals in our areas, who have a risk of those hospitals closing, laying off a lot of employees. What is the economic impact going to be in those communities when people no longer have jobs. In my area, in my hometown, my hospital is one which has been put forward, not only by Ernst and Young, a reputable accounting firm, but also the

Maine Health Care Finance Commission. If my hospital were to close, the unemployment rate would jump, from nearly 9%, to almost 15%. Right now there are a lot of people in Senate District 25 who are having trouble paying their property taxes, and they have jobs. I can only imagine those people trying to pay their property taxes when they don't have that job. It's not just the jobs in the hospital, it's the peripheral jobs that support those hospitals. I don't know about you, but the two hospitals in my Senate District are the largest employers. Men and Women of the Senate, put yourself in my shoes. If the largest employer in your district had a possibility of closing because they had entered into an agreement with the legislature back in 1991, assuming that they would be held harmless, to help out the state, and now, because the federal loopholes have been closed, they are going to be forced to close. I would like to think that the men and women of the Senate would say yes, we need to address that and we can't run the risk of having those people out of work, the hardworking men and women of our state out of work and not able to pay their taxes. I think that's what we need to focus on this evening. Thank you.

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

Senator **RAND:** Thank you Madam President, Men and Women of the Senate. It truly warms my heart to hear the good Senator from Oxford, Senator Hanley, speak with such concern about the workers in the hospitals. I share that concern. I have a long history of being a very strong advocate for the working people of this state, but my advocacy doesn't stop at the door of state employees. This minority report, once again, seeks to solve the problems of this state, the financial problems of this state, on the backs of our state employees. For the past five years we have demanded that state workers sacrifice hundred of millions of dollars in reduced benefits, lost wages, and job losses. Currently, hanging over their heads right now, is the \$45 million worth of cuts that will be put in place after the productivity task force completes its work. This report, the minority report, would institute an additional co-pay for health insurance for state employees. Currently, state employees are asked to pay 40% of the dependents share of health insurance. This would now increase, or actually create a co-pay for their own personal health insurance. A 20% co-pay. If we add both of those co-pays together, a state worker would be paying a total of \$2,520 annually for family health insurance plan. I believe that we have kicked the state workers around long enough and hard enough. It's time for us to take a realistic look at the finances of this state and look for solutions other than on the backs of state employees.

I would also like to address my remarks in opposition to this minority report as a small business owner. I have been around these halls for a number of years, and one of the mantras that I have heard repeatedly from my Republican colleagues is that government should be run more like a business. That's the responsible thing to do. If government were run more like a business we wouldn't be in the mess we are in today. Well, I must tell you that, as a business owner, if I were faced with huge amounts

of unpaid bills, similar to what the State of Maine is facing now, millions and millions and millions of dollars worth of unpaid bills that will have to be paid, we can just start with the unfunded liability in the Retirement System. If I were a business faced with those types of expenses, the last thing, in fact I would never, never move to cut off my cash flow. To eliminate the money that was coming into my business to pay my bills. So, I would ask you, is this the way, as is being put forth by the minority report, is this the sensible way to be doing business? Removing taxes as if we didn't need any money to pay existing bills. We aren't talking about new programs. We aren't talking about the creation of additional bureaucracies. We are talking about paying bills that we owe right now. The minority report is unfair, uncaring and unfeeling when it comes to our good, hardworking state employees. It is one of the most fiscally irresponsible pieces that I have seen put before me in my nine years here. I would really strongly urge you to reject this report. Thank you.

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

Senator **BEGLEY:** Thank you Madam President. I am in favor of the minority report. I am in no way embarrassed by it. I am concerned that the State of Maine in the past twelve to fifteen years has increased its expenditures at least by 100% and then some. I have heard in the past twenty years, at least, what we want to do is wait for the right time to cut taxes. Wait so that we can then be sure that our house is in order. Every time we have gotten close to that position ten people have jumped out of the closet on the right, ten people have jumped out of the closet on the left, and said, "Hurrah, now I can get that project in there that we haven't been able to do before." There hasn't been a cut in that time. Good times, in the eighties, we had a marvelous time. We spent and we spent and we spent and we still say we can spend more. That is absolutely true, we could go on ad infinitum. The hospital tax is a promise to keep them equal. We are not keeping that promise and we should definitely get out of there, and no later than July of 1997, otherwise we again prove that we do not do what we say. The reduction of the one cent sales tax, certainly, only temporary with the idea that when we have enough money we will give it back to you. Christmas comes but once, and it hasn't come for twenty years to the taxpayers. The other aspects of the budget cuts are, in my mind, correct. To send a message to the people who have said to me, would you please stop spending and do some cuts. There are all kinds of people out there hurting. There are people in education, there are people in the state working, there are people on welfare, and there are an awful lot of taxpayers who are saying the same thing, please cut some taxes so I can expand, I can spend, and I can improve my own life. I am not afraid of this budget. The education has not been cut. The state has not spent less on education in the last fifteen years. It has always gone up. It's going up this year \$38 million, preferably \$42 million. When we started this budget argument, if you remember ladies and gentlemen, the Governor has increased this budget from last year by \$232 million. This is not a cut. This is not a reduced budget. We started with

\$232 million increase, and many of the gimmicks, many of the so-called things that were important, we took care of in the Appropriations Committee as best we could. We still asked the Governor to hold to the promise of what we had been concerned with. As far as I am concerned, the minority budget is a good budget and should be passed.

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

Senator **LAWRENCE:** Thank you Madam President. I think the good Senator from Lincoln hits the point exactly of what the problem is with this budget. It proposes to cut taxes, but it doesn't propose to cut the spending to pay for those taxes. Maybe it does in this budget, but in the next budget it does not. Through a gimmick of making these tax cuts effective, only three months before the budget runs out, and making minor cuts in the budget, you haven't addressed the deficit that it is going to create in the next biennium budget. I heard talk about the \$232 million of increased new spending. A lot of that increased new spending is to deal with gimmicks of the prior administration. Let's talk about which tax cut will really help people. I support a cut in the sales tax, I support a cut in the snack tax, but if I was an average citizen, I would have to eat 16,666 bags of ninety-nine cent potato chips in one year, and I could probably do that, but in one year, before it would equal the amount that if you expanded the property tax cut to other citizens that they would get at the maximum level. If you want to talk about tax cuts, let's talk about that tax cut. Let's make it effective for the entire biennium and let's make the cuts we need to pay for it now and in the future. Let's not introduce tax cuts with a gimmick. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Madam President. About fifteen minutes ago I had a realization that struck me as a major enlightenment. I realized that tonight is probably going to be the biggest night of my life in the Maine State Senate. That is because, as I considered the debate on the minority report, I realized, understood, and remembered people saying that there is no way that the minority report will pass as is. There is not a single person in this body, or the other body, or in any branch of government who believes that that will happen. Likewise, there is not a soul who believes that the other report will pass as is. The budget that will pass is the middle ground, that's my budget. I am the only one who can stand here tonight and claim that my budget is the budget that will pass. It's guaranteed. There is no doubt about it and every single person in this room agrees with me. So, having said that, and having declared a victory, I would just like to make a few points about the report before us, because, for me, in that report there is a lot to like.

I tried to evaluate that report in terms of what I think the state wants and needs. Those criteria include control of expenditures, reduction of the size of government, and individuals taking increased responsibility for their own behavior. I think this

report goes very far to address those things. I have some concerns about the way in which this report lives up to a need to face the consequences of all the pieces of it, and I am referring specifically to the tax reduction pieces. So, that is one area where I have a reservation. There are two other things that the State wants and needs very badly. That is for the Legislature to finish its work on time, and for the Legislature to avoid another shutdown of the State of Maine. The only way that's going to happen is if you pass my budget, and that's a foregone conclusion. Fortunately, although you may not describe it as fortunate, the numbers in the two bodies make it necessary to reach a middle ground. There is no way, in either body, that one group is going to force a budget on another group. We have to reach a middle ground in order to do what the state wants us to do, finish our work on time, avoid a shutdown, increase fiscal responsibility, reduce the size of government, and control expenditures. So, I urge you to defeat this report, and if I have the opportunity I will urge you to defeat the opposite report. Neither of these reports represents a budget that can, or will, pass. I urge you to defeat the minority report so we can go on and pass my budget, the middle ground. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387)** 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, BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS,** and the **PRESIDENT PRO TEM, Senator AMERO**

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

**ABSENT:** Senator: **McCORMICK**

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387)** Report in **NON-CONCURRENCE, PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-387) **READ** and **ADOPTED**.

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

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Senator **O'DEA** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **O'DEA**: Thank you Madam President, Men and Women of the Senate. Last night we suffered a loss in this State. I would move that when the Senate adjourns tonight, that it do so in memory of Marshall A. Stern. Thank you.

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

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by the **PRESIDENT PRO TEM**, **ADJOURNED**, in memory of Marshall Stern and in memory of Dora Pinkham and other women legislators who have passed on, until Monday, June 12, 1995, at 9 o'clock in the morning.