

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 15, 1995

Off Record Remarks

PAPER FROM THE HOUSE

House Paper

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

Bill "An Act to Amend the Charter of the Corinna Water District"

H.P. 1127 L.D. 1572

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

Prayer by Pastor William Bellaire of the Clinton Baptist Church in Clinton.

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

PASTOR WILLIAM BELLAIRE: Good morning Ladies and Gentlemen. I was watching President Butland as he was counting noses. We do that in church to see if we have enough for a quorum. I can assure you that up above the clouds, the sun is shining all the time. I wanted to share a quote with you from someone who, I think, knew something about government. He said, "The propitious smiles of heaven can never be expected on a nation which disregards the eternal rules of order and right, which heaven, itself, has ordained." That was spoken by our first President, George Washington. In viewing a video on the government, I was surprised to see that the first Continental Congress was opened with prayer. Part of the occasion was that Boston had been cannoned the night before, and Adams wrote to his wife and said that that prayer lasted for three hours. I assure you, we will not pray for three hours, but I would remind you that when we do pray, that we call upon God to give us wisdom, discernment and a godly attitude as we consider the business that He has ordained. Would you bow your hearts with me in prayer?

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

COMMUNICATIONS

The Following Communication:

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

June 14, 1995

Father, we come before you because there is no greater law maker or judge. We come before you with a sense of responsibility, because that which transpires in these chambers this day is the responsibility of each Senator present, so I know that each one would desire your wisdom and discernment as they seek to do that which is righteous and right in your holy eyes. So, we thank you, knowing that you are in control and that you do govern and that you have blessed the United States of America. We only ask that you would keep us on the track that you would have us to be. That you would keep us mindful of your laws, and that we might seek to change hearts. In all of this, in all of these things that we desire, we ask in the name of your Son, the Lord, Jesus Christ, our Saviour. Amen.

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John F. Marsh of West Gardiner, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

Reading of the Journal of Yesterday.

YEAS: Sen. 3 Lord of York, Hathaway of York, Ruhlin of Penobscot

Rep. 7 Gould of Greenville, Poulin of Oakland, Saxl of Bangor, Berry of Livermore, Meres of Norridgewock, Shiah of Bowdoinham, Damren of Belgrade

NAYS: 3 Rep. Greenlaw of Standish, Rep. Nickerson of Turner, Rep. Marshall of Eliot

ABSENT: 0

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of John F. Marsh of West Gardiner, for appointment to the Board of Environmental Protection be confirmed.

Signed:

S/Willis A. Lord
Senate Chair

S/Richard A. Gould
House Chair

S.C. 244

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on NATURAL RESOURCES has recommended the nomination of John F. Marsh, of West Gardiner, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, FAIRCLOTH, HANLEY, O'DEA

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of John F. Marsh, for appointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 14, 1995

The Honorable Jeffrey H. Butland
President of the Senate of Maine
117th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John D. Tewhey of Gorham, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Lord of York, Ruhlin of Penobscot

Rep. 10 Gould of Greenville, Poulin of Oakland, Saxl of Bangor, Berry of Livermore, Meres of Norridgewock, Shiah of Bowdoinham, Damren of Belgrade, Greenlaw of Standish, Nickerson of Turner, Marshall of Eliot

NAYS: 0

ABSENT: 1 Sen. Hathaway of York

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John D. Tewhey of Gorham, for appointment to the Board of Environmental Protection be confirmed.

Signed:

S/Willis A. Lord
Senate Chair

S/Richard A. Gould
House Chair

S.C. 245

The Following Communication:

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

June 14, 1995

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

THE PRESIDENT: The Joint Standing Committee on **NATURAL RESOURCES** has recommended the nomination of John D. Tewhey, of Gorham, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, HANLEY, O'DEA

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of John D. Tewhey, for appointment to the Board of Environmental Protection, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1559 An Act to Withdraw the State from the Atlantic States Marine Fisheries Compact

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

Sincerely,

S/Sen. Jeffrey H. Butland
Senate Chair

S/Rep. Peter A. Cloutier
House Chair

S.C. 246

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

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Laws Concerning Health Insurance"

H.P. 994 L.D. 1405

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-445).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445) AND AMENDED BY HOUSE AMENDMENT "A" (H-470)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-445) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-470) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages"

H.P. 1068 L.D. 1503

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-447)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-447) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide Administrative Clarification within the Maine Insurance Code"

H.P. 1100 L.D. 1547

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-422)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-422)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-422) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify and Amend Provisions of the Maine Insurance Code and the Workers' Compensation Self-insurance" (Emergency)

H.P. 1101 L.D. 1548

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-448)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-448) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Modify the Licensure Act for Substance Abuse Counselors"

H.P. 1008 L.D. 1419

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-427)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-427) **READ** and **ADOPTED**, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Codify the Common Law Negligence Standard"
H.P. 334 L.D. 454

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-431).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-431).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-431) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act"
H.P. 465 L.D. 631

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-432).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-432) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets"
H.P. 1081 L.D. 1523

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-430).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-430) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act to Protect the Rights of Maine State Retirement System Employees"
H.P. 147 L.D. 195

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-442).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-442) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals"
H.P. 697 L.D. 955

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-440).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-440) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act Concerning Educational Technicians" H.P. 875 L.D. 1230

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-441).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-441) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option" H.P. 1064 L.D. 1499

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-443).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-443) READ and ADOPTED, in concurrence.

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

The Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Revise Reapportionment Guidelines" H.P. 646 L.D. 869

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-437).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-437) READ and ADOPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise the Somerset County Budget Committee" H.P. 822 L.D. 1153

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-438).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438).

Which Report was READ.

Senator CIANCHETTE of Somerset moved that the Bill and Accompanying Papers be INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Senator CIANCHETTE: Thank you, Mr. President. The amendment to the bill deals with the county budget. Two years ago the legislature set up a new process for the county budget, to get it out of the legislative agenda, and let the people who are paying the taxes to the county make the decision. They set up a budget committee, made up of several communities in the county, and they work with the County Commissioners in developing the budget. After the budget has been approved by the budget committee, it goes back to the County Commissioners for final adoption. This bill would say that in the case that after the budget has been approved by the budget committee, that the County Commissioners could look at that and if they didn't like it, with a unanimous

vote, the County Commissioners can change the budget any way they want, with no recourse. It strikes out the provision in the bill that says the County Commissioners may change the budget if it gets a two-thirds approval of the budget committee. In other words, the budget committee, by a two-thirds vote, could override the County Commissioners. They are striking that from the law, giving the County Commissioners total control of the budget. It would eliminate any effectiveness of the county budget committee. I just think that's wrong and we ought to leave it the way it was. That's the reason for my motion to Indefinitely Postpone. Thank you.

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks"
H.P. 801 L.D. 1118

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-404)**.

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset

Representatives:

CAMERON of Rumford
LIBBY of Kennebunk
REED of Dexter
SIROIS of Caribou

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BRENNAN of Portland
POVICH of Ellsworth

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-404)**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Regulate the Use of Gill Nets in the Coastal Waters of the State"

H.P. 625 L.D. 850

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

Signed:

Senators:

BUTLAND of Cumberland
GOLDTHWAIT of Hancock

Representatives:

BIGL of Bucksport
ETNIER of Harpswell
LAYTON of Cherryfield
LOOK of Jonesboro
PINKHAM of Lamoine
RICE of South Bristol
VOLENIK of Sedgwick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-439)**.

Signed:

Representatives:

CLOUTIER of South Portland
BENEDIKT of Brunswick

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

Which Reports were **READ**.

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

Senate

Ought to Pass As Amended

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1996" (Emergency)

S.P. 198 L.D. 541

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-266) **READ** and **ADOPTED**.

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

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Hebron Village Water District" (Emergency)
S.P. 530 L.D. 1447

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-267)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

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

Divided Report

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Equal Political Rights for Classified State Employees"
S.P. 407 L.D. 1095

Reported in Report "A" that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-264)**.

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York

Representatives:

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

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-265)**.

Signed:

Senator:

LONGLEY of Waldo

Representatives:

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

Which Reports were **READ**.

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

ENACTORS

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

An Act to Encourage an Alternative Fishery
S.P. 428 L.D. 1196
(C "A" S-222)

An Act to Wind Up the Affairs of the Maine Medical and Hospital Malpractice Joint Underwriting Association
S.P. 436 L.D. 1204
(C "A" S-215)

An Act Concerning Residential Treatment Facilities
H.P. 1073 L.D. 1508
(C "A" H-382)

An Act Authorizing the Judicial Supervision of the Disclosure of Utility Records to the Attorney General
H.P. 1076 L.D. 1515
(C "A" H-384)

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

Resolve

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

H.P. 1013 L.D. 1428
(C "A" H-385)

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

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1995

H.P. 1097 L.D. 1541

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 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.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995

H.P. 1098 L.D. 1542

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Resolve, Authorizing the Maine Technical College System to Lease Facilities for York County Technical College (Emergency)

H.P. 951 L.D. 1340

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans"
H.P. 287 L.D. 391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-453)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-453) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Education Funding Formula"

H.P. 658 L.D. 881

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-452) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse
H.P. 105 L.D. 140

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-464).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-464).

Which Report was **READ**.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Strengthen the Laws Pertaining to Poaching"

H.P. 178 L.D. 226

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-458).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-458).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-458) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction"
H.P. 1036 L.D. 1455

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-460).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-460).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-460) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Law Regarding the Possession of Short Lobsters"

H.P. 797 L.D. 1114

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-359).

Comes from the House with the Report **READ** and **ACCEPTED**. **COMMITTEE AMENDMENT "A"** (H-359) **INDEFINITELY POSTPONED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-467).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-359) **READ** and **INDEFINITELY POSTPONED**, in concurrence.

House Amendment "B" (H-467) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Surface Water Ambient Toxics Monitoring Program"

H.P. 768 L.D. 1042

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-455).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-455).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-455) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System"

H.P. 637 L.D. 860

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-457).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-457).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs"

H.P. 946 L.D. 1335

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-456).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-456).

Which Report was **READ**.

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

Divided Report

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

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

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset

Representatives:

BIRNEY of Paris
CAMERON of Rumford
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-428).

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BRENNAN of Portland
DAVIDSON of Brunswick
KONTOS of Windham

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-88).

Which Reports were **READ**.

Senator **HARRIMAN** of Cumberland moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-88) Report, in concurrence.

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-88) Report, in concurrence.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Access to Primary Care Physician Services in Maine"
H.P. 1063 L.D. 1498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BRENNAN of Portland
CAMERON of Rumford
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

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

Signed:

Representative:

BIRNEY of Paris

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-429)**.

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the Senate **ACCEPTED** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-429) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

H.P. 680 L.D. 931

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-314)**.

Signed:

Senators:

MILLS of Somerset
RAND of Cumberland

Representatives:

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

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

Signed:

Senator:

BEGLEY of Lincoln

Representatives:

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

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-314)**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on **Resolve**, to Establish the Commission to Study the Use of Per Diem, Part-time and Temporary Employment
H.P. 853 L.D. 1184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-425)**.

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
JOY of Crystal
LEMAIRE of Lewiston
SAMSON of Jay
STEDMAN of Hartland
TUTTLE, JR. of Sanford

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

Signed:

Representatives:

JOYCE of Biddeford
PENDLETON, JR. of Scarborough
WINSOR of Norway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425).**

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-425) **READ** and **ADOPTED**, in concurrence.

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

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

PAPER FROM THE HOUSE

Non-concurrent Matter

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

In Senate, May 23, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151) AS AMENDED BY HOUSE AMENDMENT "A" (H-454)** thereto, in **NON-CONCURRENCE.**

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

COMMUNICATION

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002**

June 14, 1995

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted Report "A" **"Ought Not to Pass"** of the Committee on **Utilities and Energy** on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

S.C. 247

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

ENACTOR

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

An Act to Exclude Short-term Health Insurance Policies in the Continuity Laws
H.P. 321 L.D. 442
(H "A" H-161 to C "A" H-124)

THE PRESIDENT: The pending question before the Senate is **ENACTMENT.**

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

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

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, HALL, HANLY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BUSTIN, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND**

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the first Tabled and Later Today Assigned (June 14, 1995) matter:

SENATE REPORTS from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering"

S.P. 475 L.D. 1271

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-243). (12 members)

Minority - Ought to Pass. (1 member)

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

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In Senate, June 13, 1995, Reports **READ.**)

Senate at Ease

Senate called to order by the President.

On motion by Senator **HARRIMAN** of Cumberland, the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

The Chair laid before the Senate the second Tabled and Later Today Assigned (June 14, 1995) matter:

Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid"

H.P. 550 L.D. 746
(S "A" S-258 to C "A"
H-244)

Pending - **SECOND READING.**

(In House, June 12, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244) AS AMENDED BY HOUSE AMENDMENT "A" (H-407),** thereto.)

(In Senate, June 14, 1995, **COMMITTEE AMENDMENT "A" (H-244) AS AMENDED BY SENATE AMENDMENT "A" (S-258),** thereto, **ADOPTED, in NON-CONCURRENCE.**)

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

Sent down for concurrence.

The Chair laid before the Senate the third Tabled and Later Today Assigned (June 14, 1995) matter:

Resolve, Establishing the Maine Council on Privatization (EMERGENCY)

S.P. 81 L.D. 169
(C "A" S-254)

Pending - **SECOND READING.**

(In Senate, June 14, 1995, **COMMITTEE AMENDMENT "A" (S-254) ADOPTED.**)

Senate at Ease

Senate called to order by the President.

Which was **READ A SECOND TIME.**

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED.**

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED.**

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators: **CLEVELAND, RUHLIN**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

The Chair laid before the Senate the fourth Tabled and Later Today Assigned (June 14, 1995) matter:

Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (EMERGENCY)

S.P. 167 L.D. 428
(C "A" S-248)

Pending - **SECOND READING.**

(In Senate, June 14, 1995, **COMMITTEE AMENDMENT "A" (S-248) ADOPTED.**)

Which was **READ A SECOND TIME.**

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

Off Record Remarks

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

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

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

Senator HANLEY of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, **RECESSED** until 11:25 o'clock this morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPER FROM THE HOUSE

Joint Order

Expression of Legislative Sentiment recognizing:

Kevin Mahaney, of Bangor, skipper, John Marshall, of Addison, president of the U.S. America's Cup PACT 95, and the other members of the Young America sailing team, whose unique partnership with corporate and academic engineers, designers and professors to create the Young America, a 75-foot International America's Cup Class boat, and whose efforts to utilize the technological excitement of the America's Cup to provide meaningful educational programs to students nationwide have brought pride to the citizens of Maine and we extend our congratulations;
HLS 459

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

Which was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President, Men and Women of the Senate. As the Senate Chair of the

Education Committee, and as someone whose family has ties to Maine's shipbuilding heritage, I am very pleased today to recognize Kevin Mahaney and his many achievements. I am struck by the academic, as well as the athletic, emphasis of Young America's mission. I am particularly pleased that one of their goals is to rekindle and nurture scientific curiosity in secondary school students. In this effort, an in-school curriculum and a PBS program, which are currently being created, break entirely new ground for any America's Cup organization. The multi-disciplinary approach, grouping subjects like meteorology, oceanography, health and fitness, and physics, illustrates to young people a practical approach to their education. I applaud the crew and skipper for including this education dimension in their work. We all need to work toward raising aspirations of our young people, and we are fortunate, indeed, to have the crew of Young America, and Skipper Kevin Mahaney, serving as role models of the young people of Maine. Thank you very much.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. I have not seen the people of the Eastern Maine region be as focused on an issue as they have been on the Young America group since, perhaps, a particular hockey team was grasping for the national championship. I think the Greeks define happiness as living ones life along lines of excellence. I think all the people of this State can be very honored by the efforts of Kevin Mahaney and Young America for living by the best definition of happiness. Thank you.

Which was **PASSED**, in concurrence.

The Sergeant-at-Arms escorted Kevin Mahaney and John Marshall to the Rostrum.

THE PRESIDENT: You need to know that the people in the Maine State Senate were very active in following the races out in San Diego this year. Veronica Cahill, who is the daughter of our Assistant Secretary of the Senate, was a member of the support team for Proud Mary, so we got quite a few updates.

SKIPPER KEVIN MAHANEY: Thank you very much. It's an honor and a pleasure to be back here in the State of Maine, having travelled around the world for Olympic competition, and America's Cup competition, we realize how fortunate we are here in this State with the resources we have, the people we have, and the things that we can accomplish. One of the great things that I hope we brought back to the State of Maine is the ability to show that by partnering State government, by partnering private industry, by partnering education, and by partnering some of the great corporations we have in the world, right here in the State of Maine, that we are able to

accomplish, compete and be the best in the world. It is so easy in today's day and age, there are so many small issues that divide us, that we squabble about, that we don't take the time to step back and reflect upon the excellence that we can achieve, the level we can achieve to strive to be the best. It isn't important, necessarily, to end up the best. What is important is to have the opportunity to be the best. I think that's one of the things that we really tried to provide, and were provided with by the people of Maine and a number of the companies and private individuals here in the State of Maine. What we really look forward to is to continue these goals with our education program. The educators that brought this program to heed, that John will talk about, the team, the people who work within our crew, and the people from the State of Maine, who hopefully we represented and made proud as we strived to be the best in the world. Thank you very much for having us here today.

JOHN MARSHALL: That's very moving. I think our entire team should share and deserves that applause. Perhaps, more than anything else, in an adventure like the America's Cup, you have the ultimate expression of the concept of partnership and teamwork. Kevin has talked about some specifics. We tend to talk about the sailing team, in particular, because at the point of the wedge, so to speak, on the water or on the race course, winning or losing, is the Skipper and the sailing team. The people here today represent all of the components of our program. The shore-based group, that maintains and supports the boat. The tenders and on-the-water team that provide the safety, the meteorology, the actual towing of the boat in and out of the race. Home-grown here in Maine are tenderbuilt Jarvis Newman, forty-six, and Billy Wilburs in Southwest Harbor. Every aspect of this program, in one way or another, speaks to the fact that a relatively small state, like Maine, is absolutely a leadership state. A great deal of what we felt, being in California, was that we were representing the State and particularly representing the values of the State. Values that, although I am not a native of Maine, my father told me about when I was a young man and the reason why my wife and I moved to Maine some years ago. We are very, very proud to be here in that regard. There is a tendency for us to stand before you and take some credit for having done things that we are proud of, but I think it is also important to realize how many of the initiatives that we were able to follow up on actually had their roots here before we even started. Our educational program depends, fundamentally, on the initiative of Bob Noonay of the University of Southern Maine, and his colleagues Lea Martin of the Technology Education Association of Maine, Bob Cronk and his colleagues, and without their coming forward with their ideas as to how to build a bridge between the sciences and technologies that we deal with every day in an America's Cup program, and sound secondary school education programs, our glimmerings of a dream would not have reached fruition. In fact, with that push and with the facility of moving things forward in a State like Maine, the kind of facility that would have been impossible in New York State or California, bogged down with size, and bureaucracy factions, but with the facility that we had here to take our dream and move it forward we, in fact, were able to involve

over 3,500 teachers around the country. Something in the neighborhood of half a million students use the educational materials. These are embodied in a 95-page curriculum of exercises that tie the teamwork, science, and technology of the America's Cup to young people, and hopefully are inspirational to students and especially to teachers. We were able to produce a public television documentary to bring students from Maine to California to compete and to build a program that we will continue this coming fall in the schools here in Maine, and around the country. Hopefully it will be a fundamental component of our effort to complete a little unfinished business and bring the America's Cup back in the year 2000. I think it's also something that needs an explanation, that programs like this are the most fundamental kinds of partnerships that involve a catalyst, like PACT 95, an organization with a mission that acts as a lightning rod is something that brings attention and energy together. Private individuals who amounted for, in total, a third of our total funding, and corporations, and notable among the Maine corporations who were involved in the program were Unum, Nynex, Sebago, and a number of smaller companies. E. L. Cortage, in Correa, Webber Oil, Aaron Company, that partnered with us to get this job done.

I think it's a model for the way that socially valuable programs, like education, can be pushed forward outside of the fundamental, mainstream, structure, but a way for private citizens and initiatives to take place that can, at least, jog the mass of the system and come up with some new ideas. So, we felt that our partnership and the permission Maine gave us to represent the State and to move forward was hugely valuable. We want to thank everyone here for recognizing us today. We thank everyone in the State for the enormous emotional support throughout, and we are glad to be back in Maine. It's great to be home. We are starting to think about the mission in the future. Mr. President, thank you.

THE PRESIDENT: Thank you very much. On behalf of the Members of the Maine State Senate, we want to present you with a framed copy of the sentiment, and also a framed copy of the picture of the capitol. We hope that in the year 2000, that these adorn the walls of the compound, wherever the Cup challenge is next held. We know that well into the year 2000 the Mahaney family, as Nicholas will attest, will be on the water representing the people of the State of Maine. We are very proud of you and we thank you very, very much.

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

ENACTOR

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

Emergency

An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes

H.P. 1096 L.D. 1540
(C "A" H-418)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

On motion by Senator **LAWRENCE** of York, **RECESSED** until 3 o'clock this afternoon.

After Recess

Senate called to order by the President.

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

PAPER FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks"

H.P. 372 L.D. 507
(C "A" H-142)

In Senate, May 24, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND HOUSE AMENDMENT "B" (H-480) in NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002**

June 14, 1995

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

Dear Madam Secretary:

The House voted today to insist on its former action whereby it accepted the Majority "**Ought Not to Pass**" Report of the Committee on **Taxation** on Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes" (H.P. 821) (L.D. 1152)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

S.C. 248

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

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002**

June 15, 1995

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority **"Ought Not to Pass"** Report 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)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

S.C. 249

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Protect the Rights of Maine State Retirement System Employees"

H.P. 147 L.D. 195
(C "A" H-442)

Bill "An Act to Strengthen the Laws Pertaining to Poaching"

H.P. 178 L.D. 226
(C "A" H-458)

Bill "An Act to Codify the Common Law Negligence Standard"

H.P. 334 L.D. 454
(C "A" H-431)

Bill "An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act"

H.P. 465 L.D. 631
(C "A" H-432)

Bill "An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System"

H.P. 637 L.D. 860
(C "A" H-457)

Bill "An Act to Revise Reapportionment Guidelines"

H.P. 646 L.D. 869
(C "A" H-437)

Bill "An Act to Amend the Education Funding Formula"

H.P. 658 L.D. 881
(C "A" H-452)

Bill "An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals"

H.P. 697 L.D. 955
(C "A" H-440)

Bill "An Act to Amend the Surface Water Ambient Toxics Monitoring Program"

H.P. 768 L.D. 1042
(C "A" H-455)

Bill "An Act to Amend the Law Regarding the Possession of Short Lobsters"

H.P. 797 L.D. 1114
(H "B" H-467)

Resolve, to Establish the Commission to Study the Use of Per Diem, Part-time and Temporary Employment

H.P. 853 L.D. 1184
(C "A" H-425)

Bill "An Act Concerning Educational Technicians"

H.P. 875 L.D. 1230
(C "A" H-441)

Resolve, Authorizing the Maine Technical College System to Lease Facilities for York County Technical College (Emergency)

H.P. 951 L.D. 1340
(C "A" H-461)

Bill "An Act to Amend the Laws Concerning Health Insurance"

H.P. 994 L.D. 1405
(C "A" H-445 and H "A" H-470)

Bill "An Act to Modify the Licensure Act for Substance Abuse Counselors"

H.P. 1008 L.D. 1419
(C "A" H-427)

Bill "An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction"

H.P. 1036 L.D. 1455
(C "A" H-460)

Bill "An Act to Increase Access to Primary Care Physician Services in Maine"

H.P. 1063 L.D. 1498
(C "A" H-429)

Bill "An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option"

H.P. 1064 L.D. 1499
(C "A" H-443)

Bill "An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages"

H.P. 1068 L.D. 1503
(C "A" H-447)

Bill "An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets"

H.P. 1081 L.D. 1523
(C "A" H-430)

Bill "An Act to Provide Administrative Clarification within the Maine Insurance Code"
H.P. 1100 L.D. 1547
(C "A" H-422)

Bill "An Act to Clarify and Amend Provisions of the Maine Insurance Code and the Workers' Compensation Self-insurance" (Emergency)
H.P. 1101 L.D. 1548
(C "A" H-448)

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

Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans"

H.P. 287 L.D. 391
(C "A" H-453)

Which was **READ A SECOND TIME**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1996" (Emergency)

S.P. 198 L.D. 541
(C "A" S-266)

Bill "An Act to Create the Hebron Village Water District" (Emergency)

S.P. 530 L.D. 1447
(C "A" S-267)

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

Sent down for concurrence.

Off Record Remarks

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 **BANKING AND INSURANCE** on Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund"

H.P. 852 L.D. 1183

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325)**.

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc
MCCORMICK of Kennebec

Representatives:

VIGUE of Winslow
CAMPBELL of Holden
CHASE of China
GATES of Rockport
GUERRETTE of Pittston
SAXL of Portland
MITCHELL of Vassalboro

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

Signed:

Representatives:

JONES, JR. of Pittsfield
LUMBRA of Bangor
MAYO, III of Bath

Comes from the House with the Majority **OUGHT PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-325) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Substance Abuse Testing Law" H.P. 645 L.D. 868

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-420).

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
JOY of Crystal
LEMAIRE of Lewiston
PENDLETON, JR. of Scarborough
SAMSON of Jay
STEDMAN of Hartland
TUTTLE, JR. of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by Committee Amendment "B" (H-421).

Signed:

Representatives:

JOYCE of Biddeford
WINSOR of Norway

Comes from the House with the Majority **UGHT PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)**, thereto.

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-420) **READ**.

House Amendment "A" (H-485) to Committee Amendment "A" (H-420) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-420), as Amended by House Amendment "A" (H-485), thereto, **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Cable Television" H.P. 831 L.D. 1162

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-289).

Signed:

Representatives:

KONTOS of Windham
ADAMS of Portland
GIERINGER, JR. of Portland
POULIN of Oakland
HEESCHEN of Wilton
POIRIER of Saco
LUTHER of Mexico

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
CLEVELAND of Androscoggin

Representatives:

TAYLOR of Cumberland
STONE of Bangor
O'NEAL of Limestone

Comes from the House with the Majority **UGHT PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**.

Which Reports were **READ**.

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

Senate

Ought to Pass As Amended

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide for Public Health Standards in Public Schools Similar to Standards Required in Private Industry" S.P. 433 L.D. 1201

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-272).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-272) **READ** and **ADOPTED**.

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

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act Relating to the Establishment of a Continuum of Quality and Affordable Long-term Care and Service Alternatives"
S.P. 519 L.D. 1401

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-271)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-271) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Implement the Recommendations of the Maine HIV Advisory Committee Concerning HIV Testing"
S.P. 129 L.D. 321

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

Signed:

Senators:

PENDEXTER of Cumberland
BENOIT of Franklin
PINGREE of Knox

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-270)**.

Signed:

Representative:

MARVIN of Cape Elizabeth

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-269) **READ** and **ADOPTED**.

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

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

Bill "An Act to Revise the Somerset County Budget Committee"
H.P. 822 L.D. 1153

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

Pending - the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

(In House, June 14, 1995, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438)**.)

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

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks"
H.P. 801 L.D. 1118

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-404). (6 members)

Minority - Ought Not to Pass. (4 members)

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

Pending - ACCEPTANCE of Either Report.

(In House, June 14, 1995, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404).)

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

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

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

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

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-88). (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-428). (5 members)

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

Pending - the motion by Senator HARRIMAN of Cumberland that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) Report, in concurrence.

(In House, June 14, 1995, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88).)

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

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator HARRIMAN of Cumberland that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) Report, in concurrence.

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

HOUSE REPORTS - from the Committee on LABOR on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

H.P. 680 L.D. 931

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-314). (8 members)

Minority - Ought Not to Pass. (5 members)

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

Pending - ACCEPTANCE of Either Report.

(In House, June 14, 1995, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314).)

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

Senator MILLS of Somerset moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator BEGLEY: Thank you, Mr. President. The motion to adopt the ought to pass as amended report proposing an amendment to the Constitution of Maine to establish a contractual obligation for members of the Maine State Retirement System represents a change in the Maine Constitution. A change in the Constitution that would represent less than, or equal to, 4% of the work force. It does not, in any way, shape or manner, talk about other work force people. It sets up a particular group to be protected by the Constitution. In my estimation this is not what the Constitution of Maine should be used for. There is legislation pending whereby it will become unconstitutional for this Legislature to have anything to do with increasing the unfunded liability of retirement. That is undoubtedly going to pass, at least in my estimation, and will protect the retirement system from the problems of the past and protect those people in that system. There is nothing in this unfunded liability bill that will not

protect them, and do away with the need for this change to the Constitution. You will hear all kinds of comments dealing with what has happened in the past, and much of what they will tell you is absolutely true, however, you will have to take a much closer look at how we got into that situation, going back into the 1940's, 1950's, 1970's and 1980's when legislators in the past gave programs to the retirement system and refused to fund them. That will no longer be true with the proposed unfunded liability motion. This, again, is using a constitutional amendment for a very small group and it should not be done.

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

Senator MILLS: Thank you, Mr. President, Members of the Senate. I think it is important to look at the amendment itself, the wording of the amendment, so that people understand exactly the scope of what is intended by the amendment. It says teacher or state employee membership in a pension or retirement system of the State is an enforceable contractual relationship. To clear up some questions that have been raised earlier, it does not appear to apply to municipal or county employees, or to others who may participate in systems that are administered by the Maine State Retirement System. It applies only to those pensions which are created by the Maine Legislature, and basically it is intended, my understanding of the amendment and the purpose behind the amendment is that when we pass a law that defines a certain set of benefits, if we hire someone under the understanding that those defined benefits will be paid at some future date, this amendment would deprive us of the opportunity to change or alter that definition of benefits during the term of that employees employment. It does not prevent us from changing the package of pension or retirement benefits that may be offered to someone who is newly hired. It only applies to those who have signed up to become a state employee under a certain set of assumptions. It's very significant to me that people who come into state or teacher employment do not have recourse to other forms of pension, other than those that they might contribute to on their own. In other words, they are exempted from the Social Security System unless they have found employment somewhere else during their lives, and this is the only pension or retirement benefit that many of them have. Many of them go to work for the State of Maine, or for school districts, at a rate of pay that is perhaps less than they could make on the outside, and when they enter into an employment relationship with the State, or with a school district, they do so under a certain set of legislative assumptions about the level of retirement benefit that they can expect after a certain number of years and after having achieved a certain age. It seems to me that we, as a legislature, reserve the right to change those expectations, that we are breaching an implicit or implied contract. This proposed amendment to the Constitution would make that crystal clear. Thank you.

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

Senator BEGLEY: Thank you, Mr. President. The

point of making it clearer, or understandable, of course is open for consideration. If you look at the possibilities, the number of tiers that the retirement system might be forced to have, because of a constitutional amendment, is limitless. Any time something changes in that contract in the next year, and is handled in this fashion, is to have another tier. You could do it four years later and have another tier. There are so many questions concerning is it clear, that if the contract is there, what is to diminish it or what is to improve it? Can you change it? Must the employer change it insofar as negotiations? One does not know where, if at all, to get into negotiations. It eliminates from the legislature, or anybody else, unless they go back and change the Constitution, any emergency over a three or four-year period of money. You cannot change it. You are caught up in that position that, in many respects, every time we go through a cycle, you had better take a very close look at what you have done with a constitutional amendment because you are stuck with it and there is little or no possibility.

It takes future flexibility away to make even salutary changes in some aspect of the State Retirement System. So long as they might arguably impair or diminish benefits under the broadest reading of any of these terms. It is, by all means, something that we should look at before we leap into it. There are so many aspects to it. Be very careful. I suggest you vote against the pending motion.

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

Senator RAND: Thank you, Mr. President, Men and Women of the Senate. I think that you will find interesting a yellow sheet that was passed out under the name of the good Senator, Vinton Cassidy. I think that if you carefully read this you will see that some of the points that are being made, concerning what this Resolve actually does, there are some counter points to be looked at. I find the first paragraph, under counterpoint, probably the most impelling. "The purpose of national and state constitutions is to protect citizens from unreasonable acts of government." Four percent of the State's population had their retirement benefits changed. This was an agreement that they already had, they came to work, they signed on to state employment under a certain set of agreements. I will take X number of dollars of pay and I will be entitled to certain benefits when I retire if I live up to my end of the responsibilities and work a certain number of years for the State of Maine. So, 4% of the State's population had their retirement benefits changed by the 115th Legislature, and the 116th Legislature. This L.D. would protect this population from further unreasonable acts of government. Certainly a suitable use for a constitutional amendment. Also, this amendment does have to go before the citizens of the State of Maine for their approval or disapproval. I would urge you to pass this Resolution. Thank you.

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

Senator MCCORMICK: Thank you, Mr. President, Men

and Women of the Senate. The good Senator from Lincoln, Senator Begley, talks about us foreclosing an option if we were to pass this bill. To that I say absolutely, that is why we want to pass this bill. We have been trying to foreclose the option of raiding the Retirement System and using it as a bank for the last four years. We have already passed one constitutional amendment on this, and still we seem to do it. Let me remind you, Maine's State Retirement System, public pension system, is the third, and I think I'm right on this, it might be the second, but it is the third worst unfunded liability in the country because of the actions of previous Governors and previous legislatures. We cannot go on putting off our own debts. We either take care of our debts here and pay for them now, or we borrow from the Retirement System and ask our kids to pay for them. That's the equation. That's the only thing you are foreclosing. So, if you want to pay your bills now, and have us pay for them, and not ask your kids to pay for them, then you want to be voting for this. If you want to have your kids pay for them, then you want to be voting no.

Off Record Remarks

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

Senator **BEGLEY:** Thank you, Mr. President. I would just like to reiterate what I said the first time. The way to handle the situation is to pass a law whereby you do not allow any legislator or any Governor to be concerned about the unfunded liability or to use it in any way, shape, or manner. That is the way to handle it, not through a constitutional amendment for 4% of the work force.

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

Senator **KIEFFER:** Thank you, Mr. President, Fellow Members of the Senate. The wording of the constitutional question as set forth in the bill reads, "Do you favor amending the Constitution of Maine to provide contractual protection of retirement benefits for public employees?" Now the amendment changes the Constitution, or proposes to change the wording in the Constitution, to read, "Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System". Those two statements certainly are not in agreement. There are many public employees that are not members of the Maine State Retirement System. There are also many municipal and county employees that are public employees and are, in fact, members of the Maine State Retirement System, and therefore I would assume that this would be a mandate upon those municipalities and counties to provide these types of retirement benefits for their employees. I know in my own community the fire department, the police

department, and the highway department are members of the union and they belong to the Maine State Retirement System. The way I interpret this, certainly this is a mandate upon that municipality to provide these guarantees to these employees of these municipalities and counties. I think that's going a little further than what the intention of this bill originally was.

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

Senator **CASSIDY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Obviously there seems to be a lot of misunderstanding about this present legislation that is before us today. If I could just give you a little background, I think the reason this legislation is here again this year is because I think all of us know in the past four to six years, some of the problems that we faced here in the State with the funding of all our budget processes, and the cuts and those sort of things we had to do, we hear them called all kinds of things, I guess I have even referred to them myself as gimmicks. One of the situations that came out of all that hardship that we had with funding in the State was that the Legislature took a look at Maine State employees in a lot of different ways. One was the State Retirement System. The folks that I spoke with as I travelled throughout my district, prior to being elected here in November, especially state employees and school teachers who were part of the system, really felt a breach of trust in that they were hired under certain rules and regulations, and then later on down the road had somebody come in, namely the Maine Legislature, and say we are changing the rules, we are changing the benefits for you. What this particular bill does, and most of those folks that I talked with agreed, is if I hire a person tomorrow and say these are the rules, these are the benefits, and that person is willing to work for me, then we can accept that. I don't think it's fair to have people for seven, eight, or nine years eleven months and 29 days and say we are changing what we promised we would do for you. This bill simply says let's send this out to referendum, see what the people in the State of Maine think, if they agree that we need to have some faith and trust with our state employees.

I sort of get a kick out of some of the testimony today when I hear, and I have discussed this for several weeks with some of my good friends here in the Senate, that we can't change the Constitution of Maine. I have stood here three times already this session and voted to change the Constitution of the State of Maine for one reason or another. The other argument is this is only 4% of the people, there's only 27,000 to 30,000 people affected here. I have seen legislation come across my desk, and in my Committee, that affected one person. If there is an injustice to one person or 27,000 people, I think we need to ask the folks of the State of Maine to correct that injustice. So, I am going to support this bill today and I'm going to ask you to, to put this out to referendum and let the people of the State of Maine decide whether that's the fair thing to do. I appreciate the chance to tell you my feelings. Thank you.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's a sad day to me when we have to acknowledge that we are such crummy employers that we have to put protection into the Constitution of the State of Maine against us. It's my thought, that as responsible employers, we really ought to be able to do this without a constitutional amendment. One of the helpful mentors to me in the Senate, the good Senator from Oxford, Senator Hanley, and I have something of a pool on as to whether I will have moved to his point of view by the time the two years are over. However, at this point I am not willing to concede that we are so incapable of controlling ourselves, and so incapable of making good decisions here that we need to put the protection of our employees into the State Constitution. The teachers in my area certainly disagree with me about this issue and my feelings on it, and I assured them that short of a constitutional amendment I would do anything that I could to help assure that employee agreements made with them, at their time of hire, were kept. For that reason, I opposed the repeal of the snack tax, and I will oppose other tax reductions to help pay back the funds that we have raided. But, I cannot bring myself to amend the Constitution of the State of Maine to provide for employee benefits. Thank you.

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

Senator **RAND**: Thank you, Mr. President, Men and Women of the Senate. I would wholeheartedly love to agree with the good Senator from Hancock, Senator Goldthwait, and assure the people of this State that we are, indeed, an excellent employer and that we would never do things to jeopardize or interfere with their retirement benefits or the amount of money that we should rightfully be putting in to cover the benefits that we have said that they could have. Unfortunately, my real life experience in this building has told me that that is not the case. I remember having lunch with a few of my Republican friends from the other body about a month ago, and we were talking about this very issue. One of them referred to a constitutional amendment as a knee-jerk reaction of some people. I, and the other person who was dining with us, his fellow caucus member, said that's stretching a point here, that is certainly not knee-jerk, maybe you can agree on whether it is necessary or not, but it certainly is not a knee-jerk reaction because we have indeed, in several different legislatures, taken the approach that, to my mind, should be illegal when it comes to the retirement benefits of people.

I would like to refer to something that the good Senator from Aroostook, Senator Kieffer, brought up. While it is true, if you look at page one of the bill, the question reads "Do you favor amending the Constitution of Maine to provide contractual protection of retirement benefits for public employees?" That is exactly how the question reads, you just have to move your eyes up to section 24, under Constitution, Article 9. It is specifically spelled out what this language would be in the constitution. It would be under section 24, Maine State Retirement System, teacher or state employee membership in a pension or retirement system of the

State is an enforceable contractual relationship, the benefits of which may not be diminished or impaired. That specifically limits this to State employees and teachers. So, the fears expressed by the good Senator from Aroostook would not come to fruition since the language clearly spells out who is included in this amendment. Thank you.

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

Senator **HARRIMAN**: Thank you, Mr. President. Good afternoon Ladies and Gentlemen of the Senate. Before we take our vote this afternoon I would like to take just a moment to share with you a few thoughts that will be guiding my decision this afternoon. Let me start, as a premise, that much of what I am today, as a person, as a business person, and as a parent, has everything to do with people who were instrumental in my education. I am proud to say that many of the same teachers who taught me, are now teaching my children in the same school system. I also want you to know that I have a family member whose long term security is directly related to the Maine State Retirement System. I want the record to reflect that I consider myself a friend and an admirer, not only of educators, but of state employees, which really quite shocked me when I discovered, in an issue of the Maine Educator, that when this bill was before us before, that while the bill may have been defeated it lives on, and while the bill is dead the fight will continue, and while the bill is dead its friends and enemies will be remembered. As I read this, and saw my name here in quite bold print, I thought, at what point did we stop looking at each other as citizens of the State of Maine? When did I, because of a philosophical or an intellectual opinion, end up in print as some enemy? So, I would like to share with the members of this body that my reasons for voting today are because I have a philosophical disagreement with people who I respect, for several reasons.

First, it is amazing to me, as I look around this chamber, how many people served in the 115th and 116th sessions of the Legislature, who voted for the bills that caused the financial challenges that motivated people to support this legislation. I'm proud to say that I was not one of them. I didn't vote for these budgets for this very reason. I came here to demonstrate the courage to make the difficult decisions, and one of them is to stand up and make tough decisions, to balance our budget, to put our financial affairs in order without resorting to gimmicks and other forms of financial deferrals. I also would like to remind the body that the actions of the 115th and 116th sessions of the Senate, and the Maine Legislature, isn't the only reason the Retirement System faces the challenges that it has. Back in January of 1942, in a special session of the Legislature, when the bill was passed to create the Maine State Retirement System, it took effect in July of 1942, and all of the employees who were working at that time became members, with credit for all time worked before that date without paying a penny for that time. That was the beginning of the unfunded liability. The law that was proposed then to pay off the unfunded liability by hiring an actuary was recommended to the Governor. The Governor was to put that amount in his budget and the Legislature was to

appropriate. What happened, frequently, was that the actuary proposed an amount of funding, the Governor put in less money than was recommended, and the Legislature appropriated less money than was recommended. But, that's not the only reason the Retirement System faces this challenge. Investment results in years past have not always been what was expected. In fact, the actuary, several years ago, was replaced because of some of the actuarial assumptions that didn't hold true. The investment advisors were changed because investment results didn't hold true. Part of our unfunded liability is a result of people living longer than expected. Ladies and Gentlemen of the Senate, many of the problems this retirement plan faces is because some of its very members, who serve in this body, propose legislation to sweeten the pot. Where was everybody then, saying wait a minute, we can't increase this benefit, we can't include this form of compensation to bump up your highest year of salary because it would affect the unfunded liability. Where were they then?

I am one of several people who does not participate in the Maine State Retirement System. I rely on Social Security as my retirement at this point in my life. In the Social Security System, where I pay not only the employee's portion and the employer's portion, because I am self-employed, approximately 14% goes down to Washington and before it gets to the Social Security Trust Fund, the administration takes that money, puts into the federal treasury, and puts in a promissory note. There is no protection for my money that goes into the Retirement System. On top of that, the federal government has changed the Social Security System retirement age and contribution limits many, many times over the last few years. What about individual retirement accounts that were so popular back in the late 1970's. Many of us used that as a vehicle to prepare for the future. That was a promise written into law that would allow us to save for retirement, and that was changed. In 1982 the pension laws in this country were amended under the Tax Equity and Fiscal Responsibility Act. Again, in 1984, under the Retirement Equity Act of 1984. Again in 1986 under the Tax Reform Act. Again in 1986 under the Omnibus Reconciliation Act. Again in 1987 under the Revenue Act. Again in 1988 under the Technical and Miscellaneous Revenue Act. Again in 1989. Again in 1990. Again in 1992. All changes by the government that affect people just like you and I and the people who we represent in planning for their retirement.

So, to me today, the issue is not whether we want to support state employees and teachers. Of course we do. I have a lot of respect and admiration for them and I have stood up on their behalf right here on the floor of the Senate in voting against bills and budgets that created these problems. I will continue to do so, but I hope you will understand and respect the fact that I am here to uphold the Constitution of the State of Maine, all one million two hundred and sixty-something people in the State of Maine. If we pass this legislation, what we are saying is that it's okay to discriminate. The very people who are teaching my children not to discriminate are asking you and I today to vote for a bill that will protect their pension benefits from being diminished or impaired, but not those of your

constituents. So, I hope that you will respect the fact that I just simply disagree. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. Very briefly, if it's considered that a promissory note-type system in retirement is wrong, and if a change in retirement benefits that occur over time is wrong, all I can say, in support of this measure is, that two wrongs don't make a right. I don't look at this in a negative way, that is the legislature enacting a measure against itself, I look at this in a positive way. To me it is always positive whenever government enacts measures, such as this, even in this case by having it go out to vote, any time the measure protects the interests of our citizens, no matter who they may be, you can never be negative. Thank you.

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

Senator **CIANCHETTE:** Thank you, Mr. President. The Constitution of Maine, section 18, gets to the heart of the matter, I think. I would like to just make a point about this. I have been extremely upset, extremely concerned about the future and what my grandchildren are going to be paying to pay back the unfunded mandates that have been created in the State Retirement System. I'm going to ask you to allow me to read you this short paragraph. Section 18 of the Maine Constitution, "Limitation on Use of Funds of Maine's State Retirement System. All of the assets, and proceeds or income therefrom, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes. Funds appropriated by the Legislature for the Maine State Retirement System are assets of the system and may not be diverted or deappropriated by any subsequent action." Now, I think the key words here are the money that has been paid into the system, and we, the administration and past legislatures, have averted the system by not appropriating the money in the first place. They did not put the money in the fund and they have averted the Constitution of the State of Maine by gimmickery and have put our future kids in this State at a huge liability, because we have not lived up to the intent or purpose of the Constitution of this State. Passing another constitutional amendment, unless we are going to go by the ones that we already have, provides very little purpose. Thank you.

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

Senator **LORD:** Mr. President, may I pose a question to anybody who can answer it? Thank you, in view of the fact that I came up through the depression days, quite a while ago, before a lot of you young folks were born, I remember we had a lot of people who were on pensions. Because of the fact that the economy went to pieces they couldn't pay the pensions. If we pass this law, and the people pass

it also, and it becomes law, is there any possibility or will there be a chance, if the economy should get to a point where we were, that the pension that the employees receive could be lowered? If it isn't, it's really going to put this State in an awful pickle.

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

Senator **McCORMICK:** Thank you, Mr. President. I believe the answer to that question is that if we pass this amendment, the pensions of current vested employees could not be changed, but prospectively the pensions of employees who have not yet been vested could be changed. We are talking about this amendment as if it was about purely pensions. That, I don't believe, is true. What we all think, I know we all labor under the assumption that we balance the budget every year in this State, but we don't. This amendment that we are talking about here is a balanced budget amendment. That's what this is, because for the last two budgets that I have been here trying to balance the budget, we have borrowed from the retirement system in order to balance the budget. It is a myth that we balance the budget. We have borrowed, we have borrowed heavily, \$200 million per biennium at least. The first time we borrowed it, and the Senator from Somerset is absolutely right, section 18 says that, and to get around that we changed the benefits of current unvested employees, and actually we tried to change the benefits of vested employees. We tried to change the amount of years that it takes to vest. We tried to change everything. The Governor would propose proposal after proposal after proposal. I was Chair of the Committee, and I spent four years fighting this kind of thing. If you really want to make Maine a state in which a balanced budget means something, then you want to be passing this amendment, because it will help us to really balance the budget, and not to borrow or steal, depending on your point of view, from the \$2.4 billion of assets in the Maine State Retirement System that do not belong to us. They belong to people who sweat and toil to help make Maine what it is today. So, if you believe in a balanced budget amendment, then you want to pass this amendment. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MILLS** of Somerset that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **BENOIT, BERUBE, BUSTIN, CAREY, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, HALL, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS**

NAYS: Senators: **ABROMSON, AMERO, BEGLEY, CARPENTER, CIANCHETTE, GOLDTHWAIT, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, and the PRESIDENT, Senator BUTLAND**

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Resolution **READ ONCE**.

Committee Amendment "A" (H-314) **READ** and **ADOPTED**, in concurrence.

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

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

Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (Emergency)

S.P. 167 L.D. 428
(C "A" S-248)

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

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

(In Senate, earlier in the day, **READ A SECOND TIME**.)

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

Senate at Ease

Senate called to order by the President.

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

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

On motion by Senator **FAIRCLOTH** of Penobscot, **ADJOURNED**, in memory of **JOHN H. COX** of Bangor, until Friday, June 16, 1995, at 9 o'clock in the morning.