

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

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

In Senate Chamber
Monday
June 19, 1995

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

Prayer by the Reverend Rodney Hanscom of the Newry Community Church in Bethel, Maine.

REVEREND RODNEY HANSCOM: Good morning. I am very pleased and honored to have the privilege of being here this morning to offer the opening prayer. I was told before I came in that if I wanted to make a few remarks, at the risk of being too political, I guess I could just say that I ask you all to do the best you can in your conscience, forgetting your party, individual and personal feelings, and do what you feel is the best for the State as a whole. May we now bow in prayer.

Almighty God, we pray for you to guide these men and women in their position as Senators of our great and beautiful State. Direct them and guide them, as you did our forefathers when they founded this nation. We give our thanks to those who so graciously devote themselves to the service of our State. May they act upon the issues that come before them with prudence and integrity, not in thought of self, but for the benefit of the good for our State and its people as a whole. Give unto them, oh Lord, an open mind and a willingness and desire to listen well to your position, as well as to support it. Keeping an open mind, but yet, not yielding to easily to persuasion. We ask your blessing, oh Lord, upon them and upon our beautiful State. This we ask in thy holy name. Amen.

Pledge of Allegiance led by **SENATOR PENDEXTER** of Cumberland.

Reading of the Journal of Friday, June 16, 1995.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create an Income Tax Stabilization Program" (Emergency)
S.P. 98 L.D. 238
(C "A" S-115)

In Senate, May 18, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115) AS AMENDED BY HOUSE AMENDMENT "B" (H-511)** thereto, in **NON-CONCURRENCE.**

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

Senate at Ease

Senate called to order by the President.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by the same Senator that the Senate **RECEDE** and **CONCUR.**

Non-concurrent Matter

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)
S.P. 365 L.D. 991
(H "B" H-367 to C "A" S-116)

In House, June 6, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "B" (H-367),** thereto, in **NON-CONCURRENCE.**

In Senate, June 12, 1995, **RECEDED** and **CONCURRED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "C" (H-482)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Improve Maine Students' Preparedness for the Global Economy by Enhancing Opportunities for Global Education"

H.P. 716 L.D. 973
(C "A" H-396)

In Senate, June 13, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396) AS AMENDED BY HOUSE AMENDMENT "A" (H-507) thereto, in NON-CONCURRENCE.

Senator KIEFFER of Aroostook moved that the Senate RECEDE and CONCUR.

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

Senator CLEVELAND: Thank you, Mr. President. Would someone be kind enough to explain what the House Amendment, H-507, does to the bill? Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator KIEFFER: Thank you, Mr. President. The amendment, as I read it this morning, requires the Chair of the Legislative Council to call the first meeting. Apparently that was overlooked in the original bill.

On motion by Senator KIEFFER the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Improve Bicycle Safety in This State"

S.P. 580 L.D. 1557

In Senate, June 14, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256) in NON-CONCURRENCE.

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

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION RECOGNIZING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF CARROLL

WHEREAS, in the year of 1830, Mr. Luke Hastings felled the first trees and built a cabin on the bank of the Mattagordus Stream in the region of land that 15 years later would become the Town of Carroll; and

WHEREAS, since the time of the first settler, the region has been home to generations of farmers and lumberjacks who made their homes along the old stage line; and

WHEREAS, the Town of Carroll was named in honor of Daniel Carroll, a statesman from Maryland who was a member of the Continental Congress and was a delegate to the convention that framed the Constitution of the United States; and

WHEREAS, the citizens of Carroll, now pause to reflect upon the community's heritage and to commemorate the town's sesquicentennial anniversary; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, extend our congratulations and best wishes to the citizens of Carroll as they celebrate this special occasion; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of the proud community of Carroll.

H.P. 1126

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

117TH LEGISLATURE

June 16, 1995

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

Dear Senator Harriman and Representative Rowe:

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

Pursuant to Title 10, MRSA Section 965, this nomination is currently pending before the Joint Standing Committee on Business and Economic Development.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S.P. 590

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Encourage Agricultural Enterprises in Maine."

S.P. 589 L.D. 1575

Presented by Senator **CASSIDY** of Washington (GOVERNOR'S BILL)

Cosponsored by: Representative **KILKELLY** of Wiscasset, Senators: **CAREY** of Kennebec, **CIANCHETTE** of Somerset, **FAIRCLOTH** of Penobscot, **McCORMICK** of Kennebec, **MICHAUD** of Penobscot, **PARADIS** of Aroostook, Representatives: **DAVIDSON** of Brunswick, **DiPIETRO** of South Portland, **DONNELLY** of Presque Isle, **KNEELAND** of Easton, **LOOK** of Jonesboro, **POULIOT** of Lewiston, **ROWE** of Portland, **SPEAR** of Nobleboro.

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation"

H.P. 100 L.D. 135

Reported that the same **Ought to Pass as Amended by Committee Amendment "D" (H-462)**.

Signed:

Senators:
CARPENTER of York
HARRIMAN of Cumberland

Representatives:
KONTOS of Windham
TAYLOR of Cumberland
GIERINGER, JR. of Portland
O'NEAL of Limestone
POULIN of Oakland
LUTHER of Mexico
STONE of Bangor
POIRIER of Saco

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "E" (H-463)**.

Signed:

Senator:
CLEVELAND of Androscoggin

Representative:
HEESCHEN of Wilton

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D" (H-462)**.

Which Reports were **READ**.

Senator **CARPENTER** of York moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "D"** (H-462) Report, in concurrence.

On motion by Senator **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending the motion by Senator **CARPENTER** of York that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "D"** (H-462) Report, in concurrence.

Senate

Ought to Pass As Amended

Senator **CASSIDY** for the Committee on **AGRICULTURE** on Bill "An Act to Regulate Hybrid Wolves" S.P. 360 L.D. 986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-287).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-287) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact" (Emergency) S.P. 383 L.D. 1060

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-286).

Signed:

Senators:

LORD of York
HATHAWAY of York
RUHLIN of Penobscot

Representatives:

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

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

Signed:

Representatives:

SHIAH of Bowdoinham
SAXL of Bangor

Which Reports were **READ**.

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

Senator **LONGLEY** of Waldo moved to Table Until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator **KIEFFER** of Aroostook requested a Division.

Senate at Ease

Senate called to order by the President.

Senator **LONGLEY** of Waldo requested and received Leave of the Senate to withdraw her motion to Table Until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-286) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for Runoff Elections

S.P. 451 L.D. 1224

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

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-285).

Signed:

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report ACCEPTED.

Sent down for concurrence.

An Act to Amend the Returnable Beverage Container Laws

H.P. 956 L.D. 1345
(H "A" H-465 to C "A" H-450)

Bill "An Act to Require the Disclosure of the State of Origin of Farm Products"

H.P. 973 L.D. 1382
(C "A" H-481)

Bill "An Act to Clarify the Forcible Entry and Detainer Law"

H.P. 982 L.D. 1390
(C "A" H-479)

Bill "An Act to Establish Safety Standards for All Utility Facilities"

H.P. 997 L.D. 1407
(C "A" H-472)

Bill "An Act to Amend the Maine Bail Code"

H.P. 1000 L.D. 1411
(C "A" H-483)

Bill "An Act to Establish the Board of Licensure of Water Treatment Plant Operators"

H.P. 1090 L.D. 1534
(C "A" H-489)

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

SECOND READERS

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

House As Amended

Bill "An Act to Clarify the Registration of Snowmobiles by Nonresidents"

H.P. 604 L.D. 814
(H "A" H-410 to C "A" H-375)

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
(C "A" H-404)

Bill "An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles"

H.P. 824 L.D. 1155
(C "A" H-423)

Bill "An Act to Create the Overhead High-voltage Line Safety Act"

H.P. 894 L.D. 1247
(C "A" H-484)

Bill "An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead Community, Incorporated, and to Change Its Name to Lake Arrowhead Community Municipal Services Corporation" (Emergency)

H.P. 909 L.D. 1285
(C "A" H-490)

Senate As Amended

Bill "An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System"

S.P. 214 L.D. 556
(C "A" S-278)

Bill "An Act to Ensure Consistency Between State and Federal Environmental Requirements"

S.P. 347 L.D. 952
(C "A" S-275)

Bill "An Act to Widen the Maine Turnpike"

S.P. 489 L.D. 1323
(C "A" S-282)

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to the Regulation of Borrow Pits" (Emergency)

S.P. 525 L.D. 1423
(C "A" S-283)

Which was **READ A SECOND TIME.**

On motion by Senator **CARPENTER** of York, Senate Amendment "A" (S-288) **READ.**

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

Senator **McCORMICK:** Thank you, Mr. President. Are individual members in possession of S-288? I'm not.

THE PRESIDENT: It's the Chair's understanding that it is on each individual member's desk.

On motion by Senator **CARPENTER** of York, Senate Amendment "A" (S-288) **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

117TH LEGISLATURE

June 16, 1995

Senator S. Peter Mills
Representative Sharon Treat
Chairpersons
Joint Standing Committee on Judiciary
117th Legislature
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated Jon D. Levy of York for appointment as Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S.P. 591

Which was **READ** and referred to the Committee on **JUDICIARY.**

Sent down for concurrence.

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

Senate at Ease

Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator **McCORMICK** of Kennebec, **RECESSED** until 2 o'clock this afternoon.

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:

ENACTORS

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

- An Act to Increase the Minimum Wage in Maine
H.P. 108 L.D. 143
(C "B" H-67)
- An Act to Prohibit Any State or Independent Agency from Establishing Private Accounts
S.P. 277 L.D. 749
(H "A" H-454 to C "A" S-151)
- An Act to Reduce Government and Consolidate the Regulation of Banks and Credit Unions
S.P. 294 L.D. 792
(C "A" S-234)
- An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault
H.P. 589 L.D. 799
(C "A" H-299)
- An Act to Amend the Substance Abuse Testing Laws
H.P. 860 L.D. 1191
(C "A" H-415; S "A" S-259)
- An Act Relating to Procedures before the Public Utilities Commission
S.P. 472 L.D. 1268
(C "A" S-250)
- An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability
S.P. 486 L.D. 1320
(C "A" S-246)
- An Act to Modify the Electricians' Examining Board Law
S.P. 495 L.D. 1354
(C "A" S-244)

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

An Act to Increase Paid Health Insurance Benefits to Retired Teachers
S.P. 232 L.D. 597

Senator **KIEFFER** of Aroostook moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

The same Senator requested and received Leave of the Senate to withdraw his motion to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

On further motion by the same Senator, Tabled until Later in Today's Session, pending **ENACTMENT**.

Emergency Resolve

Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine
S.P. 494 L.D. 1353
(C "A" S-245)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being 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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Prevent Master Electrician License Fee Payment Duplication"
H.P. 1044 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-497) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Requiring Doctors of Naturopathic Medicine to Be Licensed by the Naturopathic Board of Examiners and Regulating Naturopathic Health Care Practice"

H.P. 1087 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-508) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education to Develop a Statewide Plan for a Skills Development Program for Teachers

H.P. 1053 L.D. 1482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-499)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-499) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years"

H.P. 489 L.D. 670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-502) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Expand Elevator and Tramway Inspection Services"

H.P. 862 L.D. 1193

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-504) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Amend the Earnings Limitations under the Disability Plan" (Emergency)

H.P. 1078 L.D. 1520

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-495)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-495) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Update and Clarify Administrative Procedures"

H.P. 907 L.D. 1283

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-496).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-496) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Changes in the Law Establishing the Maine School of Science and Mathematics"

H.P. 1035 L.D. 1454

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-383).

Signed:

Senators:

SMALL of Sagadahoc
ABROMSON of Cumberland

Representatives:

MARTIN of Eagle Lake
AULT of Wayne
BARTH, JR. of Bethel
DESMOND of Mapleton
STEVENS of Orono
LIBBY of Buxton
WINN of Glenburn

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

Signed:

Senator:

ESTY, JR. of Cumberland

Representatives:

CLOUTIER of South Portland
MCELROY of Unity
BRENNAN of Portland

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-383).**

Which Reports were **READ.**

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

Divided Report

Eleven Members of the Committee on **NATURAL RESOURCES** on Bill "An Act to Abolish the Maine Waste Management Agency"

H.P. 181 L.D. 229

Reported in Report "A" that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-487).

Signed:

Senators:

LORD of York
RUHLIN of Penobscot

Representatives:

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

One Member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass** as Amended by Committee Amendment "B" (H-488).

Signed:

Senator:

HATHAWAY of York

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

Signed:

Representative:
SHIAH of Bowdoinham

Comes from the House with Report "A" OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).

Which Reports were READ.

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

Divided Report

The Majority of the Committee on LEGAL AND VETERANS AFFAIRS on Resolve, Establishing the Task Force on Alcoholic Beverage Sales (Emergency)
H.P. 1075 L.D. 1514

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-477).

Signed:

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

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-478).

Signed:

Representative:
MURPHY of Berwick

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-477) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Implement the Recommendations of the Task Force to Study the Safe Mobility of Maine's Aging Population"

H.P. 367 L.D. 487

Reported that the same Ought Not to Pass.

Signed:

Senators:
STEVENS, JR. of Androscoggin
CASSIDY of Washington

Representatives:
RICKER of Lewiston
HEINO of Boothbay
BAILEY of Township 27
STROUT of Corinth
LINDAHL of Northport
FARNUM of South Berwick

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-505)

Signed:

Senator:
PARADIS of Aroostook

Representatives:
O'GARA of Westbrook
BOUFFARD of Lewiston
DRISCOLL of Calais
CHARTRAND of Rockland

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

Which Reports were READ.

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

House Paper

Resolve, Authorizing the Sale of Certain Property
in Connor
H.P. 1129 L.D. 1574

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

Reference to the Committee on STATE AND LOCAL
GOVERNMENT suggested and ORDERED PRINTED.

PAPERS FROM THE HOUSE

Comes from the House, under suspension of the
Rules, READ TWICE and PASSED TO BE ENGROSSED, without
reference to a Committee.

Non-concurrent Matter

Which was under suspension of the Rules, READ
TWICE, without reference to a Committee.

Bill "An Act to Enhance Export Markets for Maine
Sardines and Other Canned Herring Products by
Clarifying the Maine Sardine Law" (Emergency)
S.P. 426 L.D. 1149
(C "A" S-253)

On motion by Senator AMERO of Cumberland, Senate
Amendment "B" (S-289) READ.

In Senate, June 13, 1995, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253).

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

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-253) AND HOUSE
AMENDMENT "A" (H-494), in NON-CONCURRENCE.

Senator AMERO: Thank you, Mr. President, Ladies
and Gentlemen of the Senate. This amendment adds a
fiscal note to the Resolve, which makes it clear that
proceeds from the sale of this property will go to
the Unorganized Territory Fund.

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

On further motion by the same Senator, Senate
Amendment "B" (S-289) ADOPTED.

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

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

Non-concurrent Matter

Bill "An Act to Establish the Maine Judicial
Compensation Commission"
S.P. 536 L.D. 1474
(C "A" S-260)

ORDER

In Senate, June 14, 1995, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260).

Joint Resolution

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-260) AS AMENDED
BY HOUSE AMENDMENT "A" (H-525), thereto, in
NON-CONCURRENCE.

On motion by Senator SMALL of Sagadahoc, the
following Joint Resolution:

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES
TO PROVIDE SUPPORT FOR CONTINUED CRITICAL ACCESS
ALONG MAINE'S ROUTE 1 CORRIDOR
THROUGH REPLACEMENT OF THE CARLTON BRIDGE IN BATH**

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

WE, your Memorialists, the Members of the One
Hundred and Seventeenth Legislature of the State of
Maine, now assembled in the First Regular Session,
most respectfully present and petition the President
and the Congress of the United States, as follows:

WHEREAS, the Carlton Bridge between Bath and
Woolwich, Maine, built in 1926, has structurally,
mechanically and functionally deteriorated and is in
dire need of replacement; and

WHEREAS, the Carlton Bridge provides the only access along coastal Route 1 and supports more than 20,000 jobs critical for the mid-coast region; and

WHEREAS, annual average daily traffic currently exceeds the bridge capacity and is projected to double over the next 20 years; and

WHEREAS, the Carlton Bridge is located on Maine's most congested highway and provides an essential link for residents of and tourists to Maine's coastal communities and the Eastern United States; and

WHEREAS, the economic impact of tourist travel through the mid-coast region, over the Carlton Bridge, annually exceeds \$350,000,000, generating more than \$80,000,000 in federal, state and local revenues annually; and

WHEREAS, the Carlton Bridge provides the only access for emergency vehicles to and from regional hospitals and fire stations; and

WHEREAS, the cost to replace the Carlton Bridge is more than double the total annual construction budget of the Maine Department of Transportation; and

WHEREAS, federal, state, local and private support and innovative financing is critical to fund the replacement of the Carlton Bridge; and

WHEREAS, the Carlton Bridge was recognized by Congress as a demonstration project under the Intermodal Surface Transportation Efficiency Act of 1991; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to provide financial assistance for the replacement of the Carlton Bridge and in particular to fund the discretionary bridge program at a level sufficient to allow for the replacement of this critical access bridge; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

S.P. 592

Cosponsored by: Representative MAYO of Bath, Senator **ABROMSON** of Cumberland, Senator **AMERO** of Cumberland, Senator **BEGLEY** of Lincoln, Senator **BENOIT** of Franklin, Senator **BERUBE** of Androscoggin, Senator **BUTLAND** of Cumberland, Senator **CARPENTER** of York, Senator **CASSIDY** of Washington, Senator **CLEVELAND** of Androscoggin, Senator **ESTY** of Cumberland, Senator **FERGUSON** of Oxford, Senator **HALL** of Piscataquis, Senator **HARRIMAN** of Cumberland, Senator **HATHAWAY** of York, Senator **KIEFFER** of Aroostook, Senator **LORD** of York, Senator **McCORMICK** of Kennebec, Senator **MILLS** of Somerset, Senator **PENDEXTER** of Cumberland, Senator

PINGREE of Knox, Senator **STEVENS** of Androscoggin, Representative **BENEDIKT** of Brunswick, Representative **BIRNEY** of Paris, Representative **BOUFFARD** of Lewiston, Representative **BRENNAN** of Portland, Representative **BUCK** of Yarmouth, Representative **CHARTRAND** of Rockland, Representative **CHIZMAR** of Lisbon, Representative **CLARK** of Millinocket, Representative **CLOUTIER** of South Portland, Representative **CLUKEY** of Houlton, Representative **CROSS** of Dover-Foxcroft, Representative **DAVIDSON** of Brunswick, Representative **DESMOND** of Mapleton, Representative **DUNN** of Gray, Representative **ETNIER** of Harpswell, Representative **FITZPATRICK** of Durham, Representative **GREENLAW** of Standish, Representative **GUERRETTE** of Pittston, Representative **HARTNETT** of Freeport, Representative **HATCH** of Skowhegan, Representative **HEINO** of Boothbay, Representative **JONES** of Pittsfield, Representative **JOY** of Crystal, Representative **KILKELLY** of Wiscasset, Representative **KNEELAND** of Easton, Representative **LIBBY** of Kennebunk, Representative **LIBBY** of Buxton, Representative **MADORE** of Augusta, Representative **MARVIN** of Cape Elizabeth, Representative **McALEVEY** of Waterboro, Representative **McELROY** of Unity, Representative **MITCHELL** of Vassalboro, Representative **MURPHY** of Berwick, Representative **NICKERSON** of Turner, Representative **O'GARA** of Westbrook, Representative **PEAVEY** of Woolwich, Representative **PERKINS** of Penobscot, Representative **PLOWMAN** of Hampden, Representative **POIRIER** of Saco, Representative **REED** of Falmouth, Representative **REED** of Dexter, Representative **RICE** of South Bristol, Representative **SAVAGE** of Union, Representative **SHIAH** of Bowdoinham, Representative **SPEAR** of Nobleboro, Representative **STEDMAN** of Hartland, Representative **STONE** of Bangor, Representative **TAYLOR** of Cumberland, Representative **TRIPP** of Topsham, Representative **TRUE** of Fryeburg, Representative **TRUMAN** of Biddeford, Representative **TUFTS** of Stockton Springs, Representative **VOLENIK** of Sedgwick, Representative **WINSOR** of Norway. (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35.)

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

SECOND READERS

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

Bill "An Act to Regulate Hybrid Wolves"
S.P. 360 L.D. 986
(C "A" S-287)

Bill "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact" (Emergency)
S.P. 383 L.D. 1060
(C "A" S-286)

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law" (Emergency)
S.P. 426 L.D. 1149
(C "A" S-253)

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

Pending - **FURTHER CONSIDERATION.**

(In Senate, June 13, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253).**)

(In House, June 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253) AND HOUSE AMENDMENT "A" (H-494), in NON-CONCURRENCE.**)

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

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

Bill "An Act to Establish the Maine Judicial Compensation Commission"
S.P. 536 L.D. 1474
(C "A" S-260)

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

Pending - **FURTHER CONSIDERATION**

(In Senate, June 14, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260).**)

(In House, June 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260) AS AMENDED BY HOUSE AMENDMENT "A" (H-525), thereto, in NON-CONCURRENCE.**)

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

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 Specially Assigned (June 16, 1995) matter:

SENATE REPORTS from 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

Report A - Ought to Pass as Amended by Committee Amendment "A" (S-264). (6 members)

Report B - Ought to Pass as Amended by Committee Amendment "B" (S-265). (6 members)

Tabled - June 15, 1995, by Senator AMERO of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 15, 1995, Reports **READ.**)

Senator AMERO of Cumberland moved that the Senate **ACCEPT** Report "A" - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-264).**

Senator LONGLEY of Waldo requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President, Colleagues in the Senate. I would like you to listen very carefully. This is a bill on the political rights, the exercise of voting rights and campaigning rights, the right to participate in the election process. Committee Amendment "A", that's the issue that is before you now lists the prohibited activities. I dare say that in that list, if one of your relatives is a state employee, that the mere

asking of that relative, his spouse or partner or whatever, to go to a spaghetti supper in someone's garage violates the act. Basically, I would ask you to vote against this motion because it can affect any one of us, and any one of our families, and I think when you delve into the area of participating in elections, it's a constitutional right, and before you vote I would just ask that you think about the list of prohibitions on this amendment, which I find goes way too far. I ask that you vote against it. I think this is a very serious issue. Thank you.

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

Senator **AMERO:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I hope you will support the pending motion. The suggested legislation clarifies what the permissible activities are, as well as those activities that are not permitted. So, it clarifies existing state language. The main issue, however, which is different in the two reports, is the issue of fund-raising. Report "A" reflects six Committee members' belief that while classified employees may certainly donate money and attend a fund-raising event, they should not be actively involved in organizing, promoting or soliciting for partisan political candidates. The argument for allowing classified employees to actively participate in fund-raising is that these employees merely want the same rights extended to teachers and municipal employees. The fundamental difference is that these employees have a unique relationship to the legislature, and the legislative process, and to politicize that relationship would jeopardize the balance that now exists. For these reasons I hope that you will support the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President, Colleagues of the Senate. I beg to differ with what the good Senator from Cumberland just said. Specifically, my bean supper point, in addition to the fund-raising piece, the list of prohibitions is six items longer. The one that I am finally focusing on reads, "An officer, or an employee, in the classified service of the state may not" and it lists one, two, three, four, five, six, number three being "canvas for votes in support of, or in opposition to, a candidate for partisan political office." Read by a state employee, this could easily mean if there is a bean supper, if there is a spaghetti supper in someone's garage in honor of that candidate, you cannot even go and be present, never mind asking your wife or partner to go, because in this respect you are showing your support for a candidate. I say that the list of prohibitions is very intrusive into our constitutional rights. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. The right to participate in political elections, the right to express your opinions on various issues, and the right to campaign for various candidates is a fundamental right in our

society. Currently, in our state law, we have adequate protection for state employees abusing their position as a state employee in getting involved in a campaign. What this report would do, Report "A" of the Committee, would go drastically beyond that, drastically beyond the protections we currently have to take away fundamental rights of individuals to work on behalf of candidates, to work on the political process. I ask you not to pass this. I represent a town which has a tremendous number of federal government employees. In the past those federal government employees have been restricted, not as onerously as Report "A" proposes, but still fairly well restricted. For the first time they are being allowed to be removed from those restrictions. The only two things we should prevent from happening to state employees are from elected officials, from forcing state employees to work for them on their behalf, and from state employees using their positions in a coercive manner. That's currently in state law. We do not need this Report "A", and I hope you will defeat the motion.

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

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland that the Senate **ACCEPT** Report "A" - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-264)**.

The Chair laid before the Senate the second Tabled and Specially Assigned (June 16, 1995) matter:

HOUSE REPORT from 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

Report - Ought to Pass as Amended by Committee Amendment "A" (H-464)

Tabled - June 15, 1995, by Senator **PENDEXTER** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT.**

(In House, June 14, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**.)

(In Senate, June 15, 1995, Report **READ**.)

On motion by Senator **AMERO** of Cumberland, Tabled, pending **ACCEPTANCE** of the Report.

The Chair laid before the Senate the third Tabled and Specially Assigned (June 16, 1995) matter:

HOUSE REPORT from 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

Report - Ought to Pass as Amended by Committee Amendment "A" (H-456)

Tabled - June 15, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT.**

(In House, June 14, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456).**)

(In Senate, June 15, 1995, Report **READ.**)

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

The Chair laid before the Senate the fourth Tabled and Specially Assigned (June 16, 1995) matter:

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)

Tabled - June 15, 1995, by Senator **KIEFFER** of Aroostook.

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

(In House, June 14, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453).**)

(In Senate, June 15, 1995, **READ A SECOND TIME.**)

On motion by Senator **KIEFFER** of Aroostook, the Senate **SUSPENDED THE RULES** for the purpose of **RECONSIDERATION.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-453).

On further motion by the same Senator, Senate Amendment "A" (S-290) to Committee Amendment "A" (H-453) **READ.**

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

Senator **KIEFFER:** Thank you, Mr. President. In order to tell you what this amendment does I will merely read the statement of fact. "This amendment reduces the number of visits for which an enrollee may receive benefits from twelve visits to six visits. The maximum number of visits without primary care provider authorization is reduced from thirty-six visits to sixteen visits."

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

Senator **CAREY:** Thank you, Mr. President. I would like to direct a question, if I may, through the Chair, to the Senate Majority Leader. If, in fact, the visits are limited down to six visits, why then would you have yet another sentence in there that says that the visits without primary care provider, is reduced from thirty-six down to sixteen? Wouldn't a person who may need the use of a Chiropractor be allowed to go as often as he or she may want to, even if they have exceeded the visits and pick up the cost themselves?

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

Senator **KIEFFER:** I'm not sure that I understood the question. Could it be repeated please?

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

Senator **CAREY:** Thank you, Mr. President. To the gentleman from Aroostook, Senator Kieffer, you read the statement of fact which said this amendment reduces the number of visits for which an enrollee may receive benefits from twelve visits down to six visits. Then in the next sentence you said the maximum number of visits without primary care provider authorization is reduced from thirty-six to sixteen. But, you have already restricted that person to going to a Chiropractor to six visits, so why would the amendment get involved with more than six visits?

Senator **CAREY** of Kennebec moved that Senate Amendment "A" (S-290) to Committee Amendment "A" (H-453) be **INDEFINITELY POSTPONED.**

Senator **KIEFFER** of Aroostook requested a Division.

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 the motion by Senator **CAREY** of Kennebec that Senate Amendment "A" (S-290) to Committee Amendment "A" (H-453) be **INDEFINITELY POSTPONED.**

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT.**

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, BENOIT, BUSTIN, CAREY,
CLEVELAND, ESTY, FAIRCLOTH,
FERGUSON, HARRIMAN, HATHAWAY,
LAWRENCE, LONGLEY, McCORMICK,
MICHAUD, O'DEA, PARADIS,
PINGREE, RAND, RUHLIN, SMALL,
STEVENS

NAYS: Senators: AMERO, BEGLEY, BERUBE,
CARPENTER, CASSIDY, CIANCHETTE,
GOLDTHWAIT, HALL, HANLEY,
KIEFFER, LORD, MILLS, PENDEXTER,
and the PRESIDENT, Senator
BUTLAND

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

Senator LONGLEY of Waldo requested and received Leave of the Senate to change her vote from NAY to YEA.

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator CAREY of Kennebec to INDEFINITELY POSTPONE Senate Amendment "A" (S-290) to Committee Amendment "A" (H-453), PREVAILED.

On motion by Senator MILLS of Somerset, Senate Amendment "C" (S-292) to Committee Amendment "A" (H-453) READ.

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

Senator MILLS: Thank you, Mr. President. The purpose of Senate Amendment "C" is to make sure that all HMO's in the state are playing by the same rules, and that all members of HMO's are covered, or not covered, in parallel fashion. The bill, as drafted, exempts any HMO that might be servicing employees of the State of Maine. The amendment would make it clear that employees of the State of Maine, if they are serviced by an HMO, would be entitled to the same rights and benefits as those who are members of private HMO's or HMO's servicing private industry. Thank you.

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

Senator ABROMSON: Thank you, Mr. President. The amendment talks about not exempting state employees, as the original bill does. The reason that I would ask you to oppose the amendment is that what we are

trying to do, and it was a unanimous vote of the Committee, is to give chiropractic a chance to prove itself as a cost saving measure. By putting state employees on there, at some time in the future, we're not sure when or if that would be, because at the present time state employees are not in an HMO and the bill only refers to HMO's. The bill doesn't go into effect until January of 1996 and then runs through March of 1998 with a sunset. The state, as I understand it, is presently out for bids on a number of different programs. We don't know if it will end up with an HMO or not, but the Committee felt if we were to give this a chance, we could prove that we would save some money rather than costing money, number one. Number two, if we passed this amendment that we have to put state employees on the bill, and we wouldn't know when or where or how, unless we became an HMO, and as I said we don't know when that will be, we are going to have a fiscal note which will probably doom the bill and remove direct access to chiropractors that the Committee was seeking. There are all kinds of safeguards in there, by the way, with respect to, for example, you go directly to the chiropractor for your visit, the chiropractor, in order to get reimbursed, must return to your gatekeeper with a report within three business days. So, there are all kinds of safeguards in the bill. This particular amendment would cause a large fiscal note, one we are not sure would be accurate and would effectively doom the bill. So, I would urge that we vote against the amendment. Thank you.

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

Senator MILLS: Thank you, Mr. President, Members of the Senate. If the purpose of the legislation is to save money, then there should be no fiscal note on the bill. If the legislation, indeed, costs money, I think it is completely unconscionable that we impose those costs on private businesses without any willingness to assume those costs in our own budgetary planning.

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

Senator BENOIT: Thank you, Mr. President. May it please the Senate. I have received a lot of mail, as you have, and phone calls too, from constituents who say they want this legislation. They are in favor of it. I'm in favor of it for that reason, and other reasons too. The only reason that this amendment is before us, as I see it, is by some pressure group out there, acting against our constituents to kill this bill.

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

Senator McCORMICK: Thank you, Mr. President, Men and Women of the Senate. I couldn't agree more with my colleague, Senator Benoit. That is exactly why this amendment is before us, and usually the fact that an amendment or a bill carries a price tag with it, is its death knell before this body. But here we have a bald-faced attempt, I believe, to kill this important piece of legislation. I must disagree with the Senator from Somerset, Senator Mills. Our fiscal note process, which is the one we are stuck with,

does no justice to the economics of chiropractic, or the economics of health care. This fiscal note attached to the amendment presented before us is based only on the payments that are estimated, that might be paid to Chiropractors if, by any chance, the State might go to an HMO in the future. There is no off-setting cost calculated in that fiscal note. To the allopathic health care, the more highly technological health care, the cost of that care would be reduced by this amendment. So, what you see before you is like looking at a beautiful sunset through a straw. That view that you see is the cost laden on this amendment. I urge you to vote no on this amendment.

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

Senator **HARRIMAN:** Thank you, Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I very much support the intent of this legislation. In fact, I want to vote for it. At great potential political peril, I need to say a few things. One, there are two things that my constituents, and perhaps yours as well, find hard to accept out of this Legislature. One is mandates, and two is adopting laws that pertain to the citizens of the State of Maine, but not to State government itself. It's not my place, I wish it was, but it isn't at times, to establish what the fiscal notes are on a piece of legislation. That's not my quarrel here. What I disagree with is that we may be passing a law that tells private industry, the citizens of Maine, people who aren't employed by State government, you will live by a different set of laws and rules because we are different. That's not right. If this bill is good enough for the citizens of Maine, it ought to be good enough for the State employees of Maine. I hope you will join me in defeating the pending motion. Thank you.

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

Senator **ABROMSON:** Thank you, Mr. President. I agree with the good Senator from Cumberland, Senator Harriman. However, in order to get this bill passed, it's my fear that we've got to go this route. I was not happy about going this route in Committee. I should just point out to you where the fiscal note comes from. This is from the proposed mandated health insurance benefit for access to chiropractic care under health maintenance organizations and prepared by the Bureau of Insurance. They say while the Bureau is unable to estimate the cost impact of this mandate, the Blue Cross/Blue Shield of Maine estimates the monthly cost for a family contract under a group plan would increase by \$2.13 to \$2.40 per month. What that basically is is the costs that are already, I believe, being spent on chiropractic care. I should also point out that not all chiropractors in the state are covered by L.D. 391. It's only those who are part of an HMO network. As of April 1995, there were 224 licensed chiropractors in the State, only 123 are covered by participating with Health Source, Harvard, and HMO Maine. So, it's only 123 chiropractors, I think that we could prove something that will eventually will be of great benefit to the State of Maine, but I think we've got to have the time to do it. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. Suspicions are confirmed. Blue Cross and Blue Shield were at the work session, as was I. I sat and I watched the Committee work this bill. I think they did a good job. Don't let the Blue Cross and Blue Shield put that work to one side, please.

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

Senator **CAREY:** Thank you, Mr. President. In response to some of the comments by the good Senator from Cumberland, Senator Harriman, as to why maybe the State employees are not included, while some may also figure that it's for the financial reasons, there's also another little thing called a working agreement between the State and its employees called the contract. That, by itself, should be something that is negotiated between the State union and the employer, and not necessarily dictated to by us.

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

Senator **HARRIMAN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, if I may respond through the Chair, to the good Senator from Kennebec, Senator Carey. I respect and appreciate the labor and management bargaining process. In no way do I see this as taking anything away from our State employees. In fact, it might provide them with another option that they might like to have. The issue before us today is whether or not this Legislature is going to pass a law that treats the citizens of Maine differently than we treat state employees. It's as simple as that. I, in good conscience, don't understand why we would vote for something like that. If there is one message that we have heard loud and clear at every level of government, it's stop mandating us and stop adopting different rules that apply to us than to everyone else. I would like to agree with the good Senator from Franklin, Senator Benoit, maybe there is some conspiracy here to put a fiscal note on the bill. That's unfortunate if it's true. I hope it isn't. But for me, very clearly and simply, I cannot vote for a bill that treats the citizens of Maine differently than our State employees. Thank you.

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 the motion of Senator **MILLS** of Somerset that the Senate **ADOPT** Senate Amendment "C" (S-292) to Committee Amendment "A" (H-453).

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

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: CIANCHETTE, GOLDTHWAIT, HANLEY, HARRIMAN, KIEFFER, LORD, MILLS, PENDEXTER, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, HALL, HATHAWAY, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator MILLS of Somerset to ADOPT Senate Amendment "C" (S-292) to Committee Amendment "A" (H-453), FAILED.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "A" (H-453).

Senator BEGLEY of Lincoln requested a Division.

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 ADOPTION of Committee Amendment "A" (H-453).

A vote of Yes will be in favor of ADOPTION.

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, BENOIT, BUSTIN, CAREY, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, HALL, HANLEY, HATHAWAY, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS

NAYS: Senators: BEGLEY, CARPENTER, CIANCHETTE, GOLDTHWAIT, HARRIMAN, KIEFFER, MILLS, PENDEXTER, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: BERUBE

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, ADOPTION of Committee Amendment "A" (H-453), PREVAILED.

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

The Chair laid before the Senate the fifth Tabled and Specially Assigned (June 16, 1995) matter:

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

Report - Ought to Pass as Amended by Committee Amendment "A" (H-438)

Tabled - June 15, 1995, by Senator KIEFFER of Aroostook.

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

(In House, June 14, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438).)

(In Senate, June 15, 1995, Report READ.)

Senator CIANCHETTE of Somerset requested and received Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (H-438) READ.

On motion by Senator CIANCHETTE of Somerset, Committee Amendment "A" (H-438) INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Bill, TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the sixth Tabled and Specially Assigned (June 16, 1995) 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 - June 15, 1995, by Senator KIEFFER of Aroostook.

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

(In House, June 14, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88).)

(In Senate, June 15, 1995, Reports READ.)

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

Senator CLEVELAND: Thank you, Mr. President, Colleagues of the Senate. I rise to ask you not to accept this report. I do so for the following reasons. I have a fairly extensive knowledge of the Commissions and Boards, and I would like to share some of that information with you. First of all, what the Committee Report would do is to delete the provisions by which a consumer information pamphlet would be made available to consumers. This is a pamphlet that simply gives information to the consumers from the licensed individuals that tells them about what the Board is, how to contact the Board, what the address of the Board is, the Board's telephone number, the kinds of issues the Board deals with, the kinds of things that may be appropriate to address to the Board. It's just a piece of information that's a critical link between the consumer and the Board. It's really the consumer's ability to inform the licensing board about issues and concerns that they may have, so that they are fully aware of any need to take action or improve the rules and regulations. Without that link, without the ability of the consumer to be knowledgeable and informed about who to address, how to address it, and where the location is, you really break down that important informational link between the consumer, who is receiving the service, and the board, who is overseeing the licensed professional. This is not a new issue. The previous Business Legislation Committee has implemented and requested that consumer reports be required some three years ago. The Audit and Program Review Committee, having reviewed this issue as well some two years ago, also strongly endorsed the need for consumer pamphlets and the Medical Care Development Commission Project also, in their current report, strongly endorses the need for consumer reports. Theirs is a commission made up of consumers, health care professionals, a broad breadth of individuals, both who are licensed and those who are consuming the services.

I would also like to note for you that some half a million pamphlets have currently been printed and

are available for distribution and have begun distribution. So, this is a project that is well underway and the information has already been provided. Let me conclude by telling you just a little story, which is not necessarily illustrative of every board, but certainly of some. When the Audit and Program Review Committee had the benefit and pleasure of viewing the Board of Optometrists, we found out several pieces of information that were very interesting. First of all, we found out that they did not have a listed phone number in any phone book anywhere in the State of Maine. We found out that they did not have an address within the Augusta area, which is required by law. We found out that when we called the Nynex information service and asked for their phone number, that the Nynex information service had no listing for a phone for them. It was reported to us that they had had only three complaints in five years. I thought that was a herculean effort on those three people to even be able to locate the Board and they ought to be commended for it, because there is no address, no telephone number, and no way to get directory listing. These are the kinds of things that need to be corrected. We really need to provide the consumer with an opportunity to understand how best to access the boards and how best to resolve issues that they are unable to resolve with the primary care provider, or any other licensed professional. So, I would ask you not to support the majority report, so we can go on to support the minority report, which improves the recommendation by allowing some flexibility on the parts of the boards in determining how those pamphlets can be distributed and made available to consumers, which I think is a reasonable thing to do, and provides a more appropriate way for distribution. So, I would request your support, not for passage, and allow us to go on to the second Committee report.

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. While I will not attempt to disagree with the comments that the good Senator from Androscoggin has given us, I would like to give you the other side of the story. That is that in the last session of the Legislature we mandated that the Department of Professional and Financial Regulation have all of their boards print these consumer information pamphlets. If you have gone to an optometrist, or a doctor, or some other professional provider, I would ask you, did you see them? Did you find them? They are supposed to be there. If they are, in fact, there, they are probably buried under the magazines and they are relatively small, tri-folded on eight-and-a-half-by-eleven, and they basically give a phone number. What about the plumber or the electrician or the architect or the engineer? All of those people, according to this law, are supposed to have those pamphlets available. How many times have you contacted a plumber and he comes into your house and says by the way, here's the consumer information pamphlet as required by state law. What we discovered in our Committee process was that a lot of money, a lot of time, is being spent to produce information that virtually no one sees or reads. We thought this was an opportunity to save the state some time and some money. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President. The good Senator from Cumberland, Senator Harriman, makes my point. It is true that perhaps these are not readily available, but simply by not requiring that they be available, doesn't mean that you have solved the problem, it means that you absolutely will never see the consumer pamphlet because they are not going to be printed. That's the problem. The current law requires enforcement. The current law requires that the boards make appropriate rules to see that the consumers have those available. The issue, then, is not whether we need them or not, but whether or not we can improve on the process. I suggest to you, once again, that the second Committee amendment does that. As I said before, the second Committee amendment allows the flexibility of the boards to make some determination on how plumbers, electricians, and other types of trade professionals can make those pamphlets available. It doesn't require that they be in their office, but improves upon it by allowing them to do that. I would, again, suggest to you that it's critically important that consumers have information. If they at least have the name, if they at least have the phone number, if they at least have an address, they have something to follow up on. If a consumer doesn't know the board even exists, how are they ever going to be able to inform the board if there is a complaint? It may not be perfect. It sometimes takes some time to implement the process so it works well, but simply doing away with it does not improve it and it won't save any money. The money has been expended. There are a half a million brochures already printed. I suggest to you, let's give it a chance to work and then see if we need to improve it any further.

THE PRESIDENT: The pending question before the Senate is 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.

The Chair ordered a Division.

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

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

16 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **HARRIMAN** of Cumberland to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the seventh Tabled and Specially Assigned (June 16, 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)

Tabled - June 15, 1995, by Senator **HALL** of Piscataquis.

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

(In Senate, June 15, 1995, **READ A SECOND TIME**.)

On motion by Senator **HALL** of Piscataquis, Senate Amendment "B" (S-274) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the amendment the other day when we debated this issue that I promised that I had that insists that the Commissioner of Fish and Wildlife hold a public hearing on endangered species. Secondly, there is also a part of this amendment that says that the legislature may not amend the list of endangered or threatened species, except upon the recommendation of the Commissioner. Therefore, an individual legislator cannot add or delete any species from the list. Also, the third part of this takes the emergency off the bill. Thank you.

Senator **MICHAUD** of Penobscot moved that Senate Amendment "B" (S-274) be **INDEFINITELY POSTPONED**.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. The reason why I moved that this amendment be Indefinitely Postponed, even though the good Senator from Piscataquis makes it sound good, that the legislature may not amend the list, it in fact can amend the list, because those of you who have been around here long enough know that all you have to do is put the famous words "notwithstanding". So, if we have a list that comes before the Fish and Wildlife Committee, and a member of that Committee, or any member of the Legislature, wants to add something to that list, all they have to put in there is "notwithstanding this provision of the law" if this passes. That will take care of that. I would request a Division on this, and hopefully you will vote to Indefinitely Postpone and give me a chance to offer my amendment, which I feel is a good compromise to the bill. Thank you.

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

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

Senator **CIANCHETTE**: Thank you, Mr. President. I support the amendment. I'm opposed to Indefinite Postponement. The issues that the Senator from Penobscot, Senator Michaud, raised about how it's only a statute and the statute can be changed by the legislature, we understand that, we can do it today, it's no different than any law. What this says is it puts down specific legislative intent that the legislature will not interfere with the endangered species lists unless, and until, the Commissioner of Inland Fisheries and Wildlife makes a recommendation. At that time the legislature gets involved. I think it's a good amendment and I hope that you will vote against the motion to Indefinitely Postpone. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you, Mr. President, Colleagues of the Senate. I teach Conservation History at Unity College and the difference between what is said here and what is said in that classroom is so extreme I can't tell you. I encourage diversity of ideas. I think all of our abilities, business, environmental, and economic, rely on the greatest amount of diversity. I see this as an attempt to put the brakes on environmental improvements we have made over time. In my opinion this is an attempt to not protect the canary so we can't hear the warning from the mine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL**: Thank you, Mr. President. This particular bill has already received about ten times the attention that it really should have. I get the feeling that people feel that this bill is going to hurt the environment and everything in it. That is surely not the case. I have worked out of doors, in the environment, for twenty years. I surely would do nothing to hurt the environment and the plants and the critters that are out there. This has not run too bad, so far, the way it has been. But, I am very concerned about the future of this State. I am extremely concerned when one individual has full control, basically has full control of such an important item as the endangered species list. No one should be afraid of legislative approval. You and I represent the people out there. The majority of the people in this state are environmentally concerned. We are not trying to do anything to hurt that. But, we do need to have the control back. This is one small step for gaining back what is reasonable. Please, support the amendment.

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

Senator **MICHAUD**: Thank you, Mr. President, Men and Women of the Senate. I want to correct the Senator from Piscataquis, Senator Hall. This does not leave it up to one individual. The advisory council does have veto authority over this. I'm concerned that I am not going to have the opportunity to offer my amendment, which I think is a good compromise amendment. If this bill allows for the Fish and Wildlife Committee to look at the list

before it goes out to public hearing, I think that's a good idea. If this bill would allow for the Fish and Wildlife Committee to be a part of that process all along, I would support it. If this amendment would allow the Committee and the Legislature to adopt rules and regulations for those areas, or those species that five or more people disapprove of, then I could support it. But it does not. Those areas, even though I cannot talk about my amendment, those areas I just stated are in my amendment. This amendment does not prohibit the Legislature from including anything on that list. It does not. All you need are the famous words "notwithstanding". I think this is bad public policy, and I hope that you would vote against Senate Amendment "B". Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **MICHAUD** of Penobscot that the Senate **INDEFINITELY POSTPONE** Senate Amendment "B" (S-274).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-274), **FAILED**.

On motion by Senator **HALL** of Piscataquis, Senate Amendment "B" (S-274) **ADOPTED**.

The Bill **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

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

An Act to Increase Paid Health Insurance Benefits to Retired Teachers

S.P. 232 L.D. 597

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

Pending - ENACTMENT.

(In House, June 19, 1995, PASSED TO BE ENACTED.)

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

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

SENATE REPORTS from the Committee on LABOR on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Future Unfunded Liabilities and to Maintain the Current Amortization Schedule

S.P. 70 L.D. 158

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-276). (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-277). (3 members)

Tabled - June 16, 1995, by Senator AMERO of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, June 16, 1995, Reports READ.)

On motion by Senator BEGLEY of Lincoln, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-276) READ and ADOPTED.

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

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

Bill "An Act to Amend the Substance Abuse Testing Law"

H.P. 645 L.D. 868
(H "A" H-485 to C
"A" H-420)

Tabled - June 16, 1995, by Senator AMERO of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420) AS AMENDED BY HOUSE AMENDMENT "A" (H-485), thereto, in concurrence.

(In Senate, June 16, 1995, READ A SECOND TIME.)

Which was PASSED TO BE ENGROSSED, As Amended, in concurrence.

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

HOUSE REPORT from the Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average"

H.P. 651 L.D. 874

Report - Ought to Pass as Amended by Committee Amendment "A" (H-476).

Tabled - by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF THE REPORT

(In House, June 15, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AS AMENDED BY HOUSE AMENDMENT "A" (H-506), thereto.)

(In Senate, June 16, 1995, Report READ.)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-476) READ.

House Amendment "A" (H-506) to Committee Amendment "A" (H-476) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-476) as amended by House Amendment "A" (H-506), thereto, ADOPTED, in concurrence.

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

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

SENATE REPORTS from the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Provide Greater Access to Health Care"

S.P. 343 L.D. 948

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-279). (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-280). (4 members)

Tabled - June 16, 1995, by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, June 16, 1995, Reports READ.)

Senator GOLDTHWAIT of Hancock moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279) Report.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that many people had an unfortunate acquaintance with at the last go-round. It apparently went through quite an ordeal getting here and getting passed. We think that the majority report, this year, represents a better bill and I would like to explain to you a few reasons why. Currently, Maine's nursing law does not adequately, or accurately, define professional nurses that have advanced education, or the full range of health care services that these nurses are educated and qualified to provide. The majority Committee report would correct this situation. Four categories of nurses with advanced education are included. They are certified nurse practitioners, certified nurse mid-wives, certified clinical nurse specialists, and certified nurse anesthetists. The majority Committee report establishes the criteria for approval as an Advanced Practice Registered Nurse. The two most important criteria are successful completion of an advanced education program, for most areas of specialization that is a master's degree, and holding a national certification credential. A nurse who is currently approved by the Board of Nursing as an Advanced Practice Nurse is grandfathered. The majority Committee report also defines Advanced Practice Registered Nursing, consistent with the services that advanced practice nurses provide today, and national standards of

practice. The law specifically states that advanced practice registered nursing includes consultation with, and referral to, medical and other health care providers, when required by the health care needs of clients. L.D. 948 continues current practice in this State for the prescription of drugs, it also allows a nurse who is currently approved by advanced practice to continue to practice in an arrangement identical to what is required under Maine law today. Finally, the majority Committee report creates the Joint Practice Council on Advanced Practice Registered Nursing, consisting of the chairs of the Board of Nursing, the Board of Licensure and Medicine, the Board of Osteopathic Licensure, the Board of Commissioners of the Professional Pharmacy, and an Advanced Practice Registered Nurse who is a member of the Board of Nursing, and one member of the public. The Council will make recommendations to the Board of Nursing on the prescription practice of advanced practice registered nurses, and other matters regarding the practice of advanced practice registered nurses as it considers appropriate.

The current Maine nursing law, as it relates to advanced practice registered nurses, has failed to keep pace with the advanced education that these nurses have been receiving. Maine's law has been behind the curve on these evolving areas of health care services. Enactment of the majority Committee report would place Maine in line with 20 or so other states that have similar laws, and allow advanced practice registered nurses to practice in a less restrictive fashion than Maine's current law. I would like to add two comments on what this bill isn't. It is not an effort to expand the scope of practice of registered nursing with additional education. They are merely going to be enabled to continue to practice as they do now, without having to have a pre-arranged arrangement with a physician as a back-up. These women are well-trained. I say women because the large majority of nurse practitioners are now, though they certainly don't have to be. These people are extremely well trained and there is no reason why they have to have a pre-arranged collaboration with a physician in order to do what they have been trained to do. As you will notice, we have not called this bill the Independent Nurse Practice Act, and that is for a good reason. No one in the health care profession practices independently. We all interact. We all consult. We all refer. We all turn to each other for advice. We all refer our patients to different specialists within the health care team. Advanced practice nurses would be no different. They would simply make their consultations and referrals the way all other members of the health care team do now, which is to pick up the phone and ask another practitioner to see that person. Thank you.

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

Senator PENDEXTER: Thank you, Mr. President, Men and Women of the Senate. As you know, I am a pediatric nurse practitioner, and have practiced as such since 1972. I guess if this bill passes then I can call myself an advanced practice nurse. However, it's too hot to get into too much debate, but let me break it down to the real issue. The real issue is we are talking about four categories of nurses in the

bill, however, only one, which is a nurse practitioner category is the one that really needs to be debated in this bill. I have a major disagreement with my nursing colleagues. Those of you who were around last session remember the scenario around this issue, and it wasn't pretty. It's probably one of the worst debates I have ever been involved in. I hope we don't get to that level again this year. In the spirit of trying to work better together, I did meet with some of the nurses in the coalition who are supporting independent practice, and it is independent practice, let's call it what it is. We met several times in the course of the winter to see if we could come up with a united voice because it would be nice if, as nurses, we could all come together in one voice and ask for the same thing. When all was said and done, and after we had several meetings, it was obvious that we would not agree on this one issue, and that is deleting paragraph 2B in the Nurse Practice Act. As it stands now in statute, nurse practitioners, because it is in statute right now, in paragraph 2B of the Nurse Practice Act, it clearly states that when we do medical diagnosis and treatment, we must do so under the delegation of a physician. Committee Report "A" deletes the whole paragraph and just not address how we practice. I propose to say to you that I philosophically disagree with that and I have some deep concerns about legislating out a link between nurse practitioners and physicians. I don't care how we do it. I supported it being as flexible as it can be, but when you have nurses who are, indeed, practicing medicine, which is what happens when I practice in the office I work in, and I diagnose ear infections and pneumonias and bronchitises and everything else, and I whip out my prescription pad and write out a prescription, I am practicing medicine. That is a medical act. There is nothing wrong with my doing that because I have obtained the skills with which I can physically assess and come to the conclusions that I come to. But that is medical diagnosis and it is very very different from nursing in general.

This is not a debate about how good we are and how qualified we are. I happen to believe I am very good at what I do. But, on any given day, I know that I am going to need some help and it would be irresponsible of me, as it would be irresponsible of you, to say, "Joan, you can go out there and hang up your shingle and do what you can do within your scope of practice because we trust you and we know you won't go beyond that." Maybe that's fine, but I just disagree because I am going to need some help. On any given day I will have a situation that I am going to need some physician connection, or some physician advice, because I am not a physician. Scope of practice you can talk about all day. You could line ten of us up and we would all have different scopes of practice. It can't be defined. It's basically a term you use but you can't really define it because all it means is that within what I know I can do for this particular patient, that's my scope of practice. I think it's a misused word that people hang their hat on, but it doesn't really mean a whole lot. Even the consumer who comes before me has no clue what my scope of practice is and how far I can go and how effective I can be. That is an arrangement that I have mutually agreed to with a physician that I have. He, or she, knows me. We have worked together. We have talked together. We

have mutually agreed to how we would work it out. But, I can be very independent over here and do whatever it is that I can do, without physician oversight. I have practiced thirty miles away from my physician. I can do that now, but I think that as we sit here and we define public policy on how nurse practitioners are going to practice, I truly believe that we are taking a very dangerous route when we say we will legislate out a connection with medicine.

I asked my friends on the other side of the issue, because they would say to me, well of course we are responsible and of course we will make collaborative agreements, and so I would say to them then what's the issue? What is the matter with putting it in legislation? Basically, the answer was we don't want to be told we have to do it. It's a turf fight, to a point. I'm kind of amused because we are seeing a lot of turf fights around here, and these aren't the last ones we're going to see, but you know, nurses have turf fights of their own, and I will give you two examples. They don't like it when someone infringes on their profession. I'll give you two examples, very quickly. There's a movement now in some school districts to employ EMT's to do school nursing. Nurses go bananas when they hear about that, because they will argue the same argument I am arguing right now, these people are not trained, they don't have the scope of knowledge that we have and on and on and on, the same argument. The second example, a lot of hospitals are going through restructuring. We hear the outcry from the nurses that they feel they are being moved out, they are being replaced by less professionally trained people to take care of patients. People are infringing on their profession too, and they don't like it. Yet, when they come before us with a bill that, in my opinion, infringes on the medical profession that's okay because they feel that what they are doing is nursing. It's very clear to me that diagnosing and treating is what medicine is all about. That is practicing medicine and nurse practitioners can do some of that, and that's not the argument, but the argument is are we going to legislate out that there has to be a connection agreed to, so that when these professionals do go out of practice, we know that when they do need some help that they will have made that arrangement so that that consumer is taken care of immediately.

So, I ask you to vote against Report A, because I think it is setting a dangerous precedent. We should be working together. We should be supporting team work. We ought not to be fighting with each other. There's enough health care needs for everybody, and we should all be working together. So, I'm going to vote against the motion on the floor, because I want to work with the medical profession. We need to work together as a team. Thank you.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Men and Women of the Senate. If I could address just a few of the points made. One of the major problems with trying to write collaboration into this bill is that it's difficult to define, and if the suggestion is that all advanced practice nurses must collaborate with a physician in a pre-arranged relationship, the

physician never quite knows when he, or she, has incurred a liability or not. In a situation as is common now with, for instance, a general practitioner and a cardiologist, they have no pre-arranged collaborative relationship. If your family practice doctor sees you in the office and thinks you need the skills of a dermatologist, or cardiologist or whatever, he simply calls the person he is accustomed to contacting, and makes the arrangements for that to happen. There is no reason why that can't happen between advanced practice nurses and other practitioners, be they physicians or other members of the health care team. In fact, one of the advanced practice nurse groups, the licensed clinical nurse specialist, is already working in a totally autonomous situation. So, the liability situation and the anxiety that that causes for physicians, was one of the reasons why we deleted it from this year's bill.

Regarding the issue of whether this is a turf battle or not, I would just like to read a bit from the Association of American Retired Persons Legislative News from May of this year. It's under the heading of "Turf Battles". It says, "As training and technology improve, it becomes increasingly difficult for health care professionals to agree on the appropriate limitations for each others services. AARP is reluctant to enter these turf battles, but sometimes, in the best interest of consumers, we do so. We are supporting L.D. 948, which would give more latitude to certain highly skilled nurses." Thank you.

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

Senator PENDEXTER: Thank you, Mr. President, Men and Women of the Senate. It is not at all difficult to define collaboration. It clearly states, if you define it correctly, that it's only when you do medical acts, when you do a medical diagnosis and treat. Nurse anesthetists don't have prescriptive writing privileges, so it's not an issue for them. They will always have to collaborate. They administer narcotics. Mid-level practitioners don't have the authority from the DEA to administer schedule two drugs, so they are always going to have to collaborate, because they can't prescribe the very drugs that they have to administer. Clinical nurse specialists do nursing. They don't do medical diagnosis. They don't have prescriptive writing privileges. So it's not an issue for them. Nurse mid-wives, by their very national mandate, have to be connected with a physician. So, really, the only thing you are left with is the nurse practitioner, which is what I stated in the first place. Because it is the nurse practitioner who basically does the primary care piece, which is diagnosing and treating.

There's an argument about the fact that when you put everybody under the collaboration umbrella, that these other specialties have a problem. It clearly states that only when you do a medical act, period. If you're not doing a medical act you can be out there on your own, doing whatever you want. There's an inference made to physicians pick up the phone and call other physicians. I guess I just want to briefly say that when I need help, it's not outside my pediatric specialty, it's very much within my

primary care pediatric specialty, and usually the person I need is a pediatrician, because it's a judgement scenario, pretty much. I don't use scope of practice, I use a judgement call if I have a really sick kid or whatever. If you have a heart murmur, it's obvious that you are going to be sent to the cardiologist. That's easy. We can all do that. It's within the scenario of my pediatric practice. It's things like medication questions. You know, when I first started practicing, in 1972, we only had three medications to treat ear infections with. We have about fifteen now. When you have a kid before you who has been there three or four times and has been treated with this and been treated with that, those are the kinds of questions I have. I have a kid that I think I'm probably on the right track, but I just need to touch base with somebody, just to make sure I'm okay, because I feel a little leery about sending him home without picking up the phone and calling the physician. That's not a specialty question, men and women of the Senate, that's a question within my own practice. When my pediatrician that I collaborate with picks up the phone, it's because it's outside his pediatric specialty. He doesn't call other pediatricians to ask pediatric questions. He calls the neurosurgeon because he has a kid with seizures that he can't manage, or he calls the cardiologist because he's got a kid who has got a serious cardiac scenario. Pediatricians refer to other specialties, but within their pediatric specialty they manage the total scope of the need of anybody. I can't do that because I don't have that depth of knowledge. So, what I am trying to explain to you, and I hope you understand what I am trying to say, is that when I have questions, or when I need to pick up the phone and call a physician, it's usually, and it always is, within the pediatric primary care scenario.

So, I find if we have practitioners out there, practicing without connections, and they have a medication question, who are they going to call? They might ring a physician's phone, but he or she is not going to answer it because the minute they do, they become liable. The reason why we don't have a liability problem with Report A is because the physicians aren't there. They are not going to be there. Any physician who is going to listen to their legal advice is not going to pick up the phone, or is not going to collaborate with anybody they don't know. When you define collaboration, or that unusual connection, correctly, there is not a liability problem because physicians don't mind being liable, they just want to make sure that in statute it is stated correctly, so they know if they are or not. When it's ambiguous and they don't know, then we have a problem. We don't have a liability problem now, because in statute now, under delegation, physicians know that they are liable, and they don't have a problem with that. They just want to know that they are or are not. I just remind you again to really, in the spirit of providing consumer safety, I hope that you will continue to keep in statute some kind of a connection, as loose and flexible as it can be, so that we can all work together meeting the health care needs of our citizens. Thank you.

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

Senator **AMERO**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. My opposition to the pending motion is by no means an indication of disrespect for nurses in advanced practice. I do, however, very strongly believe that nurse practitioners should not be practicing without a pre-arranged relationship with a physician. I also strongly believe that such a relationship is essential to the health care needs and interests of Maine patients. Nurses in advanced practice are trained to work with physicians, they are not trained to work independently. They are also not trained to provide the full range of primary care for patients. The majority proposal would set up a two-tier system. It's a two-step system for patients, whereby all patients, except for the most healthy ones, would need to be referred to a physician. This means the patient would have to pay for at least two visits, instead of one. That increases cost. It just isn't good public health policy, I don't believe it's good for the patients of the State of Maine to have nurse practitioners with limited education and training, taking care of patients without any pre-arranged physician relationship. I urge you to oppose the majority report. Mr. President, when the vote is taken, I ask for the yeas and the nays.

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

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

Senator **MCCORMICK**: Thank you, Mr. President. I think we got up for the roll call just to stand up and get a little air. Men and Women of the Senate, I do not believe we choose to legislate the kind of relationship that health care providers have anywhere else, except in the nursing statute. When I first got elected to this body the burning issue that I heard, as I went door-to-door, was independent practice for occupational therapists. As we know, occupational therapists, doctors, osteopaths, all kinds of different providers, have relationships with each other in which they collaborate constantly. Whether it is within their scope of practice or not. Whether it is something that one primary care physician knows a little bit more about than another, they meet in an office corridor. That happens. It happens and we, the people, we, the future patients of the world, are protected by our boards of medicine, our boards of nursing, our boards of occupational therapy, whose one primary duty is to protect us. So, if a practitioner is not doing that, they can be sanctioned. This bill is much tighter than the bill last year. It has very tight educational standards. Nurses in advanced practice, who want to practice in the fashion described in this bill, must be masters degree educated, or the equivalent. This bill is tighter vis a vis liability. Last year we went down a very, very complicated road that we never returned from in terms of liability and created a very complicated relationship called collaboration that was not defined and ultimately caused the demise of this bill. This year it is cleaner, it is tighter, each party has their liability responsibilities and must carry their own liability insurance, and we have put into this bill an oversight committee to watch and

see how it goes. Let's not forget health care costs. I believe that this legislation will have a downward pressure on health care costs by introducing some market forces that have not been at work up to this date. This is a straightforward, simpler version than the bill we saw before us, and which actually passed this body and the other body last year. I urge your yes vote to the majority ought to pass report.

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

Senator **RUHLIN**: Thank you, Mr. President. I was wondering if any member of the Committee, or any other Senator associated with this bill, could inform me as to whether or not the bill has in it a process, or establishes a process, for board certification to maintain, establish, and oversee the professional qualifications and guidelines for this particular practice of medicine?

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

Senator **GOLDTHWAIT**: Thank you, Mr. President. I believe the answer to the good Senator from Penobscot, Senator Ruhlin's, question is that that aspect is covered in a variety of ways. Given that we are talking about four tracks of nursing, each one has a scope of practice and a set of national standards. Each one has rulemaking that is allowed or engaged in by the State of Maine, overseen by the board. In this bill there is also the creation of a Joint Council on Advance Practice Nursing, which includes, as I mentioned earlier, someone from the Boards of Nursing, Medicine, Osteopathy, Pharmacology, and a public member and an advance practice nurse practitioner as well. That joint council would provide input to the Board of Nursing in the generation of rulemaking that would manage the aspects of education and training that the Senator queried.

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

Senator **PENDEXTER**: Thank you, Mr. President, Men and Women of the Senate. I just want to briefly comment on a few comments made by the Senator from Kennebec. I just want to keep reminding you that we legislate only for when nurse practitioners are doing medical acts, period. The bill before you actually is looser than the bill of last session, and let me explain why. Nurses have varying ways they can become nurses. We have two-year nurses, three-year nurses, four-year nurses. We have masters level prepared. You can become a nurse practitioner by having taken a certificate program. Or you can go through the masters level program. However, when all is said and done, the Board of Nursing does decide whether we are duly a Registered Nurse, whether we have duly attended an accredited nurse practitioner program, and that we are duly certified. Those three scenarios happen, however, we all got to those scenarios different ways. You might have somebody who had only two years of nursing and a certificate

program, which is four months of classroom, period, and some clinical experience. Or on the other end you might have a masters prepared nurse practitioner. So, it's very hard to know what you have before you. There's varying levels of preparation, and therefore varying levels of perhaps how we can all function. What bothers me the most about the bill this time, at least last session you had to have three years of experience behind you before you could be independent. There's no such provision in this bill. You could theoretically have a masters prepared nurse, and I looked at that curriculum. When you are a nurse practitioner you practice very differently, so your education as a nurse practitioner becomes very clinically focused, because what you are doing as a nurse practitioner is you are labeling people with diagnosis. When you are a nurse over here, you are taking care of patients who already have that diagnosis made. So, to get into the mindset of your total nurse preparation over here, where the diagnosis have all been made for you and you just sort of do the nursing process piece, you have to now, all of a sudden, develop some very sharp skills, and some very different ways of thinking about how you are going to practice clinically, because now you are making the diagnosis. I will tell you, I have twenty-three years of experience, and I'm good at my clinical skills, but I have a lot of experience. I don't care what you say, you don't learn that in a classroom, you learn it by practicing, and you learn it because you are taught it with the physicians you associate with. Now, as you look at the masters program, you talk about two years but you really are only talking about four semesters of sixteen weeks apiece. In each semester there is one course which requires you ninety hours of clinical experience. So you take ninety hours times four, and that comes out to three hundred and sixty hours of clinical training, which is basically forty-five days. So, now we are going to have nurse practitioners out there, diagnosing and treating, who really have only had forty-five days of clinical preparation on how to be clinical and how to diagnose, versus physicians who go through four years of med school, and I do mean four years, they don't have semesters here and there, they go year round. Then they practice for three years to hone in on their skills. That's how complicated primary care is, men and women of the Senate, it's not easy. It's a very complicated process. How can you even imagine sending out a nurse practitioner with forty-five days of training, to go out there on her own? That really concerns me, and that is the bill before you. At least last session that nurse practitioner at least had to collaborate, or be supervised, or had to have some type of supervision for three years before he or she would be able to be independent. So, we really have a bill before us that is much looser than the bill of last session.

I bring you back to one of the thoughts I shared with you earlier. The very nurses I met with over the winter said to me, of course we're going to collaborate. Nobody responsible would go out there without having made that connection. So, I would say to them, what's the big deal? So, I say to you, maybe the big deal is we should legislate for those nurses who won't go out there and make that connection. I ask you to vote against the motion before you. Thank you.

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

Senator McCORMICK: Thank you, Mr. President. About qualifications, first of all, the majority report that you have before you, requires a national certification credential, and that credential requires for nurses in advanced practice to have a masters degree. Now, I must disagree with the Senator from Cumberland, Senator Pendexter, because, for instance, in our very own state, the Orono Nurse Practitioner program requires over 700 clinic hours, of clinical practice, with either one-on-one, or one-on-two supervision. So, I don't know where the forty-five days comes from. What we are seeing in Maine, in terms of training, is very clinically oriented, very well supervised training. I would like to go back to something that the good Senator said about the practice of medicine. Are our nurses practicing nursing, or are they practicing medicine? Well, the definition of what the practice of medicine is has changed over the last fifty years. It used to be, men and women of the Senate, that giving a hypodermic needle was practicing medicine. It used to be that inserting an I.V., or taking a blood pressure, was practicing medicine. The definitions have changed. Now, doing all those things, I think you or I, if we went to a hospital, would be quite surprised if the doctor did any of those things. It is still practicing medicine, but it is also practicing nursing. The current statute, if we do not change it, puts us all in jeopardy. The current statute says that a doctor may delegate anything to a nurse practitioner. We have had stories, the Committee last year heard stories, of inappropriate delegation in surgery. Advance practice nurses should practice nursing within the scope of their practice. It is very well defined. The re-write of the nursing statute, which is long overdue, defines it very well and I urge you to remember that the practice of medicine has changed. Nurses practice nursing, and doctors practice medicine. Diagnosis is also a part of the practice of nursing, that is in the scope of practice. They are professionals, they are providers that talk all the time. Since we are legislating, in the majority report, referral and consultation with other health care providers, that then will guide the Board of Nursing and nurses in advance practice who do not do that, and do not live up to those standards will be sanctioned for our protection. Thank you.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait, requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator GOLDTHWAIT: Thank you, Mr. President, Men and Women of the Senate. I will be brief. I just wanted to mention the issue of cost came up earlier, that the back-up provided by physicians is not a courtesy service. I know that two years ago, I'm not sure how current this information is, the clinic in Portland paid a \$35,000 fee per year to a physician to provide that service. That physician, I am sure, warranted that fee for taking on the responsibility of providing that back-up, and yet it does add significantly to the cost of the patient care in that sort of an arrangement. In Aroostook

County now, there are four advanced practice nurses who are wanting to open a clinic for under-served people in that county. They are waiting on passage of the majority report of this bill to do that. So, this is not a hypothetical situation. This is reality. The last point that I want to make is that as much as I wish we were, we are not on the cutting edge of what is happening with this profession in the United States. We are one of a number of states moving toward this type of practice arrangement. We are by no means the first. There are approximately twenty other states that have arrangements in which advance practice nurses practice more autonomously than they do in Maine. In at least six of those states they practice with full autonomy. So, it's not like we are out there in front, taking some sort of public risk. This is happening in other states. It's working well. It's improving access. It's decreasing health care costs. I urge you to support the majority report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **GOLDTHWAIT** of Hancock that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279)** Report.

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: BUSTIN, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, LORD, MCCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, HALL, HANLEY, HATHAWAY, KIEFFER, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279)** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-279) **READ** and **ADOPTED**.

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

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

HOUSE REPORTS from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reduce the Legislative Budget"

H.P. 500 L.D. 681

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-346)**. (6 members)

Tabled - June 16, 1995, by Senator **KIEFFER** of Arrostook.

Pending - the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

(In House, June 15, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 16, 1995, Reports **READ**.)

On motion by Senator **AMERO** of Cumberland, Tabled, pending the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

HOUSE REPORTS from the Committee on **LABOR** on Bill "An Act to Repeal Laws Regarding Minimum Wages on Construction Projects"

H.P. 673 L.D. 924

Majority - **Ought Not to Pass**. (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-381)**. (5 members)

Tabled - June 16, 1995, by Senator **KIEFFER** of Arrostook.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, June 15, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 16, 1995, Reports **READ**.)

Senator **MILLS** of Somerset moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BEGLEY:** Thank you, Mr. President. I hope that you will not accept the majority ought not to pass, so that we can repeal this. The Statement of Fact simply states that this bill repeals the law requiring that the employment of laborers in the construction of public works, including state highways, the state, or person contracting with the state, pay these laborers a fair minimum wage based on the prior year's prevailing wage, paid in the locality of the construction for similar construction. Please remember now, that this minimum wage is not the minimum wage that we were talking of earlier in the session, but a minimum wage based on previous years prevailing wage. That, according to the bidding contractors, sets a scale that continues to rise, regardless of conditions, regardless of local bidding, and regardless of the people in the business handling it to their satisfaction as they see it, and being competitive. This is one of those rare cases when a repealed bill, if you refuse to accept the ought not to pass report, will save the state some money, for it allows the deappropriation of the survey money that has to take place yearly and handles it in that way. The repeal may also result in savings for state departments and agencies from lower construction contract amounts. The precise amount of any savings cannot be determined at this time. So, I say to you, the repeal would allow competitive bidding and save the state a slight amount of money.

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 ask you to please go along with the motion on the floor and accept the majority ought not to pass report on this piece of legislation. We are talking about repealing provisions that provide for prevailing wage when we are talking about the state contracting work out. In about 1931 the federal government established a prevailing wage, because it recognized then that the government should not be in the business of dragging down the wages, particularly of the skilled, trained employees. Maine has had a prevailing wage law on its books since 1933. What it has done has been to protect the skilled workers and make sure that their wages don't sink below what they should. This is not a wage that is just thought up by the Bureau of Labor. The prevailing wage is one that is derived this way, during the second and third weeks of September, which are the most productive weeks, they tell us, in the construction industry, employers of more than five people send their wage information to the Bureau of Labor. The Director, or the Director's appointee, assesses this information and discovers what the prevailing wage, the minimum prevailing wage was in a particular locality during that year. That then becomes the prevailing wage, the minimum wage, that is accepted on state contracted jobs.

When we are talking about construction workers,

we are talking about people who have seasonal work. It is in our best interest as legislators, as policy makers, not to repeal the statute that has, in some instances, provided wages that allow these seasonally employed people to earn a living wage for themselves and their families, a wage that will sustain them through the periods of unemployment. Do we really need legislation that will threaten the unemployed and seasonally high skilled workers? There has been a lot of work done in this area nationwide. The United States has acted as kind of a laboratory for this kind of issue. Beginning in the 1970's, until 1988, nine states have repealed their so-called "Mini Davis Bacon laws", which is what we are discussing here right now. In each instance, the state government did not save money. The rush to underbid for state contracts, which is a large percentage of the contracts in construction in the state, the rush to underbid and lowball the wages that would be paid, caused several things to happen. Cost overrides went up by 4% and 5% in every one of the nine states that repealed the wage. Shoddy workmanship ensued because the highly skilled workers moved on to a place where a prevailing wage was still in place, so they had low skilled workers who did not produce the quality of work. Workers' Compensation also rises to the tune of approximately 15%, for again the same reason, you have lost the skilled workers. There are many reasons why it is not in the best interest of the State to repeal this act. Another way that the State loses money is in the income tax, and also the corresponding sales tax that would normally be spent in a community, the sales tax dollars. There is a slight increase in employment in these nine states that repealed the act. The overall loss in wages doesn't come near to making up that 1% increase in employment. All the repeal of the prevailing wage act will accomplish is to drag down everyone's income.

We had some very moving testimony from a fellow who works for Lane Construction, which I believe is out of Bangor. They have been in Maine for over sixty years and they spoke vehemently against the repeal of this legislation. His primary concern was the negative impact it would have on the employees, their families, and the communities they live and work in. Additionally, the bill would have a long term negative influence on the construction industry as a whole, and would create unnecessary strain on the Maine economy. I urge you to accept the majority ought not to pass report. Thank you.

On motion by Senator **BEGLEY** of Lincoln, 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 NOT TO PASS** 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: BERUBE, BUSTIN, CAREY, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator MILLS of Somerset to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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 to Further Extend the Workers' Compensation Deficit Evaluation Proceeding S.P. 588 L.D. 1573

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.

Senate at Ease

Senate called to order by the President.

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

HOUSE REPORT from the Committee on TRANSPORTATION on Bill "An Act to Improve Highway Signing Information"

H.P. 691 L.D. 942

Report - Ought to Pass as Amended by Committee Amendment "A" (H-491).

Tabled - June 16, 1995, by Senator LONGLEY of Waldo.

Pending - ACCEPTANCE OF THE REPORT.

(In House, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491).)

(In Senate, June 16, 1995, Report READ.)

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator LONGLEY of Waldo that the Bill and Accompanying Papers be INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Chair ordered a Division.

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

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

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator LONGLEY of Waldo to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on TAXATION on Bill "An Act to Increase the Property Tax Exemption for Farm Machinery"

H.P. 17 L.D. 11

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-242). (10 members)

Minority - Ought Not to Pass. (3 members)

Tabled - June 16, 1995, by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, May 18, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242).)

(In Senate, May 23, 1995, Reports READ.)

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

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

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

Bill "An Act to Create an Income Tax Stabilization Program" (Emergency) S.P. 98 L.D. 238 (C "A" S-115)

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

Pending - the motion by the same Senator to RECEDE and CONCUR.

(In Senate, May 18, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115).)

(In House, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115) AS AMENDED BY HOUSE AMENDMENT "B" (H-511), thereto, in NON-CONCURRENCE.)

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

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The Chair would rule that we are in Non-concurrence with the other body, and that the motion to Recede and Concur is the priority motion.

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 Chair recognizes the Senator from York, Senator Lawrence.

Senator LAWRENCE: Mr. President, is it in order to move to Recede at this time?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator LAWRENCE of York moved that the Senate RECEDE.

THE PRESIDENT: The pending question before the Senate is the motion by Senator LAWRENCE of York that the Senate RECEDE.

The Chair ordered a Division.

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

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

29 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator LAWRENCE of York to RECEDE, PREVAILED.

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

Senator KIEFFER of Aroostook requested a Division.

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 the motion of Senator LAWRENCE of York that the Bill and Accompanying Papers be INDEFINITELY POSTPONED in NON-CONCURRENCE.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator LAWRENCE of York to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE, FAILED.

Senator KIEFFER of Aroostook moved that the Senate CONCUR.

Senator LAWRENCE of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator KIEFFER of Aroostook that the Senate CONCUR.

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator KIEFFER of Aroostook to CONCUR, PREVAILED.

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

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency) S.P. 365 L.D. 991 (H "B" H-367 to C "A" S-116)

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

Pending - FURTHER CONSIDERATION.

(In House, June 6, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "B" (H-367), thereto, in NON-CONCURRENCE.)

(In Senate, June 12, 1995, RECEDED and CONCURRED.)

(In House, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "C" (H-482), thereto, in NON-CONCURRENCE.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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

Bill "An Act to Improve Bicycle Safety in This State" S.P. 580 L.D. 1557

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

Pending - FURTHER CONSIDERATION.

(In Senate, June 14, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In House, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256) in NON-CONCURRENCE.)

Senator LAWRENCE of York moved that the Senate RECEDE and CONCUR.

Senator AMERO of Cumberland requested a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator LAWRENCE of York that the Senate RECEDE and CONCUR.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

Senator **CAREY** of Kennebec requested and received leave of the Senate to change his vote from **NAY** to **YEA**.

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation"

H.P. 100 L.D. 135

Majority - Ought to Pass as Amended by Committee Amendment "D" (H-462). (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "E" (H-463). (2 members)

Tabled - earlier in the day by Senator **CLEVELAND** of Androscoggin.

Pending - the motion by Senator **CARPENTER** of York that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "D" (H-462)** Report, in concurrence.

(In House, June 16, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D" (H-462).**)

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

On motion by Senator **CARPENTER** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "D" (H-462)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "D" (H-462) **READ** and **ADOPTED**, in concurrence.

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

Senator **BUSTIN** of Kennebec moved that the Senate **ADJOURN** until Tuesday, June 20, 1995, at 9'clock in the morning.

The same Senator requested and received leave of the Senate to withdraw her motion to **ADJOURN** until Tuesday, June 20, 1995, at 9 o'clock in the morning.

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BUSTIN** of Kennebec, **ADJOURNED** until Tuesday, June 20, 1995, at 9 o'clock in the morning.