

MAINE STATE LEGISLATURE

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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
Wednesday
June 21, 1995

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

Prayer by Steve Rohman of the Baha'i Faith in Portland.

STEVE ROHMAN: Good morning. As the President said, I am Steve Rohman. I am from Portland and the Baha'i Faith. I want to thank Senator Abromson for inviting us here. I work at Maine Medical Center, in the maintenance department there. I deal with the painting and the carpentry and the grounds down there. Brian Whitney was kind enough to take me up to the Rotunda. My opinion is the paint is very nice. I like the colors. I know there is always a controversy about colors. I would like to read two writings. One of them is from the prophet founder of the Baha'i Faith, Bahaoulla. The second one is a prayer that I like to read every day, written by his son, Abdoubaha.

"My God, whom I worship and adore, I bear witness unto thy unity and thy oneness, and acknowledge thy gifts, both in the past and in the present. Thou, the all bountiful, the overflowing showers of whose mercy has rained down upon high and low alike, and the splendors of whose grace has been shed over both the obedient and the rebellious. Oh God of mercy before whose door the quintessence of mercy has bowed down, and round the sanctuary whose cause, love and kindness, in its innermost spirit hath circled. We beseech thee in treating thine ancient grace and seeking thy present favor, that thou may have mercy on all who are the manifestations of the world of being, and deny them not the outpourings of thy grace and thy days. All of the poor and needy, and thou, the all-possessing, the all-subduing, the all-powerful."

"Oh thou kind Lord, praise be unto thee that thou hast shown us the highway of guidance, and opened the doors of the kingdom, and manifested thyself to the son of reality. To the blind thou hast given sight. To the deaf thou hast granted hearing. Thou has resuscitated the dead. Thou hast enriched the poor. Thou hast shown the way to those who have gone astray. Thou hast led those with parched lips to the fountain of guidance. Thou hast suffered a thirsty fish to reach the ocean of reality, and thou hast invited the wandering birds to the rose garden of grace. Oh thou mighty, we, thy servants, not poor ones, we are remote and yearn for your presence. Our

thirst for the water of thy fountain, or ill longing for thy healing. We are walking in thy path and have no aim or hope, save for the diffusion of thy fragrance, so that all souls may raise the cry of, 'Oh God, guide us to the straight path.' May their eyes be open to behold the light and may they be free from the darkness of ignorance. May they gather around the lamp of thy guidance. May every portionless one receive a share. May the deprived become the confidants of thy mysteries. Oh almighty, look upon us with a glance of mercifulness. Grant us heavenly confirmation. Bestow upon us the breath of the holy spirit so we may be assisted in thy service and, like the brilliant stars, sharing these reaches with the light of thy guidance. Verily thou art the powerful, the mighty, the wise, and the seeing."

The second reading was revealed for us to read for the northeastern states. Thank you very much.

Reading of the Journal of Yesterday.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Expedite the Appeal Process in the Case of a Writ of Possession"

H.P. 1099 L.D. 1546

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce"

H.P. 794 L.D. 1111

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-537)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-537) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Operating-under-the-influence Laws"
H.P. 836 L.D. 1167

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-543)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-543) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Create an Adopt-A-River Program"
H.P. 1047 L.D. 1466

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-538)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-538) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Amend the Excise Tax Charged on Commercial Vehicles"
H.P. 472 L.D. 653

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-539)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-539) **READ** and **ADOPTED**, in concurrence.

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

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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-541)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-541) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws"
H.P. 1118 L.D. 1562

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-542).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-542).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-542) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Establishing Procedures for New Political Parties to Participate in Primary Elections"
H.P. 369 L.D. 499

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

Signed:

Senators:

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

Representatives:

NADEAU of Saco
LEMONT of Kittery
MURPHY of Berwick
CHIZMAR of Lisbon
TRUE of Fryeburg
FISHER of Brewer
GAMACHE of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-522).

Signed:

Representatives:

LABRECQUE of Gorham
BUCK of Yarmouth

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

Which Reports were **READ**.

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

Senate

Ought to Pass As Amended

Senator **CASSIDY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Animal Welfare Laws and Euthanasia Procedures Performed by Certain Officials"
S.P. 497 L.D. 1356

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-298).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-298) **READ** and **ADOPTED**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Amend the County Budget Process for Cumberland County"
H.P. 314 L.D. 418
(C "A" H-530)

Bill "An Act to Amend the Underground Oil Storage Facilities and Groundwater Protection Laws"
H.P. 978 L.D. 1387
(C "A" H-533)

Bill "An Act to Make Changes in the Law Establishing the Maine School of Science and Mathematics"
H.P. 1035 L.D. 1454
(C "A" H-383)

Bill "An Act to Exempt Food Banks from Sales Tax and to Provide a Review Schedule for Sales Tax Exemptions"

H.P. 1116 L.D. 1561
(C "A" H-526)

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

Bill "An Act Concerning the Kennebec Water District"

H.P. 937 L.D. 1326
(C "A" H-527)

Which was READ A SECOND TIME.

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

Senate As Amended

Bill "An Act to Clarify Early Retirement Incentives"

S.P. 563 L.D. 1531
(C "A" S-297)

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

Sent down for concurrence.

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

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator CARPENTER of York, RECESSED until 2 o'clock this afternoon.

After Recess

Senate called to order by the President.

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

ORDER

Joint Order

On motion by Senator AMERO of Cumberland, the following Joint Order:

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 117th Legislature shall be extended in accordance with the provisions of said section.
S.P. 593

Which was READ.

THE PRESIDENT: The pending question before the Senate is PASSAGE.

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.

24 Senators having voted in the affirmative and 1 Senator having voted in the negative, the Joint Order was PASSED.

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

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

PAPER FROM THE HOUSE

House Paper

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$51,900,000 to Match up to \$135,000,000 in Federal Funds for Improvements to Highways, State and Local Bridges, Airports and Ports"

H.P. 1133 L.D. 1577

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Insurance Coverage for Mental Illness" (Emergency)

H.P. 432 L.D. 595

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-521)**.

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc
MCCORMICK of Kennebec

Representatives:

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

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

Signed:

Representative:

JONES, JR. of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521)**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes"

H.P. 900 L.D. 1276

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-513)**.

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis

Representatives:

CLARK of Millinocket
BUNKER, JR. of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
MCALEVEY of Waterboro
PEAVEY of Woolwich
THOMPSON of Naples
WATERHOUSE of Bridgton
WHEELER of Bridgewater

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

Signed:

Representative:

JOHNSON of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-513) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Ring Holding Devices Used in Packaging"

H.P. 940 L.D. 1329

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-273).

Signed:

Senators:

LORD of York
HATHAWAY of York
RUHLIN of Penobscot

Representatives:

GOULD of Greenville
POULIN of Oakland
SAXL of Bangor
GREENLAW of Standish
DAMREN of Belgrade
NICKERSON of Turner
MARSHALL of Eliot

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

Signed:

Representatives:

MERES of Norridgewock
SHIAH of Bowdoinham
BERRY of Livermore

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)**.

Which Reports were **READ**.

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

Senator **HARRIMAN** of Cumberland requested a Division.

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

Senator **McCORMICK:** Thank you, Mr. President. Would somebody from the Committee explain what the Majority report does?

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

SECOND READERS

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

House

Bill "An Act to Expedite the Appeal Process in the Case of a Writ of Possession"

H.P. 1099 L.D. 1546

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

House As Amended

Bill "An Act to Amend the Excise Tax Charged on Commercial Vehicles"

H.P. 472 L.D. 653
(C "A" H-539)

Bill "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce"

H.P. 794 L.D. 1111
(C "A" H-537)

Bill "An Act to Amend the Operating-under-the-influence Laws"

H.P. 836 L.D. 1167
(C "A" H-543)

Bill "An Act to Create an Adopt-A-River Program"

H.P. 1047 L.D. 1466
(C "A" H-538)

Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles"

H.P. 1093 L.D. 1538
(C "A" H-541)

Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws"

H.P. 1118 L.D. 1562
(C "A" H-542)

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

Senate As Amended

Bill "An Act to Clarify the Animal Welfare Laws and Euthanasia Procedures Performed by Certain Officials"

S.P. 497 L.D. 1356
(C "A" S-298)

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

Sent down for concurrence.

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

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 Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals
H.P. 697 L.D. 955
(C "A" H-440)

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)

An Act to Create the Overhead High-voltage Line Safety Act
H.P. 894 L.D. 1247
(C "A" H-484)

An Act to Strengthen the Laws Concerning Labeling and Advertising of Native Produce
H.P. 973 L.D. 1382
(C "A" H-481)

An Act to Clarify the Forcible Entry and Detainer Law
H.P. 982 L.D. 1390
(C "A" H-479)

An Act to Establish Safety Standards for All Utility Facilities

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

An Act to Amend the Maine Bail Code

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

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

Emergency

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

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

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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)

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

Emergency

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

H.P. 716 L.D. 973
(H "A" H-507 to C "A" H-396)

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

Emergency

An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead Community, Incorporated
H.P. 909 L.D. 1285
(C "A" H-490)

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

Emergency

An Act to Clarify and Amend Provisions of the Maine Insurance Code and the Workers' Compensation Self-insurance

H.P. 1101 L.D. 1548
(C "A" H-448)

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

Emergency Resolve

Resolve, to Require a Review of the Beverage Container Deposit Laws

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

On motion by Senator **BEGLEY** of Lincoln, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Place a Spending Cap on State Senate and House Campaigns"
H.P. 322 L.D. 443

Report - Ought to Pass as Amended by Committee Amendment "A" (H-520).

Tabled - June 20, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT**.

(In House, June 19, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**.)

(In Senate, June 20, Report **READ**.)

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

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

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Update and Clarify the Election Laws"

H.P. 1042 L.D. 1461

Report - Ought to Pass as Amended by Committee Amendment "A" (H-501).

Tabled - June 20, 1995, by Senator **KIEFFER** of Aroostook.

Pending - ACCEPTANCE OF THE REPORT.

(In House, June 19, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501) AS AMENDED BY HOUSE AMENDMENT "A" (H-524), thereto.)

(In Senate, June 20, 1995, Report READ.)

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

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

Bill "An Act to Revise the Somerset County Budget Committee"

H.P. 822 L.D. 1153

Tabled - June 20, 1995, by Senator AMERO of Cumberland.

Pending - PASSAGE TO BE ENGROSSED, in NON-CONCURRENCE.

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

(In Senate, June 20, 1995, READ A SECOND TIME.)

On motion by Senator AMERO of Cumberland, Senate Amendment "A" (S-300) READ and ADOPTED.

The Bill PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Provide Greater Access to Health Care"

S.P. 343 L.D. 948
(C "A" S-279)

Tabled - June 20, 1995, by Senator KIEFFER of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279).

(In Senate, June 20, 1995, READ A SECOND TIME.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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

An Act to Strengthen the Laws Pertaining to Poaching

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

Tabled - June 20, 1995, by Senator KIEFFER of Aroostook.

Pending - PASSAGE TO BE ENACTED.

(In House, June 20, 1995, PASSED TO BE ENACTED.)

On motion by Senator MICHAUD of Penobscot the Senate SUSPENDED THE RULES for the purpose of RECONSIDERATION.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by the same Senator, 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-458), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-299) to Committee Amendment "A" (H-458) READ.

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

Senator MICHAUD: Thank you, Mr. President. What this amendment does is it strikes out two provisions in the bill. One of the provisions is if someone is caught, under current law, with twice their bag limit for fish, they will lose their fishing license, mandatory, for one year and up to five years. If we pass this bill the way it is, you could conceivably lose your hunting license as well. This amendment takes care of that so it deals strictly with the fishing license and vise versa, if you are caught with a hunting violation it takes care of the hunting license. The other portion of this amendment deals with the mandatory loss of one year and up to five years. The way the bill is currently written, you would lose it for one year and there is the potential

that you could lose it for a lifetime. This also strikes that portion of the bill. I hope that you would adopt Senate Amendment "A". Thank you.

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

Senator **HALL:** Thank you, Mr. President. We have had many people tell us that we haven't been strong enough on fish and wildlife poachers. This bill came before the Committee to tighten that up, to make this more serious to those who constantly disregard all fish and wildlife laws. It comes at a time when our fishing has not been as good as it used to be. It comes at a time when our deer herd is in jeopardy in many parts of the State. We have seen our deer permits drop from a high of a little over 58,000 down to 29,000 this year. We need to do everything that we can to preserve what we have left. This was a measure that might be one little step towards doing just that. I agree, it's extremely controversial, but this is meant to take the hunting and fishing privileges away from those that have total disregard for all the laws that you and I abide by. We are looking for the most serious violator. For example, there was a poaching ring broken up in my district this last fall who were killing deer every night. They were using silencers, which are against the law. They were selling deer. To take their license for a few years means nothing. They really don't care. The one thing it does do, is it keeps them out of our woods in the daytime, because they have constantly got to look over their shoulder. The added addition of if they were poaching deer, the Committee felt that they shouldn't be out there fishing. I can tell you, from my experience, having dealt with poachers for quite a few years, that the poacher poaches hunting and fishing, no question about it. I have caught many of them in both seasons year after year. Some people have been reformed because we took their license. Fines meant nothing, jail terms meant nothing, but to take their license really hurt. Most of them, if you take their license for a year or two, get the message. But, there is that poacher that that does not affect. That person should not be allowed, ever, to participate in the sport that you and I enjoy. They are ruining our sport. This is a drastic measure to keep them out. This would only happen to those who had repeated serious violations. It would not happen the first time that an individual was caught with double his limit of fish. But if he was caught three or four times in a short period of time, yes, the Commissioner then would have the authority to pull his license for up to life. Also, to pull his hunting license. This had a good public hearing. We worked on it numerous times and the surprising thing about it is, it's a thirteen to zero report out of Committee. Where was the argument there? Why wait till now? I strongly urge you, if you care about the fish and wildlife in this state, to defeat this amendment.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. Yes, it is a fact that it was a thirteen zip out of Committee, but realizing that if I was in the minority, I would never get a

chance to speak on this particular issue, I figured I would offer the amendment to the bill. You do not have to be a repeated violator for fish. If you are caught with twice your bag limit, if you adopt this bill, you could not only lose your fishing license, you could also lose your hunting license and you could lose it for life. I do not believe that we should reward poachers, I think they ought to be punished. I think the current law is sufficient enough, because if you have a poacher who keeps violating the law, this law, if we adopt it as presented before you now, will not make any difference, they are still going to do their poaching, regardless of what the law says. I think it is really stiff if someone is caught with twice their bag limit for fish, that they could not only lose their fishing license for life, but they could also lose their hunting license for life. I think that is very restrictive. I think the current law is strict enough. Mr. President, when the vote is taken, I request a Roll Call.

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

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. About a mile from my home, up in Sandy River, on Beaver Mountain Lake, is a pond called Mountain Pond. Fifteen or twenty years ago you could go up to that pond, it's fly fishing only, and I was up there one afternoon. I got in the boat and I was tying on a yellow may and it slipped and went into the pond. I was two or three feet off shore, but to my surprise a fish came up and grabbed the fly and off it went. There were plenty of fish in the pond then. Lately, when I go up, I can spend all day and not catch a trout. Over the years rumors and stories have abounded of people going in and bringing back 35, or 40, or 50 or 60 trout, poachers. What are they entitled to? Not a whole lot in my view, when they will rape a pond to that extent. I'm not going to vote to coddle these folks. Frankly, Ladies and Gentlemen, taking their fishing license and hunting license doesn't bother me a bit. If there was another license I could take, I think I would vote to do it. These people have no respect whatsoever for the fishery and the other animals that are managed by the State for the public. Pretty soon, if the poachers have their way, we're not going to have a whole lot to manage. Thank you.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I didn't really plan on talking on this, but now that I realize that we are going to tell fish stories I had to get up and tell a couple for myself. The good Senator from Franklin, he just had a trout take his before he even got the fly tied on. I got a trout one time, I want you to know, that when we took the picture the shadow weighed fourteen pounds, before we took the picture. So, I know something about telling trout lies. I also know something about trying to protect people's

rights. As I interpret this, and I may be wrong, but as I interpret it from what I have heard and read, this proposal would take an eighteen-year-old person, who poached, and poaching, by the way, is not an old time nice neighborly thing to do, a person who poaches is a thief, nothing more than a thief and they should be punished extremely harshly. I don't think an eighteen year old should lose his license to fish for the rest of his lifetime in the State of Maine because he was poaching. If you want to put him in jail so he can learn how to tie that fly on the line right, and keep him there for 180 days, that's alright. But I think a person should be able to, when it comes to a crime like poaching, at least be able to try to correct themselves so that they can go on in their lifetime and again go fishing some time. Because maybe then they can become as good and as big liars as the good Senator from Franklin and the good Senator from Penobscot County. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **MICHAUD** of Penobscot that the Senate **ADOPT** Senate Amendment "A" (S-299) to Committee Amendment "A" (H-458).

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: **BERUBE, BUSTIN, CAREY, ESTY, FAIRCLOTH, LAWRENCE, McCORMICK, MICHAUD, PARADIS, PINGREE, RAND, RUHLIN**

NAYS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LONGLEY, LORD, MILLS, O'DEA, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-299) to Committee Amendment "A" (H-458), **FAILED**.

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

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

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

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

An Act to Authorize Municipalities to Pay Employees Biweekly
S.P. 259 L.D. 695

Tabled - June 20, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**.

(In House, June 20, 1995, **PASSED TO BE ENACTED**.)

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

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

HOUSE REPORTS from the Committee on **NATURAL RESOURCES** on Bill "An Act to Abolish the Maine Waste Management Agency"
H.P. 181 L.D. 229

Report A - Ought to Pass as Amended by Committee Amendment "A" (H-487). (11 members)

Report B - Ought to Pass as Amended by Committee Amendment "B" (H-488). (1 member)

Report C - Ought Not to Pass. (1 member)

Tabled - June 20, 1995, by Senator **KIEFFER** of Aroostook.

Pending - the motion by Senator **LORD** of York to **ACCEPT** Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-487).

(In House, June 19, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.)

(In Senate, June 19, 1995, Reports **READ**.)

On motion by Senator **LORD** of York, Report "A" - **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**, **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-487) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the eighth Tabled and Today Assigned 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 20, 1995, by Senator AMERO of Cumberland.

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 ninth 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 20, 1995, by Senator AMERO of Cumberland.

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.

The Chair laid before the Senate the tenth Tabled and 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

Tabled - June 20, 1995, 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 GOLDTHWAIT of Hancock the Senate RECEDED from its action whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill comes to you highly amended by the House. It was a fairly simple bill, establishing a study committee regarding public and private fish hatcheries. Upon discovering that the good Senator from Aroostook, Senator Kieffer, was engaged in a similar effort, we made the fatal effort of trying to streamline government and join forces. From that point things disintegrated somewhat, as we combined our bills. It seemed like every time we sent it to the House an additional layer of amendments were added. Most of them are technical in nature, one of them included a fiscal note that had to do with the public input process. This, what I hope to be the final amendment, will strip off the existing amendments, take off the fiscal note, leave in everything that the good Senator from Aroostook, Senator Kieffer, wanted, leave in everything that the good Senator from Hancock, Senator Goldthwait, wanted, raises no objections, that I am aware of, in the House or Senate, and might finally put this eleven times tabled bill to rest. So, if you will bear with me through the necessary parliamentary calisthenics, I think we can do this. Thank you.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-116), as Amended by House Amendment "B" (H-367), thereto, in concurrence.

On further motion by the same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** House Amendment "B" (H-367) to Committee Amendment "A" (S-116), in concurrence.

On further motion by the same Senator, House Amendment "B" (H-367) to Committee Amendment "A" (S-116) **INDEFINITELY POSTPONED**, in concurrence.

House Amendment "C" (H-482) to Committee Amendment "A" (S-116) **READ**.

On further motion by the same Senator, House Amendment "C" (H-482) to Committee Amendment "A" (S-116) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by the same Senator, Senate Amendment "A" (S-301) to Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

Committee Amendment "A" (S-116), as Amended by Senate Amendment "A" (S-301), thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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.

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

COMMUNICATIONS

The Following Communication:

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

June 21, 1995

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of P. Vincent O'Malley of Portland, for appointment to the Workers' Compensation Board.

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

YEAS:	Sen. 3	Amero of Cumberland, Carpenter of York, Longley of Waldo
	Rep. 8	Daggett of Augusta, Ahearne of Madawaska, Saxl of Bangor, Gerry of Auburn, Rosebush of East Millinocket, Robichaud of Caribou, Lane of Enfield, Savage of Union

NAYS: 0

ABSENT: 2 Rep. Lemke of Westbrook, Yackobitz of Hermon

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of P. Vincent O'Malley of Portland, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Jane A. Amero
Senate Chair

S/Beverly C. Daggett
House Chair

S.C. 256

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

THE PRESIDENT: The Joint Standing Committee on **STATE AND LOCAL GOVERNMENT** has recommended the nomination of P. Vincent O'Malley, of Portland, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of P. Vincent O'Malley, for appointment to the Workers' Compensation Board, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 21, 1995

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Linda Riddell of South Portland, for appointment to the Workers' Compensation Board.

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

YEAS: Sen. 3 Amero of Cumberland, Carpenter of York, Longley of Waldo

Rep. 8 Daggett of Augusta, Ahearne of Madawaska, Saxl of Bangor, Gerry of Auburn, Rosebush of East Millinocket, Robichaud of Caribou, Lane of Enfield, Savage of Union

NAYS: 0

ABSENT: 2 Rep. Lemke of Westbrook, Yackobitz of Hermon

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Linda Riddell of South Portland, for appointment to the Workers' Compensation Board be confirmed.

Signed:

S/Jane A. Amero
Senate Chair

S/Beverly C. Daggett
House Chair

S.C. 257

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

THE PRESIDENT: The Joint Standing Committee on **STATE AND LOCAL GOVERNMENT** has recommended the nomination of Linda Riddell, of South Portland, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Linda Riddell, for appointment to the Workers' Compensation Board, was CONFIRMED.

The Secretary informed the Speaker of the House.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Prevent the Use of Correctional Facilities for the Detention of the Mentally Ill"

H.P. 1072 L.D. 1507

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-554).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-554) READ and ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Deregulate the Costs and Revenues Associated with Acute Care Provided to Involuntarily Committed Patients within the Hospital Care Finance System"

H.P. 1110 L.D. 1558

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-555).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555).

Which Report was READ.

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

Senator GOLDTHWAIT: Thank you, Mr. President. May I pose a question through the Chair? To anyone who is able to answer, I would be grateful if someone could explain why we are excluding those costs from the calculation of federal dish payments.

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

Senator PENDEXTER: Thank you, Mr. President. I wasn't paying attention, could you repeat the question?

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

Senator GOLDTHWAIT: Thank you, Mr. President. The question is, why are we choosing to exclude the mental health costs from the calculation of the dish payments?

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

Senator PENDEXTER: Well, because of the regulatory process of MCFIC. There's fixed revenues and if we go above those revenues then they have to subtract it from something else we do within the institution. So, if they make one penny more because of providing services for the mentally ill, that all adds in to the formula. If we repeal MCFIC this is a non-issue.

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

Senator McCORMICK: Thank you, Mr. President. May I pose a question through the Chair? So, if we were to pass this amendment, and this bill, would a hospital get more or less disproportionate share payments under the current way they are distributed? Because I do understand that these proportionate share payments go more to psych hospitals than to others and for some that is a problem. I presume that this clause, to which was earlier referred, deals with that issue. So, would hospitals get more or less share of payment?

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. I am not a MCFIC technician, and I wouldn't want to pretend to be. If I understand the issue correctly what this does is it exempts hospitals from having to use whatever additional revenue they would receive from providing services to the involuntarily committed patients. It would exempt the formula scenario. I can't really explain it to you technically, because it is very complicated. It does not have anything to do with the disproportionate share. It has to do with the formula and calculating the whole revenue line.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-555) **READ**.

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

Senator **MCCORMICK:** Thank you, Mr. President. Not to belabor a point, but because I think we need to do things right here, I need to pose another question through the Chair. The Committee Amendment H-555, in the Statement of Fact, does refer to disproportionate share. During any time that payments to hospitals are made under the federal disproportionate share, to hospital formula, it requires the MCFIC to exclude the cost of services provided to involuntarily committed patients. So, I guess I would ask if this could be tabled. I think we need to know a definitive answer to this question. I would move that we reconsider our action whereby we passed this bill and I would also ask that it be Tabled because I think this is shoddy workmanship.

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-555), in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 580 L.D. 785

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-557).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-557) **READ** and **ADOPTED**, in concurrence.

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

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

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

On motion by Senator **BEGLEY** of Lincoln, **RECESSED** until 7 o'clock this evening.

After Recess

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Regulate Hybrid Wolves," S.P. 360, L.D. 986, and all its accompanying papers, be recalled from the Engrossing Department to the House.

H.P. 1134

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 372 L.D. 507
(C "A" H-142; H "B"
H-480)

In House, June 14, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND HOUSE AMENDMENT "B" (H-480)**, in **NON-CONCURRENCE**.

In Senate, June 15, 1995, **RECEDED** and **CONCURRED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-560)**, in **NON-CONCURRENCE**.

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

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

Senator **LAWRENCE:** Thank you, Mr. President. May I pose a question through the Chair. I am unfamiliar with H-560. Is there anyone in this body who can explain to me what it does?

THE PRESIDENT: The Senator from York, Senator Lawrence, 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. I will read the statement of fact to you. This amendment provides that the Manufactured Housing Board shall accept as compliance with its rules, documentation submitted by a seasonal mobile home park that substantially similar provisions required by another government agency have been met. The duplicate provisions required by the Board, regarding matters of safety. The amendment also clarifies that the stricter standard applies.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. I hope you will oppose this motion to Recede and Concur. If you recall, we debated this bill for some time and there were some concerns about this bill. I also recall, on another debate, the good Senator from Franklin talking about not passing legislation which our Attorney General has said is unconstitutional. I believe there was a letter issued on this bill, if I am not mistaken, that has said that it is impermissibly discriminatory and in violation of the equal protection clauses of the United States and the Maine Constitutions. I hope you will oppose this bill and defeat it. I ask for a Division. Thank you very much.

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

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

Senator **KIEFFER:** Thank you, Mr. President. I would just like to, once again, explain to the Senate, what these units consist of. They are permanently mounted buildings that are owned by various farmers. They are designed to house their transient help that comes in on a seasonal basis. By most definitions these most certainly are not mobile home parks. You and I cannot go there and rent a space to park our trailer or camper or anything else. They are owned strictly by a farmer. They are used strictly for the farmer's own help. They are controlled by federal regulations and this bill was a matter of clarification after the department tried to enforce mobile home park regulations on them.

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

Senator **MICHAUD:** Thank you, Mr. President. May I pose a question through the Chair? To the good Senator from Aroostook, if this amendment is adopted, if I remember correctly, the Maine Manufactured Housing Board did require them to do tests for pesticides. If this amendment is adopted, would they still be required to do the tests or would it exempt them from such a test?

THE PRESIDENT: The Senator from Penobscot, Senator Michaud, 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:** Could I have the question repeated Mr. President?

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

Senator **MICHAUD:** Thank you, Mr. President. The question is, I originally opposed this bill because it exempted them from the Maine Manufactured Housing Board. The question is, if this amendment is adopted, would they still have to do the tests as far as radon goes, and pesticides and herbicides?

THE PRESIDENT: The Senator from Penobscot, Senator Michaud, 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 can specifically answer that question Mr. President. I would expect that the same federal regulations that apply today would still apply.

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

Senator PARADIS: Thank you, Mr. President, Men and Women of the Senate. Indeed, the requirement for water testing is still required. Most of them can show you their yearly water test that they take and that is not going to change. In terms of very specific pesticides, we are not requiring that now and I don't see that for the immediate future, because I believe that there would have to be a separate specific test for every different type of pesticide. They are testing the water every year.

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator KIEFFER of Aroostook that the Senate RECEDE and CONCUR.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Create the Workers' Compensation Residual Market Deficit Resolution and Recovery Act" (EMERGENCY)

S.P. 594 L.D. 1578

Presented by Senator KIEFFER of Aroostook (GOVERNOR'S BILL)

Cosponsored by: Representative MITCHELL of Vassalboro, Senators: ABROMSON of Cumberland, McCORMICK of Kennebec, Representatives: CAMPBELL of Holden, CARLETON of Wells, DONNELLY of Presque Isle, JACQUES of Waterville, POULIOT of Lewiston, SAXL of Portland, VIGUE of Winslow, WHITCOMB of Waldo

Reference to the Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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

On motion by Senator ABROMSON of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED without reference to a Committee.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Expand Access to Medical Care by Encouraging Involvement of Retired Physicians, Podiatrists and Dentists"

H.P. 839 L.D. 1170

Reported that the same Ought Not to Pass.

Signed:

Senators:

MILLS of Somerset
FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner
LEMKE of Westbrook
RICHARDSON of Portland
JONES of Bar Harbor
LAFOUNTAIN, III of Biddeford
WATSON of Farmingdale

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-319).

Signed:

Senator:

PENDEXTER of Cumberland

Representatives:

PLOWMAN of Hampden
HARTNETT of Freeport
NASS of Acton
MADORE of Augusta

Comes from the House with the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319) AS AMENDED BY HOUSE AMENDMENT "A" (H-493), thereto.

Which Reports were READ.

Senator MILLS of Somerset moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator MILLS of Somerset that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE.

Senate

Ought to Pass As Amended

Senator CIANCHETTE for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create the Propane and Natural Gas Professional Act of 1995" S.P. 498 L.D. 1357

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-302)**.

Which Report was **READ**.

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

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

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Insurance Coverage for Mental Illness" (Emergency) H.P. 432 L.D. 595

Majority - **Ought to Pass as Amended** by **Committee Amendment "A" (H-521)**. (12 members)

Minority - **Ought Not to Pass**. (1 member)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, June 21, 1995, 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-521)**.)

Senator **ABROMSON** of Cumberland moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **KIEFFER** requested a Division.

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

A Division has been requested.

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

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

22 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **ABROMSON** of Cumberland to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-521) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Ring Holding Devices Used in Packaging" H.P. 940 L.D. 1329

Majority - **Ought to Pass as Amended** by **Committee Amendment "A" (H-273)**. (10 members)

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

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

Pending - **ACCEPTANCE** of the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

(In House, June 21, 1995, 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-273)**.)

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

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

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators: BUSTIN, ESTY, LAWRENCE, McCORMICK, PINGREE, RAND

ABSENT: Senator: BERUBE

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-273) **READ**.

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

Senator **McCORMICK:** Thank you, Mr. President. I would like to pose a question through the Chair to anyone who might want to answer. I am aware that the paper industry in this state contributes a lot to our economy, and we have a lot of jobs that are based on cardboard and other such things that are mentioned in this bill. I would like to know if we have any jobs based on plastics manufacturing at all. Do we have any plastic manufacturing jobs in this State? That's my question.

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

Senator **MILLS:** Thank you, Mr. President, Men and Women of the Senate. Forster Manufacturing Company, in Wilton, Maine.

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

Senator **LONGLEY:** Pioneer Plastics in Lewiston, Maine.

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

Senator **McCORMICK:** I thank the good Senators for those wonderful answers. Now my next question is, do either of those plastic manufacturing operations manufacture six-pack rings? Because if they don't, we have just undercut the marketing ability of a whole new product in our paper industry by the passage of this bill.

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. We do not manufacture any plastic rings in the State of Maine, however, we do have a recycling program in the State of Maine where these plastic rings are recycled and put into other materials for good use. We had some samples of the product being manufactured by the paper industry and I think as soon as they prove themselves to be good, and they get the cost down in line with the plastic rings, I'm sure that the companies in the State of Maine will use the other. I'd like to say this, we keep hearing about these plastic rings being out on the roadside, I said to my caucus and I will say it to the public, a slob is a slob. Whether he has paper or plastic, he's going to throw it out into the woods, so what difference does it make?

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

Senator **McCORMICK:** Just in the hopes that our little discussion about jobs has done some good, I ask for a Division.

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

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-273), in concurrence.

A Division has been requested.

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

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

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, **ADOPTION** of Committee Amendment "A" (H-273), in concurrence, **PREVAILED**.

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

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

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Update and Clarify the Election Laws"

H.P. 1042 L.D. 1461

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

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

Pending - ACCEPTANCE of the Report.

(In House, June 19, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501) AS AMENDED BY HOUSE AMENDMENT "A" (H-524), thereto.)

(In Senate, June 20, 1995, Report READ.)

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-501) READ.

On motion by Senator LONGLEY of Waldo, Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501) READ.

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

Senator LONGLEY: Thank you, Mr. President, Colleagues in the Senate. This is a very simple procedure, and in the spirit of moving fast and getting things done that make perfect sense, I ask you to vote for this measure. It simply allows people, not enrolled in a party, who wish to help count ballots, to count ballots. It allows the election clerk, when she, or he, needs an extra person, to dial the number of an Independent. That's all it does. I know we are occasionally stuck in a two-party system. I believe in the two-party system, but still, in honor of those people out there who choose not to join a party, I urge you to vote for this measure. Thank you.

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

Senator FERGUSON: Thank you, Mr. President. I would urge the ladies and gentlemen of the Senate to oppose this amendment. It was discussed in Committee. We don't want to unravel this bill by offering amendments. This was discussed. It was taken out of the Committee Amendment, and I would urge the Senate to vote against this amendment. Thank you.

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

Senator LONGLEY: Thank you, Mr. President, Men and Women of the Senate. Briefly, as I understand

it, there were one or two people on the Committee who were, I guess, fearful of the threat to the two-party system, and so they couldn't go along with this, and in the spirit of harmony the rest went along with them. I realize it's a unanimous Committee report. I won't prolong and belabor the obvious, I just think it's a simple measure and if we believe in our party system, I think this is the least we can do to let people participate in the simple counting of ballots. Thank you.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would urge your consideration for this measure which allows the single largest group of voters in the State of Maine to fully participate in the electoral process. Thank you.

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

Senator LAWRENCE: Thank you, Mr. President. May I pose a question through the Chair? My understanding of current election law, regarding the counting of ballots and working at the polls, is the principle that you have one person from each party at each particular function opposite each other, so that they can watch over each other and check on what's going on. My question with this amendment, would it allow an unenrolled voter to work with say a Republican or a Democrat, and what happens when we get into the situation of the unenrolled is leaning towards the Democratic candidate or something like that, or the Republican candidate. Doesn't that create an imbalance in the counting? Or does this amendment require that three people work at the same station?

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President. It's a simple measure that allows the election clerk to consider dialing the number of someone who isn't an R or a D in a case of need. Mr. President, I request a Roll Call.

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

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

Senator MICHAUD: Thank you, Mr. President, Men and Women of the Senate. To answer the good Senator's question, yes, it would create an imbalance.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know it is a frightening thing to be confronted by an Independent. If one is working in a system where it

is customary to only have people of the two major parties, it can take some getting used to. I appreciated very much the words of the good Senator from Oxford, Senator Hanley, who, when asked the question, what is it like to have an Independent in your midst, thought for a moment and said, "Well, I'm getting used to her." I think that could be the case at the polls as well. There are thirty-four of you, and there is only one of me, and it has been surprising to me how intimidating I apparently can be. Pound for pound I am no match for you. I'm sure that likewise, Independents at the polls would not overwhelm the system. In fact, if the purpose of having electors participate in counting ballots is an overseeing mechanism, who better than someone who is not in either party to participate in that activity? I urge your support for this amendment. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President. I was all ready to join the good Senator from Waldo, Senator Longley, and the good Senator from Hancock, Senator Goldthwait, in support of this concept. However, I think the point raised doesn't have to do with any threat from Independents, what it has to do with is, as we all know, there are Independents who are Democrats by another name, and there are Independents, or unenrolleds, who are Republicans by another name. It's my concern, frankly, about the political parties that worries me. I think there could be situations where you have a Democrat watching the ballots with another person, who may be named unenrolled, but who is very, very, very sympathetic to Democrats. I think that could lead to a situation of questionable propriety. If this legislation provided that you had to have a Democrat, and you had to have a Republican, and then, in addition, you had to have an Independent, that would be wonderful. But my concern is not about Independents, I'm all for them, what my concern is is that there might be impropriety from sympathies toward one political party. That's my concern.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. My concern is not fear of unenrolled voters. My concern is, under this proposition as proposed, it would allow a municipal clerk to effectively exclude one party, and effectively have unenrolleds working with one party throughout the election, so you wouldn't have one party represented at all at the polls, or at certain functions at the polls. That's not the principle of our electoral process. The principle of our electoral process, in counting of ballots, is to have both parties balanced, to prevent any kind of implication, not the occurrence, but the implication of fraud or corruption.

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

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This particular issue was discussed fully in the Committee on Legal Affairs. They gave it serious thought. It's been

around before, when I sat on that Committee. I do believe in the two-party system, and that is why I will be voting in opposition. Also, it is with great pleasure that before the week ended I was going to be able to vote with my good friend from Penobscot, Senator Michaud.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm enjoying this debate a great deal. One reason is some of the language I hear from the good Senator from York, Senator Lawrence, who is concerned that this amendment might effectively exclude someone from that process, a whole party in fact. What about the language in the membership of the Legislative Council, and of this body, which effectively excludes anyone who is not a member of either majority party? There are a legion of examples of language referring to the two majority parties, which effectively excluded anyone else who happens to be a duly elected member of this body. I'm also interested in the description, just a bit earlier, of someone who assured us that he really likes Independents, but maybe not at the election polls. It reminds me of the age-old arguments made against any member of a minority group. I assure you that they are really good friends of mine. Some of my best friends are Independents, but I really don't want them at the polls. I urge you to support this amendment. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. I oppose this amendment, and not for personal reasons concerning any member of the Chamber, because the public's business can never be personal. It's that the Committee took this issue and considered this issue. Their report reflects this issue, and I think that has some weight. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LONGLEY** of Waldo that the Senate **ADOPT** Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501).

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: CLEVELAND, GOLDTHWAIT, HARRIMAN,
LONGLEY, McCORMICK, MILLS,
PINGREE, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, ESTY, FAIRCLOTH, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LAWRENCE, LORD, MICHAUD, O'DEA, PARADIS, PENDEXTER, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: BERUBE

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator LONGLEY of Waldo to ADOPT Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501), FAILED.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "A" (H-501).

Senator BEGLEY of Lincoln requested 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.

24 Senators having voted in the affirmative and 8 Senators having voted in the negative, Committee Amendment "A" (H-501) ADOPTED.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Under unanimous consent and under suspension of the Rules, the Senate RECONSIDERED its action whereby the Bill was TOMORROW ASSIGNED FOR SECOND READING.

The Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-501).

House Amendment "A" (H-524) to Committee Amendment "A" (H-501) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-501), as Amended by House Amendment "A" (H-524), thereto, ADOPTED, in concurrence.

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

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

An Act to Authorize Municipalities to Pay Employees Biweekly
S.P. 259 L.D. 695

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

Pending - PASSAGE TO BE ENACTED.

(In House, June 20, 1995, PASSED TO BE ENACTED.)

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 Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you, Mr. President, Members of the Senate. One of the questions that has been raised about this bill, one of the issues that I think we dealt with successfully in Committee, is the status of those municipal employees who may have bargained, or who may yet bargain for the right to be paid weekly, notwithstanding the provisions of this bill which would permit the municipalities to pay biweekly. I simply want to state that my understanding of this language, and my understanding of the discussions we had in Committee, that although the bill, if passed, would permit the municipalities to pay biweekly, that certainly their bargaining groups would be free to bargain for something less and could be paid on a weekly basis. Indeed, if there are bargaining groups that are currently being paid on a weekly basis by contract, nothing in this bill would interfere with those rights.

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

Senator BUSTIN: Thank you, Mr. President. I appreciate the sentiments of the good Senator from Somerset, Senator Mills, and concur with his assessment. I wish that all working men and women in this State were organized and had contracts, but sadly that fact is not true. I fear that when the people who get paid weekly who aren't under contracts, and who suddenly realize that their paycheck is going to be changed to a biweekly, you are going to have your phone inundated with their requests for you to change this legislation. So, rather than put yourselves through that, perhaps you ought to vote with me and vote against the pending motion.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator: BERUBE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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

HOUSE REPORT - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Deregulate the Costs and Revenues Associated with Acute Care Provided to Involuntarily Committed Patients within the Hospital Care Finance System"

H.P. 1110 L.D. 1558

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-555).**

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

Pending - **ADOPTION** of Committee Amendment "A" (H-555), in concurrence.

(In House, June 20, 1995, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555).**)

(In Senate, earlier in the day, the Report **READ** and **ACCEPTED**, in concurrence. Committee Amendment "A" (H-555) **READ.**)

Committee Amendment "A" (H-555) **ADOPTED**, in concurrence.

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

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

ENACTORS

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

An Act to Provide Limited Immunity to Former Employers Who Provide References

S.P. 264 L.D. 704 (C "A" S-218)

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

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

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

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

An Act to Establish the DNA Data Base and Data Bank Act

S.P. 480 L.D. 1304 (C "A" S-219)

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

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 Create the Workers' Compensation Residual Market Deficit Resolution and Recovery Act" (Emergency)

S.P. 594 L.D. 1578

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

Pending - **PASSAGE TO BE ENGROSSED.**

(Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED.**)

(In Senate, earlier in the day, **UNDER SUSPENSION OF THE RULES, READ TWICE**, without reference to a Committee.)

On motion by Senator **ABROMSON** of Cumberland, Senate Amendment "A" (S-305) **READ** and **ADOPTED.**

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

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

Senator **KIEFFER** of Aroostook moved to **SUSPEND THE RULES** to **EXTEND** for 10 minutes beyond 9 o'clock.

THE PRESIDENT: Pursuant to Joint Rule 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9 o'clock p.m.

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.

22 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 22 being more than two-thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 9 o'clock p.m.

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

Senator **RAND:** Thank you, Mr. President, Men and Women of the Senate. The bill that more than likely is going to be passed in this body tonight is one that deals with the fresh start provision of workers' compensation that was created by the Legislature in 1987. It was a bad move then and it is a bad move now, what is being proposed in this bill. It's actually a bad bill solely for employers of this State. The brunt of this falls on the small employers of the State. I have it on good authority that this particular measure was discussed at length in the Republican Caucus, I know it was not discussed at length in the Democratic Caucus. I would like to pose a question through the Chair to anyone who may care to answer. What is the real emergency to pass this legislation now? There is a pending court case, and it seems to me to be a reasonable request to wait at least to see what the court decides. We will have a number and an amount that the courts have decided that the insurers are responsible for, as far as the deficit in the pool. If we then had that amount, I believe we would be in a better bargaining position with the insurers who are, once again, holding us hostage. This time with the threat of protracted litigation. If we could just wait for a final solution to the present case, I think it would be very good. It would put the employers of the State in a far better bargaining position. My question is, why do we have to do this now? Why can we not wait until January?

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

Senator **MCCORMICK:** Thank you, Mr. President. Well, everything that the good Senator from Cumberland, Senator Rand, says is true. We could have waited until after the Law Court ruled on the many, many litigations that are wending their way up from Superior Court to the law court on this very issue. Were I to be the philosopher queen of Maine, I would have waited. However, I'm not. Many felt, although you and I might agree that it was more prudent to wait, there was an equally weighted argument on the other side which says that now that we have the insurers with a sort of Damocles hanging over their head, with the threat of losing a lawsuit that brought them to a table in good faith, bargaining like never before, and, in fact, that is exactly what happened. So, what you have before you is a bill that for the first time since 1988 gets \$65 million of insurance company money into the residual market pool. There has not been one cent, until this negotiated settlement, and until we pass this bill

and put into statute this negotiated settlement, there will be no insurance money in the pool. Has that hurt employers? Absolutely, it has, because the cash flow problems of the pool have been shouldered entirely by employers. Absolutely, I agree with the Senator from Cumberland, I believe in my heart that we were going to win the Law Court case. However, knowing the litigious nature of the insurers, and not just the nature, the litigious history of the insurers in this case, employers were looking at from two to four years of more litigation, with every year our surcharge increasing. I would remind you it is now at 9.5%, increasing into double digits to 11% to 12%, while still no insurer money and assessments came into the pool. That was what brought employers to the table, and I have to tell you that the four-by-four group, which was made up of four representatives in the insurance industry, and four representatives of the employers, were equally invested in this decision. Today, as we put the final touches on sidebars and agreements between the major carriers, and bringing in the minor carriers, and putting out fires here and dealing with my concerns, which are quite similar to the Senator from Cumberland's concerns, we continually had employers saying we need this deal, this is what is good for employers at this point in time. If you think about it, the minute we pass this bill, not the minute, a few months after we pass this bill, our workers' comp fresh start surcharge will drop from about 22% or 23% to about 11%. I'm counting MEMIC's recently proposed dropping of their capitalization from 15% to 5%. So, this is a significant, if not perfect, step forward for employers. I know it is a significant deal for the insurers, and that's what deals are. They are not perfect. We have a very workable, yet imperfect deal, before us. I hope that you will all vote for it.

On motion by THE PRESIDENT, ADJOURNED until Thursday, June 22, 1995, at 11 o'clock in the morning.