

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

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

In Senate Chamber

Thursday

February 1, 1996

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

Prayer by the Honorable David L. Carpenter of York.

SENATOR CARPENTER: Good morning. Let us pray. Father in heaven, give the members of this assembly the grace to meet the challenges of their State and life, separation from loved ones, travelling, being constantly bombarded by others, trying to stay a page ahead in discussing issues. Help others to be reasonable in their demands of their time and energy. Make others expect no more of them than they, themselves, could produce. Give the members sensitivity to the voice of others, but let them not take disagreement as an attack. Help them to have concern for the people who are their constituents. Amen.

Reading of the Journal of Tuesday, January 30, 1996.

Out of order and under suspension of the Rules, on motion by Senator LAWRENCE of York, the following Joint Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 6, 1996, at 10:00 o'clock in the morning.

S.P. 684

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

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

Off Record Remarks

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Protect Sources of Drinking Water in the Towns of Searsport, Stockton Springs and Prospect"

H.P. 1218 L.D. 1668

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

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

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

Joint Resolution

The following Joint Resolution:

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS
OF THE UNITED STATES TO ENACT
AMENDMENTS TO THE EMPLOYEE RETIREMENT
AND INCOME SECURITY ACT**

WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session,

most respectfully present and petition the members of the Congress of the United States, as follows:

WHEREAS, the cost of health insurance is unaffordable for many and approximately 145,000 Maine citizens are without health insurance coverage; and

WHEREAS, nearly 80 percent of those uninsured citizens are full-time employees whose tax money helps to pay for Medicaid coverage for those even less able to afford insurance; and

WHEREAS, many uninsured persons delay medical care and are more likely to experience avoidable hospitalizations and suffer early deaths; and

WHEREAS, the Employee Retirement Income Security Act of 1974 denies this Legislature authority to provide health insurance coverage for all of its citizens; and

WHEREAS, because of the competitive disadvantage resulting from increased taxes, Maine, implementing universal health insurance on its own, would suffer a decrease in its Gross State Product, employment and per capita income; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully urge and request that the United States Congress enact legislation to establish national universal health insurance coverage for all citizens of the United States; and be it further

RESOLVED: That, We, your Memorialists, respectfully urge and request that the United States Congress amend the Employee Retirement Income Security Act of 1974 to establish standard, minimum health insurance benefits, to require more rigorous consumer protections, to allow states to require self-insured companies to participate in health data collection efforts, and to allow states to tax self-insured health plans to the same extent other insurers are taxed; 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, 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.

H.P. 1260

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

Which was **READ**.

Senator **HANLEY** of Oxford moved the **INDEFINITE POSTPONEMENT** of the Joint Resolution, in **NON-CONCURRENCE**.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending the motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE**.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on

Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1034 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Future Budget Fund

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dana C. Hanley
Senate Chair

S/Rep. George J. Kerr
House Chair
S.C. 433

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 183 An Act to Clarify Fresh Start Charges under the Workers' Compensation Laws

L.D. 752 An Act to Include Obstetricians and Gynecologists as Primary Care Providers

L.D. 841 An Act to Amend the Approval Requirements for Medicare Supplement Insurance Policies

L.D. 1079 An Act to Improve Coverage for Women's Health Services

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

Sincerely,

S/Sen. I. Joel Abromson
Senate Chair

S/Rep. Marc J. Vigue
House Chair
S.C. 434

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

The Following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1030 An Act to Provide Services to Adjudicated Young Women

L.D. 1235 An Act to Transfer Juvenile Correctional Functions to the Department of Human Services

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

Sincerely,

S/Sen. John W. Benoit
Senate Chair

S/Rep. Herbert E. Clark
House Chair
S.C. 435

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 830 An Act to Establish Charter Schools

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Mary E. Small
Senate Chair

S/Rep. Wendy L. Ault
House Chair
S.C. 436

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 384 Resolve, to Install Fish Screens in the West Grand Lake Dam

L.D. 1393 Resolve, to Standardize Certain Ice Fishing and Open Water Fishing Rules

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

Sincerely,

S/Sen. Stephen E. Hall
Senate Chair

S/Rep. Ernest C. Greenlaw
House Chair
S.C. 437

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1626 An Act to Allow Recovery by the State of Costs Incurred by the Department of the Attorney General for Making Intelligence and Investigative Information Available to the Public

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair
S.C. 438

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1210 An Act to Protect Near-shore Groundfish Spawning Areas
L.D. 1647 An Act to Increase the Number of Lobster Traps Allowed on Trawls in Hancock County

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

Sincerely,

S/Sen. Jeffrey H. Butland S/Rep. Theone F. Look
Senate Chair House Chair
S.C. 439

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1014 Resolve, Directing the Commissioner of Environmental Protection to Propose a Plan to Reorganize the Department of Environmental Protection

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord S/Rep. Edward L. Dexter
Senate Chair House Chair
S.C. 440

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

The Following Communication:

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

January 30, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1566 An Act to Reform the Kennebec County Budget Process

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
S.C. 441

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

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 30, 1996

The Honorable Jeffrey H. Butland
President, Maine State Senate
#3 State House Station
Augusta, Maine 04333
The Honorable Dan A. Gwadosky
Speaker, Maine House of Representatives
#2 State House Station
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to notify the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task Force relative

to the Department of Public Safety, excepting those recommendations requiring legislative approval. In this session, I will be introducing legislation necessary to implement these recommendations.

Implementation of this plan will result in a net reduction of 20 positions over this biennium and a corresponding net savings in all funds of \$919,956 over the same period.

In general, this proposal consolidates and centralizes support and administrative functions, enhances the application of technology to operations, reduces overtime costs, and more effectively utilizes sworn law enforcement personnel to perform tasks that require specific law enforcement skills.

Commissioner Skolfield is available to provide additional information requested or respond to any questions you may have. In addition, it is my understanding that Commissioner Skolfield has already briefed the Joint Standing Committees on Criminal Justice and Transportation on the details of the plan.

As in the past, I look forward to working with the Task Force and the Legislature in our continuing efforts to improve efficiency and productivity in Maine state government.

Sincerely,
S/Angus S. King, Jr.
Governor
S.C. 442

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

January 31, 1996

The Honorable Jeffrey H. Butland
President, Maine State Senate
#3 State House Station
Augusta, Maine 04333
The Honorable Dan A. Gwadosky
Speaker, Maine House of Representatives
#2 State House Station
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to notify the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task Force relating to the Department of Education, excepting those that require legislative approval.

The recommendations I am accepting today include 14 position exchanges, 5 reclassifications, the elimination of 35 general fund positions and 16.5 federal fund budget positions for a savings over the biennium of \$906,368. The Department's plan includes reducing 13 divisions to four teams with self-directed subteams.

The Department of Education has met its goal of making the Department more efficient and productive while implementing quality assurance measures to improve responsiveness and service to both their internal and external customers.

The enclosed letter from Commissioner Mowatt provides detailed information about the Productivity Realization Task Force recommendations for the Department of Education. Commissioner Mowatt and his staff are available to provide additional information or to respond to questions.

Sincerely,
S/Angus S. King, Jr.
Governor
S.C. 443

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

The Following Communication:

MAINE TURNPIKE AUTHORITY
430 RIVERSIDE STREET
PORTLAND, MAINE 04103

January 31, 1996

Hon. Jeffrey Butland
Senate President
State House Station #3
Augusta, ME 04333
Dear Sen. Butland:

It is with a measure of pride that I submit for your review the attached Progress Report on the Analysis of Alternatives to Address Traffic Capacity Demands on the Maine Turnpike.

Since the enactment of the Maine Sensible Transportation Policy Act, the Maine Turnpike Authority has been called upon to perform many additional responsibilities with respect to the implementation and analysis of alternative transportation strategies. I am confident that this report, though preliminary, will demonstrate that the Authority, assisted by an outstanding team of planners, researchers, advocates and concerned citizens, has risen to the task at hand. Furthermore, I believe our continued commitment to explore new and innovative transportation strategies will provide significant future benefits to the people of Maine.

If you have questions or comments about this material, please contact me at your convenience. I look forward to working closely with you to improve Maine's transportation system.

Best wishes for a successful legislative session,

Sincerely,
S/Paul E. Violette
Executive Director
S.C. 444

Which was READ and, with Accompanying Reports,
referred to the Committee on **TRANSPORTATION.**

SENATE PAPERS

Bill "An Act to Authorize the Maine Photographic Workshops to Grant Degrees"

S.P. 682 L.D. 1747

Presented by Senator PINGREE of Knox
Cosponsored by Representative: GATES of Rockport
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Make Pension Payments Exempt from State Taxes"

S.P. 683 L.D. 1748

Presented by Senator LAWRENCE of York
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.
Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**.
Sent down for concurrence.

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

Joint Orders

An Expression of Legislative Sentiment recognizing:
Elvira S. Ridlon, of Portland, on the occasion of her retirement after 23 years of service to the County of Cumberland, 16 of those years as County Clerk. Mrs. Ridlon served with integrity and devotion and always in the best interest of Cumberland County. We extend our thanks for her dedicated service and wish her our best on her retirement;

SLS 210

Presented by Senator **BUTLAND** of Cumberland
Cosponsored by: Senator **AMERO** of Cumberland,
Senator **RAND** of Cumberland, Representative
BRENNAN of Portland, Representative **LABRECQUE** of
Gorham, Representative **ROWE** of Portland
Which was **READ** and **PASSED**.

On motion by Senator **LAWRENCE** of York, the Senate **RECONSIDERED** its action whereby this Joint Order was **PASSED**.

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

COMMITTEE REPORTS

House

Ought to Pass as Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Promote Parity Between State and Federally Chartered Credit Unions"

H.P. 1184 L.D. 1622

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-683).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-683).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-683) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns"

S.P. 632 L.D. 1640

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Update and Clarify the Corporate Laws"

S.P. 619 L.D. 1624

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-417).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-417) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Concerning Preference to Maine Workers and Contractors"

S.P. 341 L.D. 946

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-418).

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (S-419).

Signed:

Representatives:

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

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-418) Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-418) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LABOR** on Resolve, to Create an Advisory Committee to Assist in the Funding of State Employee Workers' Compensation Claims

S.P. 379 L.D. 1056

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

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
JOY of Crystal
JOYCE of Biddeford
LEMAIRE of Lewiston

SAMSON of Jay
STEDMAN of Hartland
TUTTLE, JR. of Sanford
WINSOR of Norway

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

Signed:

Representative:

PENDLETON, JR. of Scarborough

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-420) **READ and ADOPTED.**

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

SECOND READERS

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

House

Bill "An Act to Amend the Overtime Laws as They Pertain to Bonuses" (Emergency)

H.P. 1174 L.D. 1606

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

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

COMMITTEE REPORT

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish Educational Services for Grades 7 to 12 in the Towns of Mechanic Falls, Minot and Poland" (Emergency)

H.P. 1243 L.D. 1705

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-686).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-686) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

PAPER FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION HONORING THE SISTERS OF THE BLESSED SACRAMENT CONVENT IN WATERVILLE

WHEREAS, the Legislature has learned of the vicious and brutal attack on the sisters of the Blessed Sacrament in Waterville; and

WHEREAS, that attack has taken the lives of Sister Superior Edna Mary Cardozo and Sister Marie Julien Fortin and has left Sister Mary Anna DiGiacomo in serious condition and caused injuries to Sister Patricia Keane; and

WHEREAS, the order of the Blessed Sacrament sisters have for almost a half century provided comfort, solace, support and prayers for the sick, the elderly, the less privileged and anyone else in need; and

WHEREAS, their kindness, grace, mercy and thoughtful consideration will be sorely missed by all citizens, crossing boundaries of all faiths and all communities; now, therefore, be it

RESOLVED: That our membership join others from across the state and nation in extending our heartfelt sympathy and condolences to the families, friends and sisters of the Blessed Sacrament in their time of grief; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the sisters of the Blessed Sacrament convent as an expression of our esteem.

H.P. 1274

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

Which was **READ.**

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I note the absence of the good Senator from the Waterville area, who would normally be standing up and speaking on this particular resolution. So, because I represent part of Winslow, I thought that I would try to fill that gap. I don't think there is anything that anybody can say, except the utmost sympathy and empathy for the Sisters who have died and the Sisters who were attacked, and the community in which it happened. I hope that as we go through this, and because of the controversy over the closing of the State mental health institution, that we would remember that this is an incident that happened, that could have happened whether the person was mentally ill or was not. We should not connect that in such a way as to make an argument for or against the closing of the State mental health institution. Thank you.

Which was **ADOPTED**, in concurrence.

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

COMMUNICATION

The Following Communication:

STATE OF MAINE

OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0001

January 31, 1996

Senator Jane A. Amero

Representative Beverly C. Daggett

Chairpersons

Joint Standing Committee on State and Local Government

117th Maine Legislature

Augusta, Maine 04333

Dear Senator Amero and Representative Daggett:

Enclosed please find, "Report to the 117th Legislature Joint Standing Committee on State and

Local Government - 1995 Rule and Review and Electronic Conversion," dated January 31, 1996. This report is respectfully submitted pursuant to P.L. 1995, chapter 463, section 3.

Sincerely,
S/Angus S. King, Jr.
Governor
S.C. 445

Which was READ and, with Accompanying Report, referred to the Committee on STATE AND LOCAL GOVERNMENT.

Senate at Ease
Senate called to order by the President.

ORDERS OF THE DAY

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

JOINT RESOLUTION - relative to recognizing Elvira S. Ridlon, of Portland, on the occasion of her retirement.

SLS 210

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

Pending - **PASSAGE.**

(In Senate, earlier in the day, **READ** and **PASSED.** Subsequently **RECONSIDERED.**)

Which was **PASSED.**

Sent down for concurrence.

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

JOINT RESOLUTION - relative to Memorializing the Congress of the United States to Enact Amendments to the Employee Retirement and Income Security Act.

H.P. 1260

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

Pending - the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE.**

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

(In House, January 30, 1996, **READ** and **ADOPTED.**)

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. The reason why I moved to Indefinitely Postpone this legislation, I have been contacted by businesses who are concerned, as far as what message this sends to Congress and if this is a message that this Legislature wants to be sending, especially based on Governor King's State of the State address, where we intend to make Maine a place where businesses will be attracted to locate here, to expand here. If you also remember the Chief Executive Officer of this State noted how much progress we have made in the area of workers' comp, as far as the improvements we have made. A lot of that can be found in that these companies are self-insuring. We have given them an opportunity to take their own destiny in their own hands. The Joint Resolution before us would do a number of things. It would force a lot of these businesses, which have determined to go self-insured, and to save resources and still be able to provide health care coverage for their employees. We have basically put that all at risk. That's not a chance that I want to take.

Also, I guess I am not persuaded that a universal health care is the way for us to go. As you know, in the Joint Resolution, it clearly states that that's the way that we should be going. I think there are a lot of concerns contained in this Joint Resolution. That is one that I don't want to enter into hastily. For that reason, with everything else that is going on, with the various commissions studying this, both at the State level and the national level, I feel that this is not the appropriate action for us to take at this time. We should be doing everything to encourage business growth, business expansion here in our State.

Senator LAWRENCE of York moved to Table 1 Legislative Day, pending the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE.**

Senator HANLEY of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE.**

A Division has been requested.

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

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

10 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator LAWRENCE of York to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE, FAILED.**

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

Senator McCORMICK: Thank you, Mr. President, Men and Women of the Senate. For all of us who have been involved in the health reform issue for a long time, you will recognize that this is an absolutely bottom-line issue. ERISA is a barrier in terms of states moving ahead, where the federal government has failed to do so, in lowering the cost of health care. There is a group that I have been participating in, funded by the Mill Bank Fund, called the Reforming States Group. It started out with ten states that could not wait. You all have read a booklet from the Mill Bank Fund about what the states have done to reform their health care systems and bring health care costs under control. There are now twenty-five states in that group; and our group, the Reforming States Group, has been trying to work with large companies who have multi-state employee work forces and deal with the issues involved in ERISA, and individual states needing to try to control their out-of-control medical costs. I applaud the Health Care Reform Commission for landing four-square on this issue. It's a very important issue in terms of controlling costs.

It has nothing to do with workers' comp. If you read the Resolve before you, it asks that there be an ERISA exemption, so that states can set a minimum insurance benefit package, and that states can ask large employers who are now exempted from insurance regulation by states to contribute to a health insurance system that any state might propose in order to get health care costs down. There is one thing that a growing number of people have figured out and now agree on, and that is the only way we are going to get control of health care costs is to cover

everyone. It is not just a good idea. It is not just the right thing to do. It is not just a moral thing to do. It is the only thing that is going to work. In order to do that, we have to have ERISA reformed. I hope you will join with me in voting against the pending motion, which is to Indefinitely Postpone this resolution. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President, Men and Women of the Senate. It's interesting that I read in the paper today that Congress is considering a bill that would allow health insurance coverage for police officers who suffered an injury in the line of duty, so that they could no longer work at all. What they found happened, and it was a particular case, a bombing or something, and two officers got hurt so badly that they will never return to work, that they felt that this was so horrendous that their families and themselves could not be covered for health insurance, that the Congress is considering a bill that would cover them for their health insurance for the rest of their lives. That's the issue here. This is a Resolution to remind Congress that, again, we have a problem. I would remind you that it is not only police officers that get injured so that they can no longer work their entire lives in the line of duty. You have public works employees, you have bus drivers, you have truck drivers, you have an awful lot. Construction work is one of the major ones. You have an awful lot of people who get injured on the job, doing their job, trying to bring their paycheck home to feed their families and house their families and clothe their families, who, when they get injured and when they cannot return to work, they cannot cover their families for health insurance. That's the issue and that is what you are voting against when you are voting against this resolution.

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

Senator **PINGREE:** Thank you, Mr. President. I have to disagree with the good Senator from Oxford, Senator Hanley, about the question of whether or not this is good for business in the State of Maine. I think that this proposal is before us because health care, and the cost of health care, are the number one concerns of businesses in the State of Maine. Our competitive position is why we are looking for some assistance from the federal government. We have studied this. We have had a commission come before us and tell what to do, and they said ask the federal government to help you out here because Maine cannot stand alone on this issue. We need assistance from the federal government so that we do not hurt our competitive position. Business people say over and over this is their biggest concern. When the National Federation of Independent Businesses, not necessarily a sort of liberal, often left field, think tank or anything else, a very reputable organization that represents 7,000 small businesses in the State of Maine, when they surveyed their members this year, 65% of them, two times as many as any other issue, said this is their biggest concern, the cost of health care. Two times as many members of NFIB said that was their biggest concern. The second was federal regulation and the cost of doing business. Two times as many said that was their biggest concern. Right now the cost of health care insurance in the State of Maine is equal to the profits made by businesses in the State of Maine.

This is a tremendous concern for businesses in the State of Maine. This is not a small matter. It's not a small matter to Americans. When Americans were polled about their four biggest concerns, it was time; it was making ends meet; it was an unsecure retirement future; and it was, number one, a health care crisis that would bankrupt their families. This is a money issue. This is an issue where Maine has to take a stand and ask the federal government to help us out. So, I hope you will join me in voting against the pending motion. When the votes are taken, Mr. President, I ask for the Yeas and Nays.

Senator **PINGREE** of Knox requested a Roll Call.

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

Senator **HARRIMAN:** Thank you, Mr. President. Good morning, Ladies and Gentlemen of the Senate. On the surface it would appear that it would be fairly easy to oppose the pending motion. When you look more closely at it, what comes to my mind is that we are trying to send a message to Congress that really doesn't address the full problem; because, quite frankly, Ladies and Gentlemen of the Senate, government is the problem with our health care system today. What I hear time and time again from my constituents, and, quite frankly, as someone who pays for my own health insurance, the things that I see driving my costs are two things. One is mandates. One after the other over the last several sessions of this Legislature, and others before us, we have passed mandates onto the health insurance providers of this State. A good example is in the last session. We passed a bill that required mental health parity. A laudable goal for our citizens with mental illness. But, what we did was we passed a mandate on to private industry; and it had a fiscal note, as you may recall, to the State of Maine. I think it was \$650,000 that was going to apply to our State Employees' Health Insurance Program. Rather than be honest and acknowledge that it was going to create an increase in costs, through various political maneuvering, the State Employees' Health Insurance Program was told to eat the fiscal note. Pretend it doesn't exist. Erase it. So, do you know what we did? We passed on yet another mandate that increased health insurance costs in the State of Maine. We told ourselves, here in state government, that we were just going to pretend that the departments could absorb it. I might point out that in this session, we are asked to approve a budget expenditure in the supplemental budget for \$1.7 million in increases in State employees' health insurance costs.

The second thing that comes to my mind is the cost shifting that goes on. For the government-run health programs that are in existence today, namely Medicaid and Medicare, those programs, run by the government, do not pay their fair share of costs. What happens when someone goes in for, let's say, an appendectomy, and the costs they incur, to pick a figure, is \$1,000. Our government says, "Sorry hospital, doctor, provider of care, we are only going to pay \$500." Do you know what happens? The other \$500 gets shifted to people like me who pay our own way for health insurance. That is what is going on here. What I think people have discovered, finally, is that between federal programs, Medicaid and Medicare, and the exemption that occurs for people who are covered under ERISA, is that it is people just like me, who own small businesses in this State,

who do provide health insurance for my employees and their families. We are the ones who bear the brunt of the government intruding into this system. To me the Resolution before us doesn't address those acts. Not in any way does it say to the government, "Live up to your own responsibilities and cover the costs that you incur for the benefits that you provide our needy citizens." This isn't the solution to our problem. I hope you will join me in supporting the pending motion.

On motion by Senator PINGREE of Knox, supported by a Division of at least 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 HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, 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: ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HANLEY, HARRIMAN, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BERUBE, BUSTIN, FAIRCLOTH, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senators: CAREY, CIANCHETTE, CLEVELAND, ESTY, HALL, HATHAWAY, KIEFFER, O'DEA

16 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 8 Senators being absent, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching"

H.P. 1272 L.D. 1750

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

Comes from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

Bill "An Act Regarding Municipal Penalties for Late Filing under the Maine Tree Growth Tax Law"

H.P. 1271 L.D. 1749

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

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

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

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 Mandate

An Act to Establish Educational Services for Grades 7 to 12 in the Towns of Mechanic Falls, Minot and Poland

H.P. 1243 L.D. 1705
(C "A" H-686)

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. I rise only to let you know that normally this item would be placed on the Special Appropriations Table. Based on the unanimous vote out of the Education Committee, as well as the vote out of the Appropriations Committee, this has been exempted from the Special Appropriations Table.

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

Senator BEGLEY: Thank you, Mr. President. I will have to simply rise to point out that I will vote against this measure. Having sat on the Appropriations Committee and listened, it opens up a bond issue of materials that I don't believe, even in an emergency of this kind, is a wise move.

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

Senator SMALL: Thank you, Mr. President, Men and Women of the Senate. So that you don't think that we are passing something that we are trying to slip by the Senate and the House, I just wanted to really briefly explain what this bill does. I'm sorry Senator Cleveland isn't here, because he was one of the major supporters of it in the Senate. This bill is a long-awaited compromise that was brought forth by the towns of Minot, Poland and Mechanic Falls. A few years ago Auburn, because they were having such a growth of students in their school, told these three communities that they would no longer, at a future date, and they named that date, time certain, accept any more tuition students from these three schools. They were then faced with the problem of where to educate their children. There were not enough neighboring schools willing to accept tuition students to take care of all of the children that needed to be educated. So, they came forth last session with a proposal to create a CSD. We passed out legislation at that time. It went back for a vote and it was rejected by the voters because of some concerns about who would pay and the amount of the authority they would have, and just the usual things you find when you try to consolidate school districts. We sent them back with the mission to come back with another proposal for us and gave them some parameters. The fortunate part was there was some dollars available for construction; because of a school proposal that had been turned down, so we were able to put them to the top of the list without moving anyone who was already on the reserved list. They came back with a proposal to build a school in Poland. It would be Poland's school and there would be a twenty year tuitioning contract so that Minot and Mechanic Falls would be able to tuition their students, guaranteed, for twenty years. This was all fine and within regular parameters, but one of the problems that was created was they were all coming

from a school that was not within the district that they were forming. So there were no left-over supplies that they could bring to this new school. There were no desks, no textbooks, no computers, absolutely nothing that would be in this brand new school that was created. So we were trying to find a way to up-front them some cost of providing these materials. Originally we would have liked to have seen the money come directly as a subsidy, but the Department of Education said they just didn't have the funds for that. So, we came up with an approach to allow them to bond the money, the \$600,000 start-up cost, allow them to bond the money. Originally it was going to be added on to their construction bond cost. The Appropriations Committee, and I think rightly so, objected because this would have put them over the circuit breaker and essentially that whole \$600,000 would have been picked up at State costs. What we then came back with a proposal for was a \$600,000 five-year bond. They would pay their local share, which is 40%; and the State would pay their share, which is 60%. This seemed to be a more agreeable compromise. It allowed them to get the start-up monies they needed without putting a huge increase on their local property tax in the first year that it was granted.

I understand the concern that we are setting a precedent on this. We have had bills in before to allow us to bond operational costs, textbooks and computers and library books; and we have always defeated that because that is not our intent. We felt this was an extraordinary situation in that these were three communities starting a brand new school. There was nothing to bring with them for this. Everyone we spoke with said this is a unique situation in Maine and one that is not even on the horizon in the future. Should it come up again, it would have the same scrutiny that this one had. In no way, at least in our Committee, is it precedent setting that we are going to, in future instances, bond operating costs. This was not traditional operating costs. These were brand new start-up costs. This was a unanimous report of the Committee. We worked very hard with the communities, as did the Department and the sponsors. It has been a long effort to try to solve the situation for these students who, frankly, have no other alternative but this school at this time. I hope you will support the final enactment of this bill. Thank you.

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

Senator **BEGLEY:** Thank you, Mr. President. In regards to the school, there is no doubt in anybody's mind that that is a good way for those three towns to go at it. I would vote in favor of that. The idea of bonding textbooks and so forth, again, goes against my opinion of bonds. The school will not be built or ready, at the very least, for one year, undoubtedly two, which allows those towns to go through other possibilities of borrowing money through FAME, or whatever other agency. They have two years in which to do it and do it in a basis outside of bonding. I just happen to disagree with that section of the bill and that is why I will vote against it.

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

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BENOIT, BERUBE, BUSTIN, CARPENTER, CASSIDY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HANLEY, LAWRENCE, LONGLEY, LORD, MCCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BEGLEY, HARRIMAN**

ABSENT: Senators: **CAREY, CIANCHETTE, CLEVELAND, ESTY, HALL, HATHAWAY, KIEFFER, O'DEA**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with 2 Senators having voted in the negative, and with 8 Senators being absent, 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.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **LAWRENCE** of York, **ADJOURNED** until Tuesday, February 6, 1996, at 10:00 o'clock in the morning.