

# MAINE STATE LEGISLATURE

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



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

# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**

March 14, 1996 to April 3, 1996

**SECOND CONFIRMATION SESSION**

August 1, 1996

**SECOND SPECIAL SESSION**

**House of Representatives**

September 5, 1996 to September 7, 1996

**Senate**

September 5, 1996 to September 7, 1996

**Index to 117<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Tuesday  
March 26, 1996

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

Prayer by the Honorable Willis A. Lord of York.

**SENATOR WILLIS A. LORD:** Good morning one and all. In the twelve years I have been in the Legislature, this is my first attempt at doing something like this, and you might say I am a little hesitant. I'm hesitant because of the fact that my Grandfather Lord had three professions. He was a farmer, and they tell me he was a mediocre farmer. He was a teacher, and they tell me he was real tough on discipline but was a good teacher. He was a lay minister. My father tells me this story. It seems so a person died in another section of town; and the minister who usually performs the burial services was out of town, so the delegation came up to see Elder John and asked him if he would perform the service. Elder John said, "Well, I didn't know the fellow very well, and I don't know what kind of a job I could do." One of the fellows said, "If we expected very much, we wouldn't have asked you, Elder." That's what kind of made me hesitate. I don't think he was quite as timid as I am. Shall we bow our heads in prayer?

Dear Heavenly Father, we thank Thee for this day. We thank Thee for the spring as things from the earth begin to grow, the flowers, the trees blossom, and other things come to life once more. We ask You to be with us as we grieve the death of one of our great statesmen of this State, Senator Muskie. We ask that You be with his family in this hour of need. We ask that You be with us in our deliberations as we wind down the Second Session of the 117th Legislature. May the actions we take be for the best interest of not only us and our children, but all the generations coming behind us in this great State that we all love. Later on in life, as one by one we leave this earth for a better place, not made with hands, eternal in the heavens, may we hear these words, "A job well done, both good and faithful servant." We ask these things in Jesus' name. Amen.

A moment of silence in honor of the Honorable Edmund S. Muskie was observed.

**THE PRESIDENT** was granted unanimous consent to address the Senate on the Record.

**THE PRESIDENT:** I think we were all shocked to hear the news of the passing of Ed Muskie this morning. I would encourage members of the body, in the remaining days of this session, when it is appropriate, to share with the other members your favorite Ed Muskie story. He was eighty-one years old and I can remember, a little less than two years ago, when he came before a Joint Caucus of the House and Senate to give an address on his eightieth birthday. I was amazed to watch this man stand up there for almost an hour, refer to no notes, and to

give just an outstanding address. Right up until the very end his mind was very, very sharp. He spoke about his career in political service, and some of the people whom he had served with. He was very respectful of the men and women whom he had served with, and was obviously very honored to have served the people of the State of Maine. He got very passionate towards the end of the speech, when he started talking about term limits. I have a copy of his remarks that day, which I will make available to each and every one of you this afternoon. I want to spend a moment this morning and re-read what he had to say.

He said, he's talking about his first election to the Legislature in 1946, "One thing that I remember about that so vividly is that, as people were attracted to our candidacy, they would applaud. Not all of them, of course. Over and over again they would say, 'Well, it's about time some of those old pols in the Legislature got home.' So, we ran into no bitterness from anybody in that campaign; and we won, rather easily, as it turned out. Within a week after we won I heard someone refer to me as 'one of those gosh darn politicians,' but there was still no bitterness, there was still no hostility. But, today the level of political discourse and opposition is so bitter, and at times so nasty. Of course, you've got this term limit idea that is floating around the country. People somehow think if you throw them all out at once, the next bunch that comes in might be better. That's the whole idea of the term limit proposition. The Constitution of the United States created the best darn term limits idea in the world's history. Each one of us have a vote, and can vote for or against the candidates on our ballot. We don't need a committee to tell us how to do it, although there are still committees around who would like to tell us how to do it. It is an individual prerogative, this system that is written in the Constitution. Here in Maine, of course, we did one better. We made it retroactive six years, which is an incredible dismissal of the judgement of the voters who voted two years ago, who voted four years ago, who voted six years ago. Why should any one of you have the right to second guess the voters? They might have been right."

After he spoke to the combined convention, he then went out to the rotunda; and he sat, for about an hour and a half, with his lovely wife, Jane; and he greeted people and had his picture taken. For me it was a very, very memorable day. I had an opportunity to have my picture taken with Governor, Senator, Secretary of State Muskie. He graduated from Bates College back in 1934. I graduated from Bates College in 1973, so it was poignant moment for me. Once again, I will make a copy of this available to everyone. You really should sit down and read it, especially everybody who is running for office in 1996. He was a man of principle and a man of wisdom. It's just a treasure that he has shared that wisdom with us. I would ask that you share your stories about Edmund Muskie with your colleagues over the next two or three days.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Thank you for the invitation to talk about my favorite, very favorite,

politician, Ed Muskie. As you know, I worked for him as a field representative for four years out of the Waterville office. Paul Carrier, the reporter here, came to me yesterday and said, "Can you think of any stories about Ed Muskie that we could report in the paper?" I gave him some of them. Some of them I wouldn't ever tell you. Some of them I will. But, I really want to say this about Ed Muskie first, and it just came back to me again, as I sat at the Governor's breakfast table this morning, and that is that he was a grassroots man. We used to call him "the Man from Maine". I will tell you this story. When I first came to work for him in 1974, he was running against Bob Monks. We went to Keyes Fiber, to go around and shake hands, as you do. Previous to that there was a, and Spike Carey happened to be Mayor, Spike will remember this story. There was a house that was falling into the Kennebec River. Nobody could help this person, so this person came to Muskie's office in Waterville, to me; and with the help of Spike Carey, we were able to relocate that person and be able to have them have housing. Unbeknownst to me, I did not know that this person worked for Keyes Fiber. So, all through the whole visiting, everybody was saying "Thank you, for helping me, Senator," and he would very graciously turn and say, "Well, I'm sure it was my staff, Beverly, who did that," which I thought was a very, very gracious thing for a person in that kind of a position to do. We got outside and one of his oldtime buddies said to him, "You know Senator, I hear Bob Monks is making a lot of inroads into your territory here." The Senator said, "Well, thank you," and went on. He turned to me, as we were going down the steps, as he frequently did after he finished things, and said, "Did you hear what he had to say?" And I said, "Yes, Senator," and you will recognize this as purely Beverly, "I have wanted to have five minutes of your time to tell you what I think of this campaign." So, he put his foot up on the railing, and he said, "Well, then go ahead." I said, "Senator, the people of Maine do not think you are the 'Man from Maine' anymore." He said, "What do you mean by that?" You know his temper. I didn't think he ever had a temper. I grew up with a father who had a very bad temper and I didn't think Ed Muskie had a temper. I said, "Well, you don't shake their hand and look them directly in the eye, like you used to. We used to really appreciate that." He said, "What do you want me to do?" I said, "Well, there are a number of things you could do. One, you could start doing coffees and going around the neighborhoods and talking to people at their doorsteps." And he said, "Well I have just gone and shook four hundred hands here. What do you want me to do, take my time to go door-to-door, or do you want me to shake hands here?" I said, "Senator, you called this ball game, now play it." Well, he didn't say anything; but the next guy, who drove him to the next stop, when he got back, it happened to be Dick McMann, who was the person who drove him all over Maine when he first got elected to Governor, Dick came bounding up to my office and he said, "Beverly, don't you ever do that to me again!" But, do you know what? Ed Muskie did get elected, and I did see a change in him. I don't think I was the only one that was saying to Ed Muskie, "Get real here again." But I think I was one of them.

What I really want to tell you is Ed Muskie was a real, real person. We have so many young children in

this Chamber right now, that I want them to really listen. If, and when, you get into politics, when you become adults, when you get into leadership positions, think about where you come from, what you learned as children, what you learned growing up, and what you knew people needed then. Don't let the leadership positions, or the positions of power, or your own personal gains overshadow what you really know in your own hearts. Ed Muskie never did. He never did.

One other story that I will tell you, so that we don't prolong this too long, was that I happened to be at their house. I have forgotten what the event was, but Jane and Ed were talking to each other and I was around there because I guess I was staffing them at that particular moment in time. She had just paid their quarterly taxes, and she was complaining to Ed. "Ed, doesn't it upset you that we have to pay so much in these taxes?" Ed just looked at her, straight on, and said, "No, Jane, it doesn't. If we who make it aren't willing to pay it, those who need it, aren't going to get it." Thank you.

---

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

Senator CAREY: Thank you, Mr. President. I have very vivid memories of Ed Muskie. Each and every election he would travel back to Waterville and vote. He was not born and brought up in Waterville. He came from Senator Ferguson's area, Rumford. Then, I don't know if it was wisely or not, he established a law practice in the City of Waterville. He wasn't doing that well, so he decided maybe he ought to take up other things; and one of those, obviously, was running for office. He was fairly safe in Waterville, as a Democrat, but each and every election he would come back, and I would meet him. He would go into the polls and vote, and then we would tour the other wards. He was, at that time, voting in Ward 4; because his office was in Ward 4; and he would travel back to Ward 7, where his home had been on Silver Mount; and then we would go out and play golf. The year that he was a candidate for the Presidency was fairly astounding. It seemed as though, while we were on the golf course, every single time that we looked down the fairway to see what direction we wanted the ball to go, and he didn't cheat at golf. Hathaway was a little different, I'm afraid. But, we did have, from behind every single tree, was either a secret service man or a photographer shooting back up at us. I never was in the picture, unfortunately. There is one thing that I will always cherish, when he would come back, especially for his fourth term in the Senate, he pointed out that he was going to be voting for me for Mayor for the fourth time; and he would hope that I would vote for him for his fourth term. The one thing that really upset him tremendously was that the people of Waterville had never elected him Mayor. I will always recall that as a very special tribute to him. Thank you.

---

Reading of the Journal of Yesterday.

---

Off Record Remarks

---

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Establish a High School for the Visual and Performing Arts"

S.P. 687 L.D. 1756  
(C "A" S-490)

In Senate, March 25, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-490).**

Comes from the House with the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 697 L.D. 1771  
(S "A" S-498 to C "A" S-494)

In Senate, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494) AS AMENDED BY SENATE AMENDMENT "A" (S-498)** thereto.

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

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

Sent down for concurrence.

**Non-concurrent Matter**

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (Emergency)

H.P. 1335 L.D. 1829  
(C "A" H-788)

In Senate, March 21, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788) AS AMENDED BY HOUSE AMENDMENT "A" (H-851)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication:

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

March 25, 1996

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 Judiciary has had under consideration the nomination of James Varner of Old Town, for appointment to the Maine Human Rights Commission.

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  
Rep. 9

Mills of Somerset,  
Pendexter of Cumberland,  
Faircloth of Penobscot  
Treat of Gardiner, Lemke of  
Westbrook, Richardson of  
Portland, Jones of Bar  
Harbor, LaFountain of  
Biddeford, Watson of  
Farmingdale, Hartnett of  
Freeport, Madore of  
Augusta, Nass of Acton

NAYS: 0  
ABSENT: 1

Rep. Plowman of Hampden  
Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James Varner of Old Town, for appointment to the Maine Human Rights Commission be confirmed.

Signed:

S/S. Peter Mills  
Senate Chair

S/Sharon Anglin Treat  
House Chair  
S.C. 542

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

**THE PRESIDENT:** The Joint Standing Committee on **JUDICIARY** has recommended the nomination of James Varner, of Old Town, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **JUDICIARY** 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:

None  
ABROMSON, AMERO, BEGLEY, BENOIT,  
BERUBE, BUSTIN, CAREY,  
CARPENTER, CASSIDY, CLEVELAND,  
FERGUSON, GOLDTHWAIT, HALL,  
HANLEY, HARRIMAN, HATHAWAY,  
KIEFFER, LAWRENCE, LONGLEY,  
LORD, MICHAUD, MILLS, O'DEA,  
PARADIS, PENDEXTER, PINGREE,  
RAND, STEVENS, and the  
PRESIDENT, Senator BUTLAND  
ABSENT: Senators: CIANCHETTE, ESTY, FAIRCLOTH,  
McCORMICK, RUHLIN, SMALL

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of James Varner, for appointment to the Maine Human Rights Commission, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Off Record Remarks

**COMMITTEE REPORTS  
House  
Ought to Pass**

The Committee on **NATURAL RESOURCES** on Resolve, Directing the Land and Water Resources Council to Take Steps Needed to Ensure Successful Implementation of State Land Use Law Reforms

H.P. 1310 L.D. 1794

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

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

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

The Resolve **READ ONCE**.

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

---

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council" (Emergency)

H.P. 1159 L.D. 1593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-843)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-843) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create the Small Enterprise Growth Program"

H.P. 1337 L.D. 1831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-844)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)**.

Which Report was **READ**.

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

---

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Petroleum Market Share Act"

H.P. 1355 L.D. 1860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-839)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-839) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish an Electronic Benefit Delivery Program for Aid to Families with Dependent Children, Food Stamp, Women, Infants and Children Special Supplemental Food and Medicaid Programs"

H.P. 212 L.D. 271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-842)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-842) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify the Laws Pertaining to the Regulation of Narcotic Dependency Treatment Programs"

H.P. 1311 L.D. 1795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-841)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-841) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act to Ensure That Employees Are Compensated for Accrued Vacation Time in the Event of the Sale of a Business"

H.P. 1357 L.D. 1862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-840)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-840) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TAXATION** on Bill "An Act to Establish a Catastrophic Health Care Expense Program"

H.P. 1025 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-837)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837)**.

Which Report was **READ**.

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

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Clarify the Distribution of Funding for the Maine School of Science and Mathematics" (Emergency)

H.P. 1255 L.D. 1724

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

Signed:

Senators:

HANLEY of Oxford  
BEGLEY of Lincoln

Representatives:

KERR of Old Orchard Beach  
SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
AIKMAN of Poland  
OTT of York  
TOWNSEND of Portland  
DIPIETRO of South Portland  
POULIOT of Lewiston

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

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

MORRISON of Bangor  
JOSEPH of Waterville

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

Which Reports were **READ.**

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

**Divided Report**

Nine Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a Bond Issue to Encourage and Support Economic Development"

H.P. 1330 L.D. 1822

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-834).**

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

KERR of Old Orchard Beach  
SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
MORRISON of Bangor  
TOWNSEND of Portland  
POULIOT of Lewiston  
DIPIETRO of South Portland  
JOSEPH of Waterville

Three Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-835).**

Signed:

Senator:

HANLEY of Oxford

Representatives:

AIKMAN of Poland  
OTT of York

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

Signed:

Senator:

BEGLEY of Lincoln

Comes from the House with Report "A" **UGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834).**

Which Reports were **READ.**

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

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Promote Additional Health Insurance Reform"

H.P. 1074 L.D. 1513

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

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc

Representatives:

VIGUE of Winslow  
MAYO, III of Bath  
JONES, JR. of Pittsfield  
CAMPBELL of Holden  
GUERRETTE of Pittston  
LUMBRA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-820).**

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

CHASE of China  
GATES of Rockport  
SAXL of Portland  
THOMPSON of Naples

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

Which Reports were **READ.**

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

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Require That Diabetes Supplies and Self-management Training be Covered by Health Insurance Policies"

H.P. 1242 L.D. 1702

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-827).**

Signed:

Senators:

ABROMSON of Cumberland  
MCCORMICK of Kennebec  
SMALL of Sagadahoc

Representatives:

VIGUE of Winslow  
GATES of Rockport  
SAXL of Portland  
MAYO, III of Bath  
JONES, JR. of Pittsfield  
CAMPBELL of Holden  
CHASE of China  
THOMPSON of Naples

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

Signed:

Representatives:

LUMBRA of Bangor  
GUERRETTE of Pittston

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-827).**

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-827) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make All Cases of Vehicular Manslaughter Class A Crimes"

H.P. 1356 L.D. 1861

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

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis

Representatives:

CLARK of Millinocket  
GOOLEY of Farmington  
PEAVEY of Woolwich  
JOHNSON of South Portland  
CLUKEY of Houlton  
THOMPSON of Naples  
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-830).**

Signed:

Representatives:

REED of Dexter  
MCALEVEY of Waterboro

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

Which Reports were **READ.**

On motion by Senator **BENOIT** of Franklin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

**Senate**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 to Investigate, Abate, Clean up and Mitigate Hazardous Substance Discharges, to Clean Up Tire Stockpiles, to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills and to Address Environmental Health Deficiencies in Drinking Water Supplies"

S.P. 741 L.D. 1849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-522).**

Signed:

Senators:

HANLEY of Oxford  
BERUBE of Androscoggin

Representatives:

KERR of Old Orchard Beach  
TOWNSEND of Portland  
AIKMAN of Poland  
OTT of York  
JOSEPH of Waterville  
POULIOT of Lewiston  
SIMONEAU of Thomaston  
MORRISON of Bangor  
DONNELLY of Presque Isle  
DIPIETRO of South Portland

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

Signed:

Senator:

BEGLEY of Lincoln

Which Reports were **READ.**

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

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Definitions Under the Laws Concerning Games of Chance" (Emergency)

S.P. 479 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-517).**

Signed:

Senators:

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

Representatives:

TRUE of Fryeburg  
CHIZMAR of Lisbon  
CARR of Hermon  
GAMACHE of Lewiston  
BUCK of Yarmouth  
LEMONT of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-518).**

Signed:

Senator:

MICHAUD of Penobscot

Representatives:

LABRECQUE of Gorham  
NADEAU of Saco  
FISHER of Brewer  
MURPHY of Berwick

Which Reports were **READ.**

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

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY**, pursuant to Public Law 1993, chapter 566, section 10, on Bill "An Act to Amend the Laws Concerning Enhanced 9-1-1"

S.P. 766 L.D. 1877

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

Signed:

Senator:

CARPENTER of York



**Representatives:**

KONTOS of Windham  
 ADAMS of Portland  
 TAYLOR of Cumberland  
 GIERINGER, JR. of Portland  
 O'NEAL of Limestone  
 LUTHER of Mexico  
 HEESCHEN of Wilton

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

Signed:

Senators:

HARRIMAN of Cumberland  
 CLEVELAND of Androscoggin

Representatives:

MARSHALL of Eliot  
 STONE of Bangor  
 CAMERON of Rumford

Which Reports were **READ.**

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

**SECOND READERS**

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

**Senate As Amended**

Bill "An Act to Make Comprehensive Changes to the Sex Offender Laws"

S.P. 551 L.D. 1510  
 (C "A" S-516)

Bill "An Act to Combine Certain Reporting Requirements for Employees"

S.P. 738 L.D. 1846  
 (C "A" S-520)

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

Sent down for concurrence.

Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1996" (Emergency)

S.P. 759 L.D. 1871  
 (C "A" S-519)

Which was **READ A SECOND TIME.**

On motion by Senator **CARPENTER** of York, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-519).

On further motion by the same Senator, Senate Amendment "A" (S-523) to Committee Amendment "A" (S-519) **READ.**

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

Senator **CARPENTER:** Thank you, Mr. President. This is just a very technical amendment, I don't want anybody to be all upset, from the very powerful Committee on Bills in the Second Reading.

On further motion by the same Senator, Senate Amendment "A" (S-523) to Committee Amendment "A" (S-519) **ADOPTED.**

Committee Amendment "A" (S-519), as Amended by Senate Amendment "A" (S-523), thereto, **ADOPTED.**

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

Sent down for concurrence.

Off Record Remarks

**ENACTORS**

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

An Act to Allow the Removal from Public Office of Certain Elected County Officials

H.P. 1240 L.D. 1700  
 (C "A" H-800)

An Act to Develop the Maine Public Health Improvement Plan

H.P. 1253 L.D. 1722  
 (C "A" H-800)

An Act to Clarify and Improve the Governor's Authority to Ban Out-of-door Fires and Restrict Human Activity during Periods of High Fire Danger

S.P. 665 L.D. 1725  
 (C "A" S-504)

An Act to Standardize the Creation of Water Districts

H.P. 1288 L.D. 1768  
 (C "A" H-811)

An Act to Create the Motor Carrier Training Advisory Board

H.P. 1299 L.D. 1782  
 (H "A" H-807 to C "A" H-748)

An Act Concerning Notice in Foreclosure Proceedings

H.P. 1315 L.D. 1799  
 (C "A" H-793)

An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions

H.P. 1322 L.D. 1809  
 (C "A" H-802)

An Act Concerning the Treatment of Ocular Diseases by Optometrists

H.P. 1326 L.D. 1814  
 (C "A" H-790)

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

An Act to Provide a New Jobs Tax Credit

H.P. 1039 L.D. 1458  
 (C "A" H-783; H "A" H-797)

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

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

H.P. 1272 L.D. 1750  
 (C "A" H-812)

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

**Emergency**

An Act to Revise Certain Fish and Wildlife Laws

S.P. 637 L.D. 1645  
 (H "B" H-813 to C "A" S-485)

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

**Emergency**

An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management

S.P. 673 L.D. 1733  
(C "A" S-488)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 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 Consolidate and Improve Delivery of International Trade Services in Maine

H.P. 1318 L.D. 1802  
(C "A" H-789)

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

**Emergency**

An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation

H.P. 1320 L.D. 1807  
(C "A" H-781)

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.

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 5 Locations

H.P. 1329 L.D. 1821  
(C "A" H-806)

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

**Emergency Resolve**

Resolve, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry

H.P. 1296 L.D. 1778  
(C "A" H-801)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Mandate**

An Act to Transfer Land from the Town of Brownfield to the Town of Hiram

H.P. 1333 L.D. 1828  
(C "A" H-791)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Senate at Ease**

Senate called to order by the President.

**RECALLED FROM THE GOVERNOR'S DESK**

An Act to Place Penobscot Land in Trust

H.P. 1306 L.D. 1787

(In House, March 13, 1996, **PASSED TO BE ENACTED**.)

(In Senate, March 14, 1996, **PASSED TO BE ENACTED**.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 765.)

On motion by Senator MILLS of Somerset, 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 ENACTED**.

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 the Bill was **PASSED TO BE ENGROSSED**.

On further motion by the same Senator, Senate Amendment "A" (S-524) **READ**.

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

Senator MILLS: Thank you, Mr. President. By way of brief explanation, this bill has to do with the approval of placing certain lands in trust to the Indian tribes who have purchased the land from a private landholder. The description of the land, contained in the original bill, included specific references to certain water bodies. There are some rather special rules by which water bodies are administered and controlled under our arrangements with the tribes. It was felt by the Attorney General's office, and I think at least one of the tribal representatives concurs, that reference to the water bodies in the legal description was unnecessary and, perhaps, inappropriate in the bill as originally drafted. It does not, this change to the bill, will not change the legal description of the land that is being conveyed to them. It is a fairly minor change. If somebody wants a more technical explanation, I would be glad to do it elsewhere. Thank you.

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

Senator CAREY: Thank you, Mr. President. I would like to pose a question, if I may, to the Senator from Somerset, Senator Mills. The land will still contain the 5,464 acres more or less, without reference to the lakes at all?

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

**Senator MILLS:** Mr. President. If I may respond. There is no intention to change the quantity of land that is being conveyed. The meets and bounds of that land are defined by the deed and by some survey work. One of our concerns was the fact that within this perimeter there is a great pond. Great ponds are administered by the Indian Tribal Commission, and we just thought we would leave everything as it is with regard to the current issues on managing great ponds that are within tribal territories.

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

**Senator RUHLIN:** Thank you, Mr. President. I would like to ask the good Senator from Somerset if this bill, or any of its amendments, in any way threatens or excludes public ownership of all the great ponds within the State of Maine.

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

**Senator MILLS:** Thank you, Mr. President, Men and Women of the Senate. In brief reply, it has nothing to do with any great pond, that I know of, other than the one that is denominated as Little Salmon Stream Lake, which, from the appearance on the survey, would appear to be a lake of some twenty acres or so. It is the intent of the conveyance that that great pond be administered under the treaty that was negotiated back in the 1980's. The pond itself, with the State not relinquishing its sovereignty over that pond, to the tribe, for the tribe's sole administration. I don't know that this legal description, in the bill that was originally passed, would have done that. The Attorney General's office was a little bit concerned about it, so we wanted to make it clear that the State was not relinquishing its complete control and title to that pond, but that the pond would be administered, as are other great ponds within Indian territory, under the terms of the treaty, and would be administered by the Indian State Tribal Commission.

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

**Senator RUHLIN:** Thank you, Mr. President. I don't want to belabor the point, but I do want a further clarification. The Senator answered, I think, 90% of the question. I would like to have the other 10% answered. I assume that what he is making reference to is the shoreland abounding, or abutting, the pond itself, and the pond itself stays in ownership of the people of the State of Maine.

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

**Senator MILLS:** Thank you, Mr. President, Men and Women of the Senate. My information about this is highly derivative. It is not something that I have personally investigated. I am told that there are some fairly specific rules that deal, not only with great ponds, but with the administration of water bodies which are bounded by Indian territories; that

it is the intent of this bill, as amended, that the same rules would apply to this territory as apply to all other territories in which there are similar water bodies, either bounding the territory, or included within it. If your question is, is the State of Maine, by accepting, or by approving this conveyance, giving up any of its rights to any of the water bodies that are contained within this conveyance, or abounded by it, I am not qualified to answer and I don't know. I can tell you that my understanding is that the conveyance, as amended, would make these water bodies perfectly parallel with other water bodies that are included with other lands that are owned and controlled by the tribes. My sense is, my understanding is, that for water bodies that are below ten acres in scope, there may well be some relinquishment of control, as there would be for any private owner. That is, if you bought a pond that was only five acres, I think you have the power of exclusion on that pond; however, if it is greater than ten acres, you do not. You must provide access to the general public. My understanding is that when there is a pond greater than ten acres in scope, that is wholly within an Indian tribal land, that the administration of that pond becomes the responsibility of this joint commission that we have between the tribes and the State. My understanding is that that would be the disposition of this pond, if it were conveyed in the bill as amended. Thank you.

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

**Senator RUHLIN:** Thank you, Mr. President. I thank the good Senator from Somerset for his erstwhile and honest answer. I, having asked some questions, would propose to the body that, perhaps, we should have a little more information before we act. I cannot make a tabling motion, but I think it would be worthwhile for the Senate to consider such a motion. Thank you.

On motion by Senator MILLS of Somerset, Tabled 1 Legislative Day, pending the motion by the same Senator that the Senate **ADOPT** Senate Amendment "A" (S-524).

---

**ORDERS OF THE DAY  
Unfinished Business**

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

The Chair laid before the Senate the first Tabled and Specially Assigned (Monday, March 25, 1996) matter.

**SENATE REPORTS** from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Major Improvements at State Park and Historic Site Facilities and for the Public Access to Maine Waters Fund and the Land for Maine's Future Fund"

S.P. 740 L.D. 1848

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-499) (9 members)

Minority - Ought Not to Pass (4 members)

Tabled - March 22, 1996, by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In Senate, March 22, 1996, Reports READ.)  
 On motion by Senator HANLEY of Oxford, the Bill and accompanying papers, RECOMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.  
 Sent down for concurrence.

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

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

Senate at Ease  
 Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Investigate, Abate and Clean Up Hazardous Substance Discharges, to Clean Up Tire Stockpiles and to Close and Clean up Municipal Solid Waste Landfills"

H.P. 1371 L.D. 1879

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

Comes from the House, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

Resolve, to Amend the 1995 Kennebec County Budget (Emergency)

H.P. 1369 L.D. 1878

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

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

Under suspension of the Rules, READ ONCE, without reference to a Committee.

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

Off Record Remarks

Under suspension of the Rules, all matters thus acted on, with the exception of those matters having been held, were sent forthwith.

On motion by Senator LAWRENCE of York, RECESSED until 3:00 o'clock this afternoon.

After Recess  
 Senate called to order by the President.

Off Record Remarks

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

**PAPER FROM THE HOUSE**  
**Joint Order**

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Place Limited Rules on the Use of Personal Watercraft on Waters of the State," H.P. 1365, L.D. 1874, and all its accompanying papers, be recalled from the legislative files to the House.

H.P. 1370

Comes from the House READ and PASSED.  
 Which was READ.

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

Senator HALL: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the same bill that we entertained last week, and twice we had a short debate. Here it is again. So, I will be very brief. One of my arguments last week, on this so-called jet ski bill, was the fact that it was too late. Well, it's a week later. There is no way that this bill could be referred to Committee, have a public hearing, and be able to go through its normal processes, as a bill should. The only way that it could possibly be done at this late hour would be to pass this without reference to committee. Therefore, that makes it an even worse scenario than it was last week. I would make the motion that we indefinitely postpone this House Paper 1370, and all of its accompanying papers. Thank you.

Senator HALL of Piscataquis moved that the Joint Order be INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Senator LAWRENCE of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HALL of Piscataquis that the Senate INDEFINITELY POSTPONE the Joint Order, 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.

20 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator HALL of Piscataquis to INDEFINITELY POSTPONE the Joint Order, in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1997"

H.P. 1325 L.D. 1815

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-846).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-846) READ and ADOPTED, in concurrence.

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

The Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 1336 L.D. 1830

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-848).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-848).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-848) READ and ADOPTED, in concurrence.

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

The Committee on UTILITIES AND ENERGY on Bill "An Act to Increase the Debt Limit of the Madawaska Water District"

H.P. 1361 L.D. 1869

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-845).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-845).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-845) READ and 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:

SECOND READERS

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

House

Resolve, Directing the Land and Water Resources Council to Take Steps Needed to Ensure Successful Implementation of State Land Use Law Reforms

H.P. 1310 L.D. 1794

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

House As Amended

Bill "An Act to Establish an Electronic Benefit Delivery Program for Aid to Families with Dependent Children, Food Stamp, Women, Infants and Children Special Supplemental Food and Medicaid Programs"

H.P. 212 L.D. 271

(C "A" H-842)

Bill "An Act to Require That Diabetes Supplies and Self-management Training be Covered by Health Insurance Policies"

H.P. 1242 L.D. 1702

(C "A" H-827)

Bill "An Act to Clarify the Laws Pertaining to the Regulation of Narcotic Dependency Treatment Programs"

H.P. 1311 L.D. 1795

(C "A" H-841)

Bill "An Act to Amend the Petroleum Market Share Act"

H.P. 1355 L.D. 1860

(C "A" H-839)

Bill "An Act to Ensure That Employees Are Compensated for Accrued Vacation Time in the Event of the Sale of a Business"

H.P. 1357 L.D. 1862

(C "A" H-840)

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

Bill "An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council" (Emergency)

H.P. 1159 L.D. 1593

(C "A" H-843)

Which was READ A SECOND TIME.

On motion by Senator CARPENTER of York, Senate Amendment "A" (S-527) READ.

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

Senator CARPENTER: Thank you, Mr. President. This is another technical amendment I am presenting on behalf of the Committee on Bills in the Second Reading.

On further motion by the same Senator, Senate Amendment "A" (S-527) ADOPTED.

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

Sent down for concurrence.

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

COMMUNICATION

The Following Communication:

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

March 26, 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. 975 An Act to Establish the Department of Health and Family Services

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

Sincerely,

S/Sen. Jane A. Amero Senate Chair

S/Rep. Beverly C. Daggett House Chair

S.C. 543

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

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 the Joint Standing Committee on State and Local Government report out, to the House, legislation concerning reducing costs for municipalities.

S.P. 767

Which was **READ** and **PASSED**.  
Sent down for concurrence.

Under suspension of the Rules, all matters thus acted on, with the exception of those matters having been held, were sent forthwith.

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

**HOUSE REPORT** - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create the Small Enterprise Growth Program"

H.P. 1337 L.D. 1831

Report - Ought to Pass as Amended by Committee Amendment "A" (H-844).

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

Pending - **ACCEPTANCE** of the Report.

(In House, March 25, 1996, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844).**)

(In Senate, earlier in the day, Report **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 REPORT** - from the Committee on **TAXATION** on Bill "An Act to Establish a Catastrophic Health Care Expense Program"

H.P. 1025 L.D. 1440

Report - Ought to Pass as Amended by Committee Amendment "A" (H-837).

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

Pending - **ACCEPTANCE** of the Report.

(In House, March 25, 1996, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837).**)

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-837) **READ**.

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

Senator **CLEVELAND:** Thank you, Mr. President. I would like to pose a question through the Chair to any member that may be able to respond. I would like to know what the fiscal impact is of this particular measure; and, if there is a negative fiscal impact, what proposals are pending to replace any lost funds that it may incur? Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator **CLEVELAND**, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator **HATHAWAY**.

Senator **HATHAWAY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I believe the fiscal note is a little under \$10 million. Perhaps \$9.8 million. We have voted, unanimously, in the Taxation Committee to make the repeal of this tax our top priority. We have also been before the Appropriations Committee and told them that this is our top priority and that we have offered the \$5 million that was not subscribed for in the circuit breaker program, along with the \$2.6 million that is expected to be raised from the **NEXUS** tax that was passed here, and \$.6 from the withholding tax revenues increase that was passed in this body, to make up that difference. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President. I appreciate the response. I just want to be clear, before we take the vote, that I understand, exactly, the consequences of my actions. So, if you might let me, I refer to the fiscal note attached to the amendment itself. It says that the net impact of these tax changes, talking about the full biennial impact, not just the balance from this biennium, because I think we need to take a look at the future costs as well, will be a net decrease of general fund revenue, beginning in fiscal year 97/98, estimated at \$26,971,648, and an increase of the dedicated revenue to the local government fund estimated at \$2,664,000. I was wondering how we were planning to make up that revenue loss as well? Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator **CLEVELAND**, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator **HATHAWAY**.

Senator **HATHAWAY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. To answer the question from the good Senator, the Appropriations Committee is anxiously trying to find a solution to this problem. I believe they are dedicated to doing so, and we don't have the final answer just yet, but I know they are working on it as a top priority. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. I would point out to the Senator from Androscoggin, Senator **CLEVELAND**, that the local government fund does not benefit, whatsoever, from the gross receipts tax. That's exactly why the gross receipts tax was brought forth to begin with, to make sure that all of the funds came into the general fund. Sales tax, income tax, the government fund, as the gentleman well knows, does participate in, but not the gross receipts tax. Thank you.

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

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have not followed this particular bill this year, to any great extent; but I did have some conversations this day, starting with breakfast this morning, on this very issue, and the overall issue of whether there is money enough to

pay for this. It's perhaps time that we took a look at what we were spending, and what we were getting. We have tried to do that with the Productivity Task Force. We have tried to do that with the downsizing of state government. We have attempted to do that with a cap on the income tax stabilization fund, I believe it is called, or whatever it is called. Until we address all of those issues, we ought not to be addressing an issue of taking away another tax that is costing that amount of money out of the general fund. When you take that tax away on that side, you also are having to reduce whatever else that you need to reduce in order to pay for that. So, until we know how we are going to pay for that, I cannot vote for this bill. I think that it should go down to the Appropriations Committee to be included in the budget document, rather than on the Special Appropriations Table. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. The Taxation Committee, like every other Committee, was asked for its recommendations for its very top priorities. We chose to have only one priority, and that was the abolishment of the gross receipts tax. The abolishment of the gross receipts tax, which is on restaurants and nursing homes, will not be a total loss because then the restaurants will now have to start paying the sales tax, which has monies going to the local government fund. They have been out of the sales tax because they were paying a gross receipts tax. Apparently, leadership went this morning to have breakfast with the Governor, and I was given a copy of what the Governor handed out. He talked about tax and match over the two-year period is going to run to \$195 million. That's an extremely big increase from the \$110 million that it was in the last biennium, especially since the law was changed and the Health Finance Board, which has set a price for taxation as to the highest amount of money that a hospital could tax. We changed that in the last session, and made it so that the most that could be taxed would be the actual revenue, which was much lower. So, in fact, maybe the \$110 million in this biennium would even be lower. That being the case, there would be an \$85 million there. The thing that seems to be more irritating to me is the \$65 million for this year from the Medicaid underexpenditure that is still in the budget. The Governor has already put in a claim for \$42 million of it. It is my personal opinion that the Governor and the Legislature are co-equal branches of government, and the Executive Branch has no more right to demand \$42 million out of that than the Legislature does. So, we will go through the legislative process and see how much of that is left after the Legislature gets done, that the Governor can have. Under the individual income tax cap, the Governor points out that we will be losing \$92 million in revenues. We are not sure of that. That is just a pie in the sky. This does not come from Jim Clair, who is the man working for the Appropriations Committee. This comes from Jack Nicholas, out of the Finance and Administration Office. I have to tell you that their figures have been very questionable for a long period of time.

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

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

Senator **HARRIMAN:** Thank you, Mr. President. Good afternoon, Ladies and Gentlemen of the Senate. The pending motion before us is a perfect example, in my view, of why people no longer trust their government. Let's recall where this tax came from. This was a scheme, a gimmick, a funny way to find more money to put into the budget several years ago. Here's how the deal was supposed to work. We were going to put a sales tax, a 7% sales tax, the same amount, I might add, that tourists pay when they come to the State of Maine, we were going to charge people in a nursing home 7% sales tax. We were going to use that money to draw more money out of Washington, which comes out of the same checkbook, at least in my house. Once we got the money out of Washington, we were going to turn around and give a tax credit to those people who pay their own way in a nursing home, which, if the statistics are still current, is about 20% of the nursing home residents who pay their own way in a nursing home. So, we were going to say to these folks, "Let us pull more money out of Washington, and when we get the money from Washington, we will pay you 20% of the folks who are paying your own way." Well, as you might well imagine, the federal government said that they weren't going to play along with this gimmick. So, rather than repealing the tax, which would be the appropriate thing to do, at least in my view, do you know what we did? We kept the tax and got rid of the tax credit; and we turned it into a catastrophic health insurance credit, where, if you itemized deductions and it was over a certain percentage of your adjusted gross income, et cetera, which virtually nobody qualifies for. This is not the way to say, "Thank you" to our elderly who have helped build our communities, our country, our state, who have created the standard of living that we now enjoy. The message we send by imposing this tax is to say, "Do you know what, folks? If you have prepared for your own future, and if you have saved to assume responsibility for your own way in life, you are a fool. Get rid of it. Give it away. Become broke. Get on Medicaid and the government will pay for it." Let's change the image of the perception that people have of their government. Let's do what is right for our elderly citizens. Let's pass this repeal of the gross receipts tax; and indeed, we have the money to do it. I hope you will join me in supporting the pending motion. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. Sometimes I wonder, in our society, if you can tell who is sick and who isn't. This piece of legislation is a perfect example. If you can believe that we operate the government in this State, the expenses of government, on the backs of sick people who are flat on their backs, and that we allow this kind of legislation to exist, I would ask you, who is ill? Those in the hospital? Those flat on their backs? Or the people who would enact such a measure as this? Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President, Women and Men of the Senate. I can't fault what anybody here is saying. I would just like to add that, in terms of future planning, which the good Senator from Cumberland spoke of, one of the things that people have gripes about us is that we don't have a

long-range vision. There is \$21 million on the line. We don't know where we are going to get it, we are just going to find it down the road. I don't hear any offers about how we are going to manage this shortfall. If I did, I would be real quick to vote yes for what is an unfortunate tax. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-837). A vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

**NAYS:** Senators: **BUSTIN, GOLDTHWAIT, LONGLEY, PARADIS**

**ABSENT:** Senator: **MCCORMICK**

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (H-837) **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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Clarify the Distribution of Funding for the Maine School of Science and Mathematics" (Emergency) H.P. 1255 L.D. 1724

Majority - **Ought to Pass** (10 members)

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

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

Pending - **ACCEPTANCE** of Either Report.

(In House, March 25, 1996, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

Senator **HANLEY** of Oxford moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. The report in front of you, dealing with L.D. 1724, is just a minor change that was brought to the Appropriations Committee. It is self-funded, with a deappropriation of \$234,000 in FY 97 that was expended in FY 96. It was an issue of whether or not we wished for them to carry bills over. We told them that that was not the case. We wanted them to pay the expenses as they accrued in FY 96. This is self-funding. There are no additional monies that need to be raised. It is coming out of their FY 97 allotment. Thank you.

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

Senator **BERUBE:** Thank you, Mr. President. I would like to explain, briefly, why I voted the opposite. It is not a small change. Indeed, I think it is a very large change, simply because it sets precedent, number one. Number two, it has never been done. Indeed, they do draw down from next year's allocation; however, it is not to pay expenses, but rather to repay the town of Limestone for borrowing \$230,000, I think it is, that they borrowed in order to activate themselves last year. The question was asked to the Director of the school, or the Superintendent, whatever his title is, did Limestone request the money to be repaid? His answer was, "No, we just want to be good citizens." So, I bring that to your attention. I don't know what will happen next year if they don't have any money. I do know they have plans in the works to come before you next year to request \$400,000 annually to help subsidize the tuition of the students who are attending. Thank you.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. To respond, in fact this was a commitment that the school made to the community of Limestone. I guess I do see it as an expense that they are responsible for. As far as additional monies later on, that will be an item that they will have to come specifically in front of the Legislature and request. The item before us is only to allow the transfer of funds from FY 97 into FY 96. Thank you.

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

The Chair ordered a Division.

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

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

25 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

The Bill, **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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a Bond Issue to Encourage and Support Economic Development"

H.P. 1330 L.D. 1822

Report **"A"** - **Ought to Pass** as Amended by Committee Amendment **"A"** (H-834) (9 members)

Report **"B"** - **Ought to Pass** as Amended by Committee Amendment **"B"** (H-835) (3 members)

Report **"C"** - **Ought Not to Pass** (1 member)

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

Pending - **ACCEPTANCE** of Any Report.

(In House, March 25, 1996, Report **"A"** **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-834).)

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



Senator HANLEY of Oxford moved that the Senate ACCEPT Report "B" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835), in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator HANLEY of Oxford that the Senate ACCEPT Report "B" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835), in NON-CONCURRENCE.

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 to Promote Additional Health Insurance Reform"

H.P. 1074 L.D. 1513

Majority - Ought Not to Pass (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-820) (5 members)

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

Pending - ACCEPTANCE of Either Report.

(In House, March 25, 1996, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

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

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

SENATE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 to Investigate, Abate, Clean up and Mitigate Hazardous Substances Discharges, to Clean Up Tire Stockpiles, to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills and to Address Environmental Health Deficiencies in Drinking Water Supplies"

S.P. 741 L.D. 1849

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-522) (12 members)

Minority - Ought Not to Pass (1 member)

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

Pending - ACCEPTANCE of Either Report.

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

Senator HANLEY of Oxford moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. Committee Amendment "A" to this report bifurcates this bond, and creates two separate bonds. The package that is in front of you now would include the \$8 million for the construction of water pollution control facilities and \$2 million to address the environmental health deficiencies in drinking water supplies. This is a \$10 million bond issue in total. These two funds, the waste water treatment facilities and the drinking water supply for the Clean Water Act, both leverage federal funds. The Committee felt that this was an appropriate action to take and meritorious argument was made by the Department and those in support of the Clean Water Act. So we are in support of this. The other element that was removed from this bond, this Chamber referred to our Committee this morning. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HANLEY of Oxford that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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.

27 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-522) READ and ADOPTED.

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

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

SENATE REPORTS - from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Clarify Definitions Under the Laws Concerning Games of Chance" (Emergency)

S.P. 479 L.D. 1303

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-517) - (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-518) (5 members)

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

Pending - ACCEPTANCE of Either Report.

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

Senator FERGUSON of Oxford moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-517) Report.

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

Senator FERGUSON: Thank you very much, Mr. President. This is an amendment to clarify a game of chance or a game of skill. Currently, the definition of a game or a contest of chance, or the outcome of a game of chance, depends in a material degree on an element of chance. Under this amendment, the defining element is whether chance influences the outcome in a way that cannot be overcome by the application of skill. It's really a definition that is something that the State Police were interested in getting, and we did report out a majority ought to pass. Thank you.

Senator MICHAUD of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

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

Senator MICHAUD: Thank you, Mr. President, Men and Women of the Senate. What this bill does is overturn a court case. The court had spent many months in determining what a game of skill was. They came out with their final decision. It went against the State; so, therefore, I feel that we should leave it be. It is my understanding that the Governor, if we do not pass this bill, is going to bring another case to court. If that is his wish, so be it. But, I do not think the Legislature should be involved at this time; so, hopefully, you will vote for Indefinite Postponement. Thank you.

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

Senator **STEVENS**: Thank you, Mr. President, Men and Women of the Senate. I hope you will vote against the Indefinite Postponement. This is a bill that is definitely necessary for the State Police to do their work with the video machines. Thank you.

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

Senator **MILLS**: Thank you, Mr. President, Men and Women of the Senate. I, too, believe that this is a reasonably important piece of legislation to see passed in this session. I have had constituents, and other members of this body, ask questions and raise issues about whether this bill, passage of this bill in its majority form, would have impact on Elks Clubs and other fraternal organizations. It is clear to me, from reading the entire body of our law, that those organizations that have licensed gaming facilities on the premises, will continue to have licensed gaming facilities, and that by changing this definition it has, in my view, no impact on those organizations whatsoever. They have a special exemption. They are licensed by the State Police now to run certain forms of gaming machines that are, indeed, skills of chance, no matter how you define the term, so we are not having an impact on these fraternal organizations, the Legion halls and the like. The second issue that has been raised in opposition to this bill is that there are certain games being played at places like Fun Town, and the games being played in arcades. There is an arcade in my own hometown associated with the bowling alley; and the question is, by changing the words of this statute, will it affect it, adversely, some of the games that are currently being played in these arcades? Another one that I might mention is an arcade known as the Dream Machine. I have spent quite a bit of time with Colonel Jeff Harmon, going over the language of this bill. I am satisfied that it will not change the legality, or illegality, of any of the machines that are currently being used or operated in these arcades. This is a relatively modest change in the law. It is designed to render illegal a certain kind of video poker machine, that if most of us looked at, we would agree that that machine operated as a gaming machine should be in the purview of the Maine State Police. I think this is a modest change to the law. The public safety people have told us that they need this as a tool to be added to their enforcement powers, and that it will not dramatically change some of the constituents' interests that I know have all been talking to you about the impact, or perhaps the unintended consequences, of this bill. I, for one, am satisfied that this bill will not go any further than we need to go in order to accomplish what the State Police want to have done. Thank you.

On motion by Senator **KIEFFER** of Aroostook, 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 of Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

**YEAS**: Senators: **BERUBE, BUSTIN, CAREY, CIANCHETTE, HANLEY, HATHAWAY, LAWRENCE, LORD, MICHAUD, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN**

**NAYS**: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LONGLEY, MILLS, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

**ABSENT**: Senator: **MCCORMICK**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **FAILED**.

On motion by Senator **FERGUSON** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-517)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-517) **READ and ADOPTED**.

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

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

**COMMUNICATIONS**

The Following Communication:

**117TH MAINE LEGISLATURE**

March 26, 1996

Senator Jeffrey H. Butland  
 Representative Theone F. Look  
 Chairpersons  
 Joint Standing Committee on Marine Resources  
 117th Legislature  
 Augusta, Maine 04333

Dear Senator Butland and Representative Look:

Please be advised that Governor Angus S. King, Jr. has withdrawn his nomination of Jennifer S. Bichrest of Brunswick for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA, Section 6024, this nomination is currently pending before the Joint Standing Committee on Marine Resources.

Sincerely,  
 S/Jeffrey H. Butland  
 President of the Senate  
 S/Dan A. Gwadosky  
 Speaker of the House  
 S.P. 768

Which was **READ** and referred to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Specially Assigned (Monday, March 25, 1996) matter:

Bill "An Act Regarding Municipal Penalties for Late Filing under the Maine Tree Growth Tax Law"  
H.P. 1271 L.D. 1749

Tabled - March 22, 1996, by Senator KIEFFER of Aroostook.

Pending - **ADOPTION** of Senate Amendment "B" (S-500) to Committee Amendment "A" (H-764).

(In House, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764).**)

(In Senate, March 22, 1996, Senate Amendment "B" (S-500) to Committee Amendment "A" (H-764) **READ.**)

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Proceeding with the utmost diligence, I would very briefly mention to you that Committee A, what it does, it says that those towns that were late by thirty days, or were extended a thirty-day grace period, in putting in for their tree growth reimbursement, enables them to share in that tree growth reimbursement this year. What they do, they put in in November, they receive the money the following June. However, Senate Amendment B, what it does, it says that that happened also in 1994, as well as 1995 when they were late, and allows those communities that were only late by ten days or less to share in that same process. That comes to twelve communities throughout the State. All small communities. The sharing would be \$23,000, compared to \$136,000 for the other communities mentioned in Committee Amendment "A". So, this extends Committee Amendment "A" by adding those twelve communities and sharing. It doesn't add to the budget. It does increase the pot by \$23,000. Thank you.

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

Senator **FERGUSON:** Mr. President. I was absent from the Chamber, could you tell me what the pending motion is?

**THE PRESIDENT:** Yes, I can. The pending motion is Adoption of Senate Amendment "B" to Committee Amendment "A". The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you, Mr. President. I am going to speak in opposition to the pending motion. I have one community in my district that has 90% of their land in tree growth. The State is only paying, or living up to, about 35% or 36% of their obligation in this regard. With 90% of the land in tree growth, that means if we give these towns, these twelve towns that have had ample time to meet the filing, if we give them another \$160,000 that means that the towns that did live by the law, and did file on time, are going to receive less. My little community of Byron, with 90% of the community in tree growth, I think it would be unconscionable to support this motion. I would urge the Chamber to vote against it. Thank you.

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

Senator **RUHLIN:** Thank you. I would point out to the Senate, Senate Amendment "B" has nothing to do with, if you will, the formula for the tree growth. The good Senator from Oxford is absolutely correct. We do not fairly, properly, reimburse the communities for the tree growth. That's not in Senate Amendment "B". That's not in Committee Amendment "A". That is not before us today. What is before us is the principle of whether or not we are going to extend a grace period to these communities who, generally, are

volunteer. They have a volunteer selectperson. That is the process that we are talking about, whether or not we are going to extend a grace period, not whether or not we are going to change the formula, or whether or not we are going to live up to reimbursing 100%. That's what we should do, of course we should; but we don't have the money. When we find some money, maybe we will do it. Thank you.

On motion by Senator **FERGUSON** of Oxford, 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 **ADOPTION** of Senate Amendment "B" (S-500) to Committee Amendment "A" (H-764).

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, CIANCHETTE, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, **ADOPTION** of Senate Amendment "B" (S-500) to Committee Amendment "A" (H-764), **FAILED.**

Committee Amendment "A" (H-764) **ADOPTED**, in concurrence.

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

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

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Chair laid before the Senate the following Tabled and Unassigned matter:

HOUSE REPORTS from the Committee on **TAXATION** on Bill "An Act to Ensure Proper Withholding of State Income Tax"

H.P. 1249 L.D. 1711

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-735) (12 members)

Minority - Ought Not to Pass (1 member)

Tabled - March 19, 1996 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 7, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735).**)

(In Senate, March 11, 1996, Reports **READ.**)

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

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

Senator **PENDEXTER:** Thank you, Mr. President. May I pose a question? To whoever can answer, is the issue of the agents added in this bill, has that been addressed?

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

Senator **HATHAWAY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yes. There will be one less.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-735) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Unassigned matter:

Bill "An Act to Amend the Laws Regarding Employee Leasing Companies" (Emergency)

S.P. 689 L.D. 1761

(C "A" S-464)

Tabled - March 20, 1996, by Senator **KIEFFER** of Aroostook.

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

(In Senate, March 12, 1996, **READ A SECOND TIME**.)

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

Sent down for concurrence.

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

Off Record Remarks

Senator **FERGUSON** was granted unanimous consent to address the Senate on the Record.

Senator **FERGUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would be remiss in my duties as a State Senator if I didn't say a few words about Senator Muskie. Senator Muskie was born in Rumford in 1916. He went to school in Rumford. He graduated from Stevens High School. He went on to Bates College. He was elected Governor in 1954. I remember that quite well. I was stationed in Austria in the United States Army, and some of my colleagues knew that I was interested in politics. My father served in the House of Representatives during those years. This friend of mine came up to me and said, "Maine has elected a Democratic Governor." I said, "No way." Sure enough, a couple of days later, when the Stars and Stripes came out, which is the service newspaper, Edmund Muskie had been elected Governor of Maine; and he was a Democrat. In those days Maine elected their governors in September. I see the good Senator from Kennebec is nodding affirmatively. We used to have an old saying, "As Maine goes, so goes the nation." Of course, Republicans had controlled the governorship for quite a few years at that time; and we had always had this early election; and we would

parade our governors around the nation with that symbol. When Senator Muskie was elected, Governor Muskie at that time, he went around the country and they used that as a theme. It was pretty effective at that time.

In any event, when I got out of the service, I came back to Maine; and the first time I ever met him, personally, was at a function at the American Legion Hall in Rumford. It was some type of social event that the Governor was there; and my father was there, he was still in the House at that time; and he introduced me to the Governor. We used to have part of the Executive Branch here in Maine that was the Executive Council. The Executive Council was elected by a majority of the Legislature, and at that time it was Republicans. They didn't get along very well with Republican Governors, to say nothing of a Democratic Governor. In any event, I don't know how the conversation led up to it; but, in any event, we got to talking about the Executive Council; and, of course, having a Democratic Governor, I thought that was pretty good to have the Executive Council there. They were a check on his authority. As the debate went on I said, "Well, I think it's a good body and we should continue it. The only thing I believe is that they should be elected, rather than being appointed by the Legislature." Governor Muskie took issue with that quite strongly. My father was kind of giving me the sign to kind of tone it down a little. Being a young scruff, I did; and I remember that incident quite well.

Later on, I remember, being in your office, Mr. President, which was the Governor's office at that time, and talking with him. He certainly was a giant among men. I personally can't praise him enough. We, in Oxford County, have missed a great leader. He is one of the giants of twentieth century politics in Maine, and, indeed, the nation. He will be sadly missed by all of us. Thank you.

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **LONGLEY:** Thank you, Mr. President, Men and Women of the Senate. I would just like to share some thoughts about Senator Muskie. I guess when I heard the news this morning, I was just thinking how blessed we are in Maine to have such wonderful leaders that have gone and represented us on the federal level. Senator Muskie was the first person I ever campaigned for. I was in the seventh grade and he was running for President with Humphrey. I was sporting a different button every day. My Dad was campaigning for Muskie across the country. Believe it or not, my Dad was a registered Democrat until he decided to run for office, for those of you who didn't know that. I guess I want to bring up the point, we ended last session talking about Margaret Chase Smith, another wonderful example; and today it is Senator Muskie. Both of them were very good about making sure the next generation understood what the process was all about. Whenever I was able to accompany my father to Washington D.C., there were many meetings with Senator Muskie and the Congressional Delegation. I always remember that at each meeting, as all this serious talk and serious issues was proceeding, he would make it a point to make sure I felt included in the discussion. I will always be grateful for that, and I will always be grateful for every one of us who learns by their

example and make sure that we keep in mind the next generation whenever we are in a position to share what is going on. Thank you.

---

On motion by Senator **FERGUSON** of Oxford, **ADJOURNED** until Wednesday, March 27, 1996, at 9:00 o'clock in the morning, in honor of the memory of the Honorable Edmund S. Muskie.