

MAINE STATE LEGISLATURE

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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

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

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

In Senate Chamber

Friday

March 29, 1996

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

Prayer by Reverend Gregory Vinson, Elim Assembly of God, Bath.

REVEREND GREGORY VINSON: Good morning. It is my distinct honor and privilege to be here this morning. I know that we hope for two things. We hope that spring is coming soon, and we hope that your session will end soon. In Psalm, Chapter 29, I would like to read.

"Ascribe to the Lord, Oh Mighty One. Ascribe to the Lord glory and strength. Ascribe to the Lord the glory due His name. Worship the Lord, and the splendor of His holiness. The voice of the Lord is over the waters. The God of glory thunders. The Lord thunders over the mighty waters. The voice of the Lord is powerful. The voice of the Lord is majestic. The voice of the Lord breaks the cedars. The Lord breaks the peace of the cedars of Lebanon. He makes Lebanon skip, like a calf; Syria like a young, wild ox. The voice of the Lord strikes with flashes of lightning. The voice of the Lord shakes the desert. The Lord shakes the desert, as of Kadesh. The voice of the Lord twists the oaks and strips the forest bare. In His temple all cry glory. The Lord sits enthroned over the flood. The Lord is enthroned as King forever. The Lord gives strength to His people. The Lord blesses His people with peace." Let us pray.

Father, we give You such thanks. We declare today that You are worthy, worthy of praise and honor. We thank You today that You have given us this day to come together. We thank You for the sun. We thank You for the spring that is coming. We thank You that this session will come to an end one day. We thank You that You are the Sovereign God that sits upon the throne, immutable, eternal, self-existing, omnipresent, omniscient, and omnipotent. You are God, the I Am, the I Am. We declare today that You are the God over this State and this country and over this world. Into Your hands we place all the decisions and problems and difficulties that we must face. We ask today that You would give us Your wisdom, that Your wisdom would be imparted, and decisions would be made in peace and in agreement, and that there would be a unity found in this room. We pray that You would bless, and You would move in this State today, and You would meet the needs of the people in this State, people in the towns and cities that make up this State. We pray that You would meet the needs of the Senators here. That You would bless them. That You would touch them. That You would empower them. That You would anoint them. That decisions made, and the problems that they must grapple together, would be made in peace. That we would see Your hand. We thank You for all that You have done. We thank You for what You have done in our country in the years past. We thank You for what You are doing today in our country. Yet, we thank You for what You are going to do in our country tomorrow and the days ahead. We

will believe in You to lead us through the days ahead, that You will bless and You will move upon this country and upon this State, and upon Your people. To You we give all glory and honor and praise. We acknowledge that you are the One that sits upon the throne. We acknowledge that You are the One that gives us the peace that no man understands. Let Your peace reign in this room. Let your peace reign in this State, and in this country. We will be sure to give You the glory and the honor and praise. We would ask that you would bring the business to an end quickly, so that these, who are faithful to this State, would be able to go home and rest. I would ask, Lord, that those who have stayed up late hours, that You would bless them today and revive their bodies. I would ask that those that don't feel well, that have colds and other flu symptoms that, Lord, You will touch their bodies. I would ask that at the day's end that we could all look to You and say, "Thank You for bringing us through this day again." We give You thanks. We give You glory. We give You honor. We ask these things in Your son's name. Amen and Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

ORDER

Joint Resolution

On Motion by Senator **AMERO** of Cumberland. (Sponsored by: Senator **BEGLEY** of Lincoln, Senator **BUSTIN** of Kennebec, Senator **BUTLAND** of Cumberland, Senator **KIEFFER** of Aroostook, Senator **LAWRENCE** of York, Representative **CARLETON** of Wells, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **KILKELLY** of Wiscasset, Representative **MITCHELL** of Vassalboro, Representative **WHITCOMB** of Waldo.)

**JOINT RESOLUTION HONORING THERESA COUGHLIN
ON THE OCCASION OF HER RETIREMENT**

WHEREAS, Theresa Coughlin, Senior Secretary in the Office of Fiscal and Program Review, is retiring after 11 years of dedicated service to the Legislature; and

WHEREAS, Theresa has contributed her skills and energies in the Office of Fiscal and Program Review taking the official minutes of the hearings and work sessions of the Appropriations and Financial Affairs Committee, beginning with the Second Regular Session of the 112th Legislature, providing the committee with documentation of their actions on each line item in each budget it considered; and

WHEREAS, Theresa's willingness to take on a wide variety of assignments has made her an invaluable member of the Legislature's nonpartisan staff; now, therefore, be it

RESOLVED: That We, the Members of the 117th Legislature now assembled in the Second Regular Session, formally express our sincere appreciation to Theresa Coughlin for her dedicated service to the Legislature and Maine State Government and extend our best wishes to her for a happy, healthy and fulfilling retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be presented to Theresa Coughlin with our deep appreciation.

S.P. 771

Which was **READ**.

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

Senator **AMERO:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. On behalf of the Legislative Council, and all members of the Legislature, it is with a great deal of pride that I rise today to honor Theresa Coughlin, and the eleven years of work that she has provided for the Office of Fiscal and Program Review. I think any of you who have worked closely with that office know what a great team they have down there. The many hours that they are willing to put in, the many variety of jobs that they are willing to do that go beyond their job description. I think Theresa Coughlin epitomizes the kind of dedication that we see in the Office of Fiscal and Program Review. So, on behalf of the Council and the Legislature, Theresa, I wish you a wonderful, long, happy retirement, hopefully far away from Room 228.

Which was **ADOPTED**.

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine"

H.P. 1351 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-860)**.

Signed:

Senators:

HARRIMAN of Cumberland
GOLDTHWAIT of Hancock
CIANCHETTE of Somerset

Representatives:

ROWE of Portland
SIROIS of Caribou
REED of Dexter
DAVIDSON of Brunswick
RICHARD of Madison
LEMONT of Kittery
POVICH of Ellsworth
CAMERON of Rumford

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

Signed:

Representative:

BIRNEY of Paris

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

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 Implement the Recommendations of the Task Force on Alcoholic Beverage Sales" (Emergency)

H.P. 1244 L.D. 1706

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-863)**.

Signed:

Senator:

MICHAUD of Penobscot

Representatives:

LABRECQUE of Gorham
FISHER of Brewer
MURPHY of Berwick
LEMONT of Kittery
CHIZMAR of Lisbon
CARR of Hermon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-864)**.

Signed:

Senators:

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

Representatives:

TRUE of Fryeburg
NADEAU of Saco
GAMACHE of Lewiston
BUCK of Yarmouth

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

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 Reform Campaign Finance"

I.B. 5 L.D. 1823

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

Signed:

Senator:

STEVENS, JR. of Androscoggin

Representatives:

TRUE of Fryeburg
LABRECQUE of Gorham
NADEAU of Saco
CARR of Hermon
CHIZMAR of Lisbon
GAMACHE of Lewiston
BUCK of Yarmouth
LEMONT of Kittery
MURPHY of Berwick
FISHER of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-836)**.

Signed:

Senators:

FERGUSON, JR. of Oxford
MICHAUD of Penobscot

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.

SECOND READERS

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

House

Bill "An Act Regarding the State Government Computer System" (Emergency)

H.P. 1377 L.D. 1885

Bill "An Act to Reduce the Notice and Hearing Requirements Imposed on Quasi-municipal Corporations and Districts"

H.P. 1378 L.D. 1886

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

House As Amended

Bill "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications"

H.P. 618 L.D. 828
(C "A" H-832)

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection" (Emergency)

H.P. 1222 L.D. 1672
(C "B" H-858)

Bill "An Act to Revise the Sunrise Review Process for Occupational and Professional Regulation"

H.P. 1287 L.D. 1767
(C "A" H-877)

Bill "An Act to Require that Public Schools Permit Participation in Curricular, Cocurricular and Extracurricular Activities for Students Enrolled in Approved Equivalent Instruction Programs"

H.P. 1327 L.D. 1818
(C "A" H-871)

Bill "An Act to Broaden the Municipal Service Charge"

H.P. 1344 L.D. 1839
(C "A" H-870)

Bill "An Act to Clarify the Retirement Status of Certain Employees of the Child Development Services System" (Emergency)

H.P. 1349 L.D. 1850
(C "A" H-875)

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

ENACTORS

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

An Act to Lessen the Penalty for Withdrawal of Farms from the Farm and Open Space Tax Law

H.P. 1295 L.D. 1777
(C "A" H-767)

An Act to Remove Statutory References to the Maine Waste Management Agency

H.P. 1343 L.D. 1838
(C "A" H-853)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Construct Water Pollution Control Facilities and to Address Environmental Health Deficiencies in Drinking Water Supplies

S.P. 741 L.D. 1849
(C "A" S-522)

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

**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 (Wednesday, March 27, 1996) 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 - March 26, 1996, by Senator KIEFFER of Aroostook.

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

(In House, March 25, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834).)

(In Senate, March 26, 1996, Reports READ.)

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator HANLEY of Oxford to ACCEPT Report "B" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835), in NON-CONCURRENCE.

The Chair laid before the Senate the second Tabled and Specially Assigned (Thursday, March 28, 1996) matter:

HOUSE REPORTS from the Committee on CRIMINAL JUSTICE on Bill "An Act to Prohibit Stalking"

H.P. 1286 L.D. 1766

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-828) (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-829) (6 members)

Tabled - March 27, 1996, by Senator KIEFFER of Aroostook.

Pending - the motion of Senator BENOIT of Franklin to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828) Report, in NON-CONCURRENCE. (Roll Call Requested.)

(In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829).)

(In Senate, March 27, 1996, Reports READ.)

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

Senator BENOIT: Thank you, Mr. President. May it please the Senate. I believe I have the pending

motion that we accept the ought to pass as amended by Committee Amendment "A" report. I would like to speak, if I may, a bit further on this matter. Let me refresh your memory, if I may, briefly. It has been a couple of days now since I talked with you about this stalking bill. It's an important piece of legislation. One of the more important pieces of legislation that we have. It's hard to believe a couple of days have gone by since I addressed this matter. Now I know where the expression "time flies" was born, certainly in the waning days of a legislative session. There are two reports. There is a majority and a minority from the Criminal Justice Committee. The majority is an undiluted report. It's 100% a stalking bill. It is not from concentrate, to use an expression. It's unencumbered, based upon a model law in the country. It's all you would really want if you want a stalking bill at all. The minority report says it has a failing. There is no gimmick in it. No surcharge on fines, such as appears in the minority report. The minority report is exactly the same stalking bill as the majority, but in the minority we have this 2% surcharge to be added.

THE PRESIDENT: The Senator will defer. The Chair would remind the Senator that we are discussing Committee Amendment "A" and the Chair would appreciate it if we could focus our comments on that and leave Committee Amendment "B" for a later time should Committee Amendment "A" fail.

Senator BENOIT: Thank you. So, again, the majority report is a stalking bill. The majority report comes out and admits that you can get a prosecution on it. It doesn't need a surcharge to give it legal significance, and it will work very smoothly as such. I want to share with you something that happened Wednesday night of this week in the East Wilton Grange. We had a seminar there, with about fifty people in attendance. I was there to talk to them about Medicaid and long term care and some of the things we have been taking up. Around ten o'clock we broke up. Ten of my constituents gathered around and I saw an opportunity to talk with them about this stalking bill. I explained to them the two reports. I indicated to them, and I used the example of littering, that were they to come to court for a littering offense there would be a \$50 fine and the majority report would not be asking them to pay anything more than that particular fine. They would not have to get into anything else, if you will, of a subject matter. One of my constituents indicated that if a person was not fined for the offense for which they were in court, littering, and were made to pay more for something else, then the punishment would not fit the crime. I would like to suggest to you that the majority report, out of the halls of this government, has no gimmicks. Sometimes, in the halls of government, there is a gall of government, and out of the gall of government, sometimes, you get a gimmick. The majority report is a straightforward, not from concentrate, piece of legislation on stalking. I urge you to give that very serious consideration. Mr. President, and members of this august body, I'm sorry to have so little to offer you really, in this majority report, undiluted, modeled on a national law. I wish I had more to talk about. A gimmick would color it up, but we don't have one. The majority report is thoroughly lacking in gall of government. It's straightforward. It's a good piece of legislation and it ought to be passed. Whoever

said politics is easy should be standing in my shoes right now, advancing a majority report that is dull. It's straightforward and true. No frills or fancy stuff. We'll leave that to the other report. All I've got going for me in this majority report is two things, fairness and common sense. Sometimes, though, in the legislative process, that just isn't enough. Thank you.

On motion by Senator O'DEA of Penobscot, 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 Penobscot, Senator O'Dea.

Senator O'DEA: Thank you, Mr. President, Men and Women of the Senate. We just heard some very eloquent remarks about the content of the majority report. We heard how the majority report is devoid of gimmicks, and how it's an undiluted report, without frills or fancy stuff. It's without something else, though. It's without the teeth to make it work. I would ask you to look at the letter that I just had distributed in the Chamber. It came to me yesterday, from the Chief Justice of the Supreme Judicial Court of the State of Maine. I will allow you to read the letter for yourselves, but I call your attention to a couple of passages. If you will think back to a couple of days ago, when we last discussed this issue, we heard that when the Chief Justice addressed the Joint Convention of the Legislature, he said certain things about where the court system was in terms of its funding. You will recall a couple of days ago, that as we discussed this, we mentioned the fact that the majority report has no provision for helping the court system and the police to finish up their computers so we can tell when someone has a restraining order in one part of the State or the other. So, when you look at this letter in that context, you see that the majority report is seriously lacking. You will see, on the second page in this letter, where it says, "Agencies in the child welfare and criminal justice communities are lending their support to this effort, the effort to computerize the court system, because they realize the benefits that will be produced for a wide range of Maine citizens." Then, specifically, on the piece that is lacking from the majority report, the surcharge on fines, a surcharge that people who have chosen to violate the law will pay, this is from the Chief Justice of the Supreme Judicial Court, "The positive thing about this surcharge is that people who are using the court system will be contributing to its maintenance. It is true that people beyond those involved in stalking cases will be contributing to this surcharge. It is also true that this will provide the police with"

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

Senator CAREY: Point of order, Mr. President. The comments of the gentleman, referring to something that is in the minority report, is not really germane to the majority report. I would ask the Chair to rule.

THE PRESIDENT: The Chair would, once again, warn members that no matter how tempting it may be to refer to the sexier Committee Amendment "B", that we are, in fact, dealing with Committee Amendment "A"; and if we could keep our comments focused on that, the Chair, and the body, would appreciate it. Thank you.

Senator O'DEA: Thank you, Mr. President. I was unaware that there was much sexy in this Chamber this morning. However, the majority report has serious deficiencies. If you read this letter from the Chief Justice, about what the needs of the court system are, and what the capabilities of the court system are, you will see that if we pass the majority report, we will be unable to implement the law. We heard, a moment ago, that this majority report is without gimmicks, no tricks, no frills. The ultimate gimmick in government is to pass a law that doesn't do anything, or that isn't funded, and then to tell people that we have solved the problem. I would suggest that that is what we are doing with this majority report. I would ask you to vote against the motion for the majority report, so that we may go on to pass the minority report, which will actually solve this problem. Thank you.

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

Senator BENOIT: Thank you, Mr. President. May it please the Senate. I haven't read the Chief Justice's letter. I have only had it for about five minutes on my desk. I want to be respectful about this letter from the Chief Justice, because he didn't come over to the Criminal Justice Committee on the public hearing. The Criminal Justice Committee didn't have this letter before it, when it had the bill and was working it. Respectfully, I am going to ask you not to give this letter any weight. I mean that in all sincerity and all respect to the Chief Justice, because I am surprised by the letter. It's not a matter of record before the Criminal Justice Committee, and it's really not fair to come in with a letter like this as we are taking up this important piece of legislation. I would like to point out to you that the model stalking law, on which our majority report is based, doesn't have any fund-raising mechanism in it at all. That's why the majority report doesn't have any fund-raising mechanism, because you don't need one. Take a look at the laws we have on the books, and read them, on littering, on dogs at large, on speeding, or what have you. There is no fund-raising mechanism on these pieces of legislation. Instead there is a definition of an offense, and that is what we have in the stalking bill. It's a super-duper piece of legislation, believe me. Again, we are rested on the national model of the stalking law, and we need this legislation. It will work without there being something different in it than you will find in looking at all of the criminal code. You don't find any money-raising language there. That's why we don't have any here, in this definition of stalking. I have here, to help me, our analyst's report of the public hearing. Nobody came to us during the public hearing and said, in the stalking bill, we have got to do something more than define the crime. So that's all we did. Nobody came in and told us we had to do anything different, money wise. This is a really nice piece of legislation. I give the sponsor high marks for all the work that he did on it. The Criminal Justice Committee worked this bill and gave it a lot of attention. It's not from concentrate. It's stalking, undiluted, 100%. It's a good law. Nobody came in and told us that it was unworkable. Everybody came in and said, "We need it." There is not a person in this building today, I will wager, that will say that this majority report isn't a good piece of work. Nobody, perhaps, nobody in the State

would say that. We need this badly. We need it. There is too much slinky surveillance out there, horrendous hounding going on in our society. This really is a nice piece of legislation. The Criminal Law Committee, that advises us, on occasion, on the criminal code, came in, didn't say a single word in opposition to the merits of the stalking statute. The Chiefs of Police Association came in and supported this bill 100%. The Commissioner of Public Safety was there and said, "We've got computers on line, they are in the works." It's a good piece of legislation. Nobody spoke against it. It ought to pass and I urge you to support the majority report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator O'DEA: Thank you, Mr. President. I would concur with most everything that the Senator from Franklin has just told you, with one exception. I would suggest that the majority report is not complete. The bill, as it was presented, was good; and it was tuned up substantially in Committee, with input from many groups. But, if you look at the Statement of Fact on the majority report, item 1, you will see that it removes sections 1 and 2 of the bill, which create the surcharge to fund it. The surcharge that was removed in the majority report, is the surcharge that is the 2% extra on fines. This is a model law; and it mirrors some of the most effective stalking laws in the country; but Maine's court system, Maine's judicial system, and Maine's law enforcement agencies are among the least automated in the country. That's a matter of fact. Absent any provision of funding this adequately, this law will have no effect. A restraining order placed in one rural county will be in that rural county on a piece of paper, and a law enforcement officer in another county will have no way of knowing about it. I would ask you, please, to reject the majority report so that we may go on to the minority report. Thank you.

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

Senator HATHAWAY: Thank you, Mr. President, Ladies and Gentlemen of the Senate. In response to the good Senator from Penobscot's issues that he has raised, I would just like to make a couple of points. It seems like this body is faced with two issues today. One is how do we prohibit stalking. I think we have been presented with legislation by the good Senator from Franklin to do just that. The other issue seems to be one that is not directly involved with the problem that we are trying to solve, that being the funding. I would like to point out that this body, many times, has passed legislation, including tax repeals, where we have not provided the funding. I think it is a different issue. It should be separated. We have a process to solve that problem, and we shouldn't confuse the two today. I would ask that you support the majority ought to pass amendment "A"; and we will address the other issues as we do many other times in this Chamber, at a later date. Thank you.

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

Senator RAND: Thank you, Mr. President, Men and Women of the Senate. The good Senator from Franklin, Senator Benoit, refers to the letter from the Chief Justice as unfair, since it arrived on our desks just moments ago. I would suggest to you that to pass the

majority report is being extremely unfair to the victims out there. We would be giving them a false sense of security by passing a bill that has absolutely no way to be enforced. I would urge you to reject the majority report so we can go on to pass the reasonable report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BENOIT** of Franklin that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828)** Report, in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators: **CIANCHETTE, HANLEY**
 16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **BENOIT** of Franklin to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828)** Report, in **NON-CONCURRENCE, FAILED**.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829)** Report, in concurrence.

Senator **HALL** of Piscataquis requested a Division.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829)** Report, in concurrence.

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

Off Record Remarks

The Chair laid before the Senate the third Tabled and Specially Assigned (Thursday, March 28, 1996) matter:

An Act Relating to Payment of Tri-state Lotto Prizes

H.P. 1304 L.D. 1785
(C "A" H-773)

Tabled - March 27, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**.

(In House, March 21, 1996, **PASSED TO BE ENACTED**.)

On motion by Senator **KIEFFER** of Aroostook, Tabled Unassigned, pending **ENACTMENT**.

The Chair laid before the Senate the fourth Tabled and Specially Assigned (Thursday, March 28, 1996) matter:

HOUSE REPORT from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Facilitate the Lawful Detention of Juveniles" (Emergency)

H.P. 1312 L.D. 1796

Report - Ought to Pass as Amended by Committee Amendment "A" (H-776).

Tabled - March 27, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT**.

(In House, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**.)

(In Senate, March 20, 1996, Report **READ**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-776) **READ**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776) **READ**.

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

Senator **HALL:** Thank you, Mr. President. I would like to pose a question through the Chair. The question is, why is this amendment needed?

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

Senator **BUSTIN:** Thank you, Mr. President. I would be happy to answer that for the women and men of the Senate. What is happening in the original bill, and there was an amendment offered to L.D. 1796 in the Committee, that would take out the requirement that the federal Juvenile Justice Prevention Office approve any facilities that are open for juveniles in jails. There are many people, including the JAG, Juvenile Justice Advisory Committee, that is responsible for looking to see that the federal funds that come from there are met. We object to taking that out because that has prevented juveniles from being put in county jails since 1989. What this amendment does, because I was just going to fight that up front and put that language back in, but I had many conversations with John Wilson, who is the Director of that office in Washington, to find out whether this actually jeopardizes federal funds that we get. I think we get them to the extent of \$600,000 in the State of Maine. Although I would prefer that we have the federal government approve those facilities before they go on line, we are not jeopardizing our federal funds, per se, by not having that language. However, under the current standards in Washington, it is a requirement that anything that we do with housing juveniles in jails has to be approved by the federal government. If you have gone ahead and set up the facilities and used them, and they are in violation, you are in jeopardy of losing that money. If you understand what I mean. So, in order to make the State aware that they need to meet those standards, it seemed to me to be reasonable to not fight keeping the approval of the feds beforehand, but to say that those jail facilities need to meet the federal standards for co-located facilities. That's basically all this does, is the federal standards for co-located facilities. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. I would like to, as well, respond to Senator **HALL**'s question. We got this

amendment late last night, and didn't have a chance to talk with Commissioner Lehman of Corrections here in Maine; but I did this morning. Larry Culatin is the general counsel for the Office of Juvenile Justice and Delinquency Prevention. He's their attorney, their general attorney. He has told our Department of Corrections, and I have a letter to this effect in my file in Criminal Justice, that deleting any language, any language in Maine law, that would require, that is Maine is saying, that we are required to follow the Office of Juvenile Justice and Delinquency Prevention approval for collated jails, those are facilities that house both adults and juveniles but they keep them separated by sight and sound, that if we do not have that approval it will not jeopardize any federal money. I guess the bottom line is this, no matter what we say in Maine, in our statutes, there is the federal law that obtains. It's the federal law that we have to follow. It's the federal law we want to follow. Putting some language in our statute, according to Larry Culatin, general counsel in Washington for this group, doesn't do anything. Taking it out doesn't do anything. We know we have to follow federal law. What sense does it make to say, in our State statutes, that we have to follow federal law when we have to follow federal law by its own terms? So, I respond to Senator Hall's question, which is a good one. Thank you.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator BUSTIN of Kennebec, that the Senate ADOPT Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776).

Off Record Remarks

The Chair laid before the Senate the fifth Tabled and Later Today Assigned (Thursday, March 28, 1996) matter:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1996 (Emergency)

H.P. 1374 L.D. 1883

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

Pending - **PASSAGE TO BE ENGROSSED.**

(In House, March 28, 1996, **PASSED TO BE ENGROSSED.**)

(In Senate, March 28, 1996, **READ A SECOND TIME.**)

On motion by Senator AMERO of Cumberland, Senate Amendment "A" (S-540) **READ.**

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

Senator FERGUSON: Thank you, Mr. President. I must rise in opposition to this amendment this morning, primarily due to the fact that, on this amendment, we are establishing the overlay for Androscoggin County at \$19,742. By statute they may charge up to 2% of their budget as an overlay; but the overlay is currently set by statute, for all counties; and I wonder why we are setting the overlay for Androscoggin County. It just doesn't seem proper to me and it is an infringement into the sovereignty of county government once more. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Ferguson, has posed a question through the Chair to any Senator who may care to respond. The Chair

recognizes the Senator from Androscoggin, Senator Cleveland.

Senator CLEVELAND: Thank you, Mr. President. I am pleased to respond, and to reassure this Senator. No sinister forces are at play to have one level of government somehow undermine the sovereign power of the county government, as essential and beneficial it is to the well being of the State. God forbid we would want to do that. I would tell you that it is only a technical correction. The County Commissioners and the Budget Review Committee, themselves, have set that number. It was inadvertently omitted in the document that you received. Therefore, it is being added in, because that is the number that the Commissioners and the budget committee had asked to be included in the budget. In the Androscoggin County process, we have no authority to delete or change their budgets in any way. We must either approve it as submitted or reject it. Since they submitted it, including that number, we are required to include it. Thank you.

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

Senator FERGUSON: Thank you, Mr. President. I thank the good Senator from Androscoggin County for making that point of clarity. If the County Commissioners did, in fact, set this, which he indicated, I would withdraw my objections to the bill and urge passage. Thank you.

On motion by Senator AMERO of Cumberland, Senate Amendment "A" (S-540) **ADOPTED.**

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

Sent down for concurrence.

Out of order, the Chair laid before the Senate the following Tabled and Today Assigned matter:

An Act to Make Supplemental Allocations from the Highway Fund, Allocations from Other Funds and a General Fund Appropriation and to Amend Certain Transportation Laws (Emergency)

H.P. 1336 L.D. 1830
(C "A" H-848)

Tabled - March 28, 1996, by Senator KIEFFER of Aroostook.

Pending - **PASSAGE TO BE ENACTED.**

(In House, March 28, 1996, **PASSED TO BE ENACTED.**)

On motion by Senator STEVENS of Androscoggin, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT.**

Out of order, the Chair laid before the Senate the following Tabled and Today Assigned matter:

Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate"

H.P. 1359 L.D. 1864
(C "B" H-850)

Tabled - March 28, 1996, by Senator KIEFFER of Aroostook.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850), in NON-CONCURRENCE.**

(In House, March 26, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849).**)

(In Senate, March 28, 1996, **READ A SECOND TIME.**)

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

Senate at Ease
Senate called to order by the President.

Senator KIEFFER of Aroostook requested and received leave of the Senate to withdraw his motion to RECEDE and CONCUR.

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

Sent down for concurrence.

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

Off Record Remarks

[At this point the Senate Journal inserts the Answers of the Justices to Questions Propounded by the House of Representatives and the Senate in a Communication Dated January 30, 1996, and Questions Propounded by the Governor in a Communication Dated February 14, 1996 (regarding the application of the line-item veto). The full text of the Opinion of the Justices may be found in the House Record for March 29, 1996, pp. H-1929 through H-1949.]

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

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

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

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 2:30 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 Resolution

The following Joint Resolution:
JOINT RESOLUTION RECOGNIZING THE 200TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF COLUMBIA

WHEREAS, the Town of Columbia, in the southwestern part of Washington County, was first surveyed and settled in the 1700's and was incorporated as a town on February 8, 1796; and

WHEREAS, the Town of Columbia, originally plantation numbers 12 and 13 west of Machias, divided into Columbia and Columbia Falls in 1863, relied on the natural resources of the area for its economy and livelihood; and

WHEREAS, the lumber trade, mills, shipbuilding and harvesting of valuable marsh grass in the Town of Columbia and the Town of Columbia Falls contributed to the rich and noble heritage in the State of Maine; and

WHEREAS, the Town of Columbia and the Town of Columbia Falls exemplify the special qualities that distinguish the small towns that populate our beautiful State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the 200th anniversary of the incorporation of the original Town of Columbia and to commend the good citizens and officials of the Town of Columbia and the Town of Columbia Falls for the success they have achieved together for 200 years, extending to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of these proud communities, the Town of Columbia and the Town of Columbia Falls, in honor of the occasion.

H.P. 1376

Comes from the House **READ** and **ADOPTED.**
Which was **READ** and **ADOPTED**, in concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Maine Potato Board" (Emergency)

H.P. 1380 L.D. 1888

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1368.

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

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

The Bill **READ ONCE.**

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1379 L.D. 1887

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1290.

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

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

The Bill **READ ONCE.**

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

ENACTORS

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

Emergency

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

H.P. 1159 L.D. 1593
(C "A" H-843; S "A" S-527)

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

Emergency

An Act Concerning Technical Changes to the Tax Laws

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

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

Off Record Remarks

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

HOUSE REPORTS - from the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Establish the Board of Complementary Health Care Providers and to Regulate the Practice of Naturopathic Medicine"

H.P. 1351 L.D. 1852

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-860) (11 members)

Minority - Ought Not to Pass (1 member)

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

Pending - ACCEPTANCE of Either Report.

(In House, March 28, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860).)

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

Senator HARRIMAN of Cumberland 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, Men and Women of the Senate. I rise to oppose the pending motion before you. The purpose of L.D. 1852 is not merely to regulate the practice of naturopaths. It's true intent is to create, and license, and expand the scope of the practice. That includes certain non-naturopathic treatments and procedures, including drug prescription, which I believe is not in the best interest of public health and safety in the State of Maine. If we have any intention about what this particular health care provider wanted when they came to the Committee, let me tell you, if you look at the bill as it was written, this is what they wanted. They wanted to be called Primary Care Physicians. They wanted to be able to do minor surgery. They wanted to be able to do childbirth. They wanted to prescribe drugs. They wanted to do manipulative therapy. I wonder how the chiropractors would feel about that. So, for me, there is no question what the agenda of this profession is all about. Let's be really clear, the professed schools that they attend are not medical schools. It is a school of naturopathy, whatever that is. There are no national standards. Everything is in draft form. There is nothing that has been nationally accepted. There are absolutely two competing philosophies. There is no agreement on the national level what naturopathy should be about. The standard is in dispute. So, therefore, we are going to license an entity for which we have no accepted national standard, totally different from the other professions that come before us, nursing, medicine, all those professions have very definite national standards, so we know what we are talking about. The schools of naturopathy have no standardized curriculum. Actually, none were accredited until the late 1980's. So, I'm not sure what we are being expected to accept here. There is something in the bill before us; and yet, I, for one, who has some knowledge about health care and health care professionals, don't feel very good about what I am being asked to do; because I have nothing with which to measure it.

You want to talk about public confusion? Let's confuse them further. This bill now lets an entity

be called Doctors of Naturopathy. Do you know what that means? Are your constituents going to know what that is? Or, even better, they can also be called Doctors of Naturopathic Medicine. This sort of gives it a flavor that there is something medical about naturopathy. Yet, if I get it right, naturopathy is supposed to be something totally different from medicine. It's supposed to be something that is not traditional. It's non-invasive. It's non-surgical. It's non-chemical, no drugs. Therefore, I don't know why we need to regulate it; because they ought to be able to use entities; and this is what they have been using, entities that are approved by the FDA.

It's really disturbing to me that the bill allows them to have prescriptive writing privileges. If this passes, I plan to offer an amendment that will strip that. There is nothing in this bill that prevents naturopathic professionals, I refuse to call them doctors, to prescribe psychotropic medications. There was a study group, we will hear, that looked at this issue; and the Committee will admit to you that the study group, the task force, did not do this topic justice. There were a lot of abstentions. People didn't vote. They didn't vote yes. They didn't vote no. So, you have an issue that had a vote of four yes, three no, and two abstentions; and that said yes it passed; because only three voted against it. There are under ten states that license naturopaths, and only one state allows them to prescribe medications. I don't understand why we have to do that. They say the board will determine. The bill sets up a process that will define a formula, and yet there is nothing in the bill that assures me that the general board, which is composed of seven members, and of the seven there is only one physician and one pharmacist, so there is a five to two vote. There is nothing that assures me that that five to two vote can't overrule what the subcommittee decides on formulary. I don't feel really comfortable with that.

I don't understand why there isn't a fiscal note on this bill; because the minute you license and recognize, as a state, the minute we license and recognize somebody, that provider automatically becomes a Medicaid provider. I don't understand why we don't have a fiscal note.

I'll just end by saying that, would you put your name on a certificate with what you know about this issue? Would you sign the certificate of a Doctor of Naturopathy, based on what you know and understand, after this debate is all over? I hope that's how you measure how you are going to vote on this bill. I want to know, based on what you are going to hear, and what you are going to know, would you sign a certificate that would allow that person to take care of your loved one? Thank you.

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

Senator CIANCHETTE: Thank you, Mr. President. The Senator raised some questions. She said she didn't understand this, didn't understand that, and so forth. I just want to say that if the members of this Senate had sat in the Committee that I sit on, hearing the debate from last year and this year, I'm sure the Senator would have a lot of the answers to those questions, as almost the unanimous committee did. There are all kinds of protections in this thing. This is an opportunity to allow expanded health care in the State of Maine. I have heard similar kinds of arguments from certain fields

whenever there is a certain issue that comes up that allows more people to get into the health care field. There was all kinds of evidence submitted to the Committee that I believe demonstrated a strong need for this profession within the State of Maine. There is a concern here about these untrained people administering prescription drugs. Well, I'll tell you, the Committee met all this year, last fall and this year, preparing. The task force that brought back the amendment to last year's bill, this is a hold over bill, they worked diligently. They reached all kinds of compromises and came to the Committee. The Committee further watered down the suggestions of the task force. Just for an example. If a naturopathic doctor, and in this bill it's pretty simple, it says if you are going to use the title of naturopathic doctor, then you must have completed a four-year undergraduate course, a four-year federally accredited medical school, and pass a national competency based examination requirement for a completion of an M.D. degree, including 2,704 hours of academic instruction and 1,284 hours of clinical supervision. Before a naturopathic doctor may prescribe medicines, they will be working under a physician for twelve months; and the physician will determine what medicines that that naturopathic doctor may prescribe. There is all kinds of protection in this bill for the people. What it will do, there are all kinds of people out there practicing natural medicine, that's fine. There's no purpose to this bill to limit anybody from doing what they are doing today; however, if they are going to use the title of naturopathic doctor, it means something. The degree will mean something. The title of doctor will mean something. People will know who it is they are talking to. If they are going to be able to do these things, they will only be people who are qualified, capable, have worked under the auspices of a physician. I think this is a good bill. I think that it is a necessary bill and I hope that you will support the motion. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm not sure that I can think of a bill that in both of my committees the entire committee knew so little about when we started, with the possible exception of sea urchins. This particular issue is one that no one on the committee really had any background in, so it was a real educational experience for us to learn about this particular health care profession. In the course of the testimony and information supplied to us, we did learn that there are two different tracks for naturopaths to prepare themselves for practice. The track that we are talking about here is one that involves four years of undergraduate college education, followed by four years of post-baccalaureate education, in which many of the courses that are taken are similar to the types of courses you would find in a medical school, the exception being, without getting into the philosophy of naturopathy, which I wouldn't dare to try to represent, that the fundamental premise of this health care profession is to work with natural substances, to work with the natural energy of the patient to restore health, so that where it divides from allopathic medicine is in its focus on the use of natural substances. In the process of going through that information, I think that you can see

from our ultimate committee vote, that most of us became quite comfortable with this profession. But, I think it's safe to say that the committee also agreed that the benefit of licensure, in this instance, is that it gives the public an opportunity to differentiate. Right now, anyone can call themselves a naturopath, and anyone can practice that profession in Maine. This would define, for the State of Maine, that a naturopathic doctor is one who has done the four years of college and the four years of post-baccalaureate training, not one who has done a correspondence course after a high school diploma, or whatever. So, the first benefit of this bill is that it defines, in Maine, a naturopath as one who has had this rather extensive training. I think the only controversial issue remaining in this bill is the issue of prescription medication. In order to thoroughly look at that, I think there are a few things that are important to understand; because, frankly, most of us didn't when we set out on this. One of those things is when you are a health care provider, you need prescriptive authority to write for non-prescription drugs, which means that I can tell my daughter to take a Tylenol and I don't have to have a license; and I'm not going to get busted for that. But, as a health care provider, if I tell my neighbor to take a Tylenol, I am prescribing; and I can, in fact, be sued if something goes amiss; and I have told somebody to use an over the counter medication that was not appropriate, or that caused that person to delay in seeking treatment, et cetera. So, when we talk about prescriptive authority, we are not necessarily talking about people asking for the ability to write for an extensive category of medications. We are talking about their ability to really advise patients to really use almost anything, including vitamins and minerals. The other issue with prescriptive authority is that there are natural substances which, in certain doses, don't require any sort of a prescription, but in other doses do. Those are sort of the backbone, if you will, of the formulary of the naturopath that includes vitamins and minerals and certain hormones, food substances; and in stronger dilutions, those products cannot be obtained without a prescription. So, for the most part, we are talking about categories of substances that are not, I think, what you or I normally think of as a prescription drug. That's the reason why some core of prescriptive authority does need to remain in this bill, so that these people can continue their traditional and natural practice.

I certainly concur with the good Senator from Cumberland, Senator Pendexter's comments about the need for public safety. For me, prescriptive authority has been the big struggle within this bill. I'm not sure that we have got it right yet; and when this bill passes, I have a strong feeling that I may be inclined to submit an amendment, as well, that clarifies these practitioners to continue to use the traditional and natural substances they have been using all along, without adding prescriptive authority for what you and I normally think of as meds, antibiotics and I.V. meds and all those kinds of things. That is not the intent here. Therefore, I would hope that you would join the committee in supporting this bill and that we can proceed to fine-tuning it a bit to make it an even stronger bill. Thank you.

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

Senator **PENDEXTER**: Thank you, Mr. President, Men and Women of the Senate. I suppose you are supposed to feel better that these professionals attend, beyond their four years of college, another four years of grad school. However, I have to say to you that they have absolutely no clinical training. If there is anything that I have to assure you of, Men and Women of the Senate, if you are going to be out there, practicing health care, you've got to have some clinical experience. You know you don't learn it all in a book. You have to go out there and practice. If it wasn't so important to practice what you learn in your four years of school, then I still would like to know why physicians continue to have a three year residency program after they go their four years of medical school. Something has to be said for clinical training. Then, we add on the whole prescriptive piece to this bill. You ought to be asking yourself the question, what is the Committee really thinking with a twelve to one vote that they now stand before you and say, "Well, we all had questions. We really have some doubts about the prescriptive piece." You have to say to yourself that maybe there wasn't a clear understanding, perhaps, on how we should proceed with this issue. Please, don't misunderstand me. I'm not saying that there is not a role in our health care for naturopathic medicine. What I am saying to you is that I don't think that this is the time, or the session, to set up some whole licensing process. There is still a lot of debate on the national level. There are two competing philosophies, which you have a handout on your desks; and this automatically puts the stamp on one of them. Why? Why can't we accept both? Why do we have to pick one over the other? I don't understand why the committee picked one philosophy over the other. If I was to give you my general understanding of naturopathic medicine, it would be non-invasive. It would be not using chemicals, not using medications. That's what I would perceive as a definition of naturopathic medicine. Yet, we have a bill before us that sort of tries to borderline medicine. I have to say I don't understand. So, I think that this is a bill that is here before us before its time. There are other legislatures and other session. I think when the national entity resolves itself, and we have some clear understanding, some clear standards, some standardized curriculum, then, yes, perhaps we can take a position on what we want to do in the State. The Senator from Somerset says there are all kinds of protection in here for the people. I have to fiercely consider what the Committee was thinking when they were allowing prescriptive writing privileges for antibiotics. Antibiotics that have serious side effects. I have four examples before me right here. Antibiotics that cause kidney failure, a sudden drop in potassium, which gives you heart dysrhythmia. It can lead to sudden death, bone marrow failure, liver/kidney failure. We are allowing these non-medical people to prescribe entities that create serious problems. I have to ask myself, I don't feel that there is protection for the people in here when we are giving these people prescriptive writing privileges. I bring it up because this is what the committee has brought to us in the majority report. I have to ask, I don't know what they were thinking. I don't think there is protection here for the people. So, I hope you really seriously consider what you are doing. I urge

you to join me in voting against the majority report. 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, have reservations about passage of this legislation. My concern is a little different. Every time that we, as a State, grant a license to another medical specialty or to a group of people, it has a way of putting the stamp of approval. It's more than a good housekeeping stamp of approval. It's a stamp of approval from this Legislature of 186 people. It's a stamp of approval from the State that says that the State of Maine, in some fashion, vests trust in this profession and all that it does and all that it teaches. I'm sure that there are many fine things that are done by naturopaths, that acupuncture has helped people on many occasions. But, there are also some practices and some beliefs that are at the core of this branch of care that have no scientific validity whatsoever. They are totally unproven. In fact, they have proven to be completely without validity in scientific principle. There are some very strange things that are believed by some naturopaths that cannot be validated in medical science. We, as the State of Maine, will be giving these people a certificate that they can hang on the wall with a black frame around, and say, "Look, the Legislature of the State of Maine says I am a doctor. I'm not an M.D. but something that sounds a lot like it, an N.D." It means that whoever practices this art is going to be holding out to the public that they have some special skills that we folks here in Augusta have approved of, that we have somehow given our approval to them. I can't do that. I don't mind if they practice within a certain frame that the law allows at present, in other words, to recommend certain food substances, to recommend certain natural substances that require no drug control, to use needles and electrical currents, pins, to help people in many ways that they feel they are being helped. But, as long as they are not doing harm, I don't have a problem with letting them proceed as they do now in kind of an unregulated way. They know what their limits are. The limits are pretty well established by law. It is illegal for you, or me, or any other person in this State who is not licensed, to go out and practice medicine. You and I don't have access to controlled drugs. We can't hold ourselves out as medical doctors, unless we have had the training and the license. Those same rules that apply to all of us, whether we be insurance brokers, real estate brokers, lawyers, or whoever we are, the same rules that apply to all ordinary people apply to these folks as well. But, to give them a very special law that allows them to hold themselves out as being doctors, when they adhere to a wide range of beliefs that, at least in some respects, are completely unproven and probably, from a scientific perspective, invalid, we, as a legislature, should not be giving validity to something like that. I certainly agree that we should not be giving them the opportunity and the right to issue prescription medications when they don't, I don't see here that they have the appropriate training and background. We don't let even people who are very sophisticated in the health care professions that we do license have very limited prescriptive authority. We don't let psychologists prescribe drugs. Many people in the nursing

profession have no authority to prescribe drugs. We reserve that very special right to medical doctors and doctors of osteopathy. We do so under very tightly controlled circumstances, and there are very good reasons for that. You can't prescribe one drug into someone's body without knowing how it will interact with any other drug that that person may have; and you have to be trained in dosages. That does require intensive clinical hands-on experience, which is totally lacking from the training regimen that I see before me. I am very concerned about this bill and I will vote ought not to pass. Thank you.

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

Senator RAND: Thank you, Mr. President, Men and Women of the Senate. Just a clarifying point. Two years of clinical training in addition to the academic training is what is required?

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

Senator HARRIMAN: Thank you, Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I think the good Senator from Somerset, Senator Cianchette, was exactly right. This bill is not something that appeared in this session, that we hastily looked at and passed on its way for your approval. Rather, this is a piece of legislation that has been around almost since you got sworn in. We have taken the time to go slow, to be careful, to seek the input of people who have far more expertise than we. Ultimately, our committee consciously, and knowingly, decided a couple of fundamental things. One, that there are a lot of people today practicing, some calling themselves doctors of naturopathic medicine, who are purporting to the public to provide a service that the good Senator from Somerset, Senator Mills, is concerned about. So, the first principle that our committee established was that yes, indeed, for the benefit of the public, this is a profession that should be licensed. The first part of our responsibility was to establish the credentials for those people who wish to be licensed. We went on to clearly define their scope of practice, what they can do, so the public can have confidence in what these people will be providing for services. Like anyone who is providing a preventative health care suggestion, or a therapeutic health care suggestion, there is oftentimes diagnostic work that needs to be done. Here again, we were very careful to make sure that if a naturopathic physician, doctor, prescribes an ultrasound, an x-ray, an electrocardiogram, that those diagnostic procedures must be performed by a health care professional specializing in these diagnostic procedures; and they will do the interpretation of the results of those procedures.

We, too, like my good friend from Cumberland, Senator Pendexter, had concerns about the prescriptive authority. I might mention that there was some testimony earlier about how the study committee that reported back to us was flawed, in that there were a number of issues that were addressed with people who abstained from voting. In this particular area, in the area of prescriptive authority, it was their suggestion, which included a doctor, a medical doctor, that their ability to prescribe medicines be at the schedule six level, not our suggestion, theirs. We felt that in addition to that recommendation that the prescriptive authority

for schedule six, non-legend, medications, that in order for a naturopathic doctor to prescribe them, they must first complete a twelve month collaborative relationship with a licensed allopathic or osteopathic physician, and that the board that will govern this licensing shall further define the terms and the collaboration relationship by rules. The board that will be overlooking this prescription authority will have a subcommittee. The subcommittee will be made up of two naturopathic doctors, a pharmacologist and a medical doctor. If they cannot agree, if it is a two to two tie, the naturopaths say yes and the pharmacologist and doctor say no, no prevails; because we, too, share the concerns that the good Senator from Cumberland, Senator Pendexter, have.

We also made sure that for the public's benefit, that if someone goes to an office, that they must clearly disclose to each patient, on all printed material, that their training is in naturopathic medicine; and that if they are practicing without malpractice insurance, they must disclose to each patient that they don't have coverage. Right now the public does not know this. I think the Committee not only took a very cautious and conservative view at this licensure. Even after we accepted the report from the task force, we further refined it, to assure that the public will be benefitted from the licensing. Thank you.

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

Senator PENDEXTER: Thank you, Mr. President. May I pose a question? To the good Senator from Cumberland, or the good Senator from Somerset, could you define for me what naturopathic medicine is and how does it differ from medicine? Thank you.

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 Somerset, Senator Cianchette.

Senator CIANCHETTE: I think if we read the bill, and what the bill says, I don't really understand what the need for the question is, because one of the qualifications for licensure is that this licensee shall have completed a four-year undergraduate degree, and then graduated from a four-year federally accredited medical school. Four years of medical school, and then pass a national competency test. That is the first step that they go through. I don't know what they are doing in that four years of medical school. Are they supposed to be studying truck driving or something? I think they are studying medicine. I'm convinced, after hearing the testimony from so many people, that there are people who have a high degree of medical knowledge, and experience, who will be applying for this licensure. So, yes, I think there has been a lot of practice of medicine, and I think there is a practice of medicine. Maybe it's not the same school. I remember the same concerns that the medical profession went through when optometrists wanted to expand their practice, when osteopaths wanted to expand their practice. Do you remember all the horror stories? I can tell you right now, folks, that if we pass this bill, which I think we should, the sky is not going to fall in.

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

Senator **HARRIMAN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. In response to my good friend from Cumberland, Senator Pendexter, I would answer that natural medicine means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic, self-healing process. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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.

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **HARRIMAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-860) **READ**.

On motion by Senator **PENDEXTER** of Cumberland, Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860) **READ**.

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

Senator **PENDEXTER**: Thank you, Mr. President, Men and Women of the Senate. What this amendment does is it still maintains the prescriptive writing authority for non-prescription medications, which the Senator from Hancock had mentioned. So, it maintains that authority. However, it does remove the authority of the naturopaths to prescribe what we call schedule six and schedule seven drugs, which are your FDA approved drugs that you need to have a prescription in order to use those medications. So, what the amendment does is keeps the prescriptive writing privileges for non-prescription drugs, but it removes the schedule six and schedule seven of the FDA approved drugs. I hope that you will support this amendment. Thank you.

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

Senator **CIANCHETTE**: As I read this amendment, I think that it substantially guts out the bill. I don't think it is at all necessary. So I would move the Indefinite Postponement of this Senate Amendment.

Senator **CIANCHETTE** of Somerset moved that Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860) be **INDEFINITELY POSTPONED**.

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860).

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Implement the Recommendations of the Task Force on Alcoholic Beverage Sales" (Emergency)

H.P. 1244 L.D. 1706

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-863) (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-864) (6 members)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, March 28, 1996, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

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

Senator **FERGUSON** of Oxford moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-864)** Report, in **NON-CONCURRENCE**.

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

Senator **FERGUSON**: Thank you, Mr. President. This is the privatization of the liquor industry in the State of Maine. It does several things that I am very briefly going to tell you. It closes the last 28 of the State liquor stores. There is projected budget savings to the State of \$2.4 million in FY 1997, \$7.2 million in FY 1998. It projects State general fund revenues of \$22,800,000 in 1997. The 1995 transfer to the State general fund was \$21.8 million. The State retains its control of the alcoholic beverage sales and consumption. The State would rely on a full agency network for retail sales of alcoholic beverages. The opportunity to become an agency liquor store will be open to any legitimate Maine business that meets the license requirements. It is a fee of \$2,000 and retain \$5,000 of consumable merchandise. The State will continue to provide oversight of sales but will contract with private service providers for warehousing and distribution. I might add that the distribution would be a state of the art bar coding and things of that nature. By reducing its cost of overhead, the State will reduce the price of alcoholic beverages, and employ other price strategies to recapture sales lost to New Hampshire, and, therefore, further enhance its revenue to the general fund without affecting consumption. It will add four additional law enforcement officers to enforce the addition of the agency stores that we are projecting. Thank you.

Senator **RUHLIN** of Penobscot moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED**, in concurrence.

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

Senator **MICHAUD**: Thank you, Mr. President, Men and Women of the Senate. I hope you support the motion to Indefinitely Postpone this bill and all of its accompanying papers, and I will tell you why. This bill has been attributed as a privatization bill. Yes, in fact, there are some privatization aspects of this bill; but it is not complete privatization. That's where the big flaw comes from. The proponents of this bill will claim that, and it is supposed to be, under the current law, the State will not lose any money. They also claim that they are going to recoup lost sales that are going to New Hampshire which will stay in the State of Maine. That's where I disagree vehemently. That assumption is incorrect. If you look at what happened with alcoholic sales over the last five years, there has been an average decline each year of about 4%. The bill says no revenue loss, so what is going to happen? The State is going to have to keep increasing the markup, to make sure the general fund loses no money. The problem along the border towns is that they can buy their alcoholic beverages

cheaper in New Hampshire. So, if you keep increasing your markup to make up for that decline in alcoholic sales, what's going to happen? They are going to force more people over to New Hampshire to buy their alcoholic beverages. This plan also guts the law dealing with agency stores. It's going to be very difficult for them to predict what the revenues are going to be if we pass this bill. In fact, if you are in favor of giving the administration taxing power, which this bill does, to increase those revenues, then that's what is going to happen. The Bureau has the authority to increase those revenues.

The other part of this bill that is disturbing is it has complete disregard for the small businesses. What I'm talking about is you are going to have your Wal-Marts, your Shop 'n Saves, and your larger chains who are going to be able to undersell the Mom and Pop agency stores, because they did away with the 8% markup. They are going to be able to put your smaller stores out of business. That's not the only thing. To make matters even worse, what this bill does is, under the current system, everyone is charged the same price for wholesale. Under this plan you can have multiple tiers of wholesale pricing. That is very disturbing to me, particularly coming from a rural part of the State; because what is going to happen is you are going to have licensees be able to go to a warehouse and pick theirs up, without any transportation costs. Clearly, what that is going to do, in my opinion, is for any stores or restaurants or bars in rural areas, they are going to pay a lot more for their alcoholic beverages.

I would like to read part of the testimony from the Maine Restaurant Association, when you talk about the practicality of this whole system; and I quote, "I do not believe this is possible, practicable, or advisable. I do not believe that maintaining an artificial level of taxation, based on shrinking gross sales and increasing prices, is a workable plan. Revenue neutrality is an admirable goal, but it is an unattainable myth." Those are the remarks of the Maine Restaurant Association, which, I think, are right on target.

The other thing that has concerned me all along about this bill is how they have been manipulating with the figures. Having served on the Appropriations Committee for a few terms, I realized then that if the departments are in favor of something, or opposed to something, that is how they will justify their fiscal notes. That has been one of the most frustrating things with this particular bill. Although the good Senator has talked about \$7 million in fiscal year 98/99, reading the Statement of Fact that the Appropriations' Staff has put on this bill, it says the net general fund savings in fiscal year 1997/98 and 1998/99, respectfully, are estimated \$2.4 million and \$2.6 million, not the \$7 million that was stated earlier.

Also, when they were putting together the fiscal note on this bill, I asked the staff of Appropriations for some of the working papers that they received from BABLO. I think it is ironic that for the redemption container handling cost, and these were not hard facts, these were just estimates when they first gave the fiscal note, I want to make that clear, I'm not sure what the actual ones were but these were the estimates they gave the staff downstairs. For the closing of the five stores they say that that would save \$700,000. But, for closing all 28 stores, that would save \$750,000. So, it is

only \$50,000 difference doing five stores or 28 stores. I find that disturbing. The other part I find real disturbing is, having spent many hours in work sessions talking about this particular bill, there was a concern by Committee members about the proliferation of agency stores throughout the State. On January 31, 1996 I asked someone from the Bureau on how many agency stores did they base their assumption on for this bill? They told me at that time that it was between 75 and eighty new stores. However, the information they sent to the Appropriations staff was assumed on 250 stores. I find that disturbing.

Last, but not least, this whole proposal came out of a bill that Legal and Veterans Affairs had dealt with last session. There was a lot of discussion upon the makeup of that committee. Unfortunately, I was not at the last work session when they finally decided the makeup; but the majority of the members of that committee were from the Administration or were in favor of privatizing, or, in this particular case, partly privatizing. That's disturbing because if you are interested in coming out with a product that everyone can live with, you should have people on a task force that have different views. The committee had spent long hours on this bill. It is not a workable bill. It's a poorly drafted bill. I don't think this is the time to start dealing with this piece of legislation. I think what should be done is in the first session of the 118th, I think the Legal and Veterans Affairs Committee, which I'm sure this bill will be before again next year, take the time to deal with it. Don't enact legislation and worry about how to deal with it later on, because by then the damage will be done. So, I hope that you will go along with the good Senator from Penobscot, Senator Ruhlin, and vote to Indefinitely Postpone this bill and all of its accompanying papers. 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 by Senator RUHLIN of Penobscot to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BERUBE, BUSTIN, CAREY, CASSIDY, FAIRCLOTH, GOLDTHWAIT, HALL, HANLEY, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

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

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator RUHLIN of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers, in concurrence, PREVAILED.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
INITIATED BILL - from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Reform Campaign Finance"

I.B. 5 L.D. 1823

Majority - Ought Not to Pass (11 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-836) (2 members)

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

Pending - ACCEPTANCE of Either Report.

(In House, March 28, 1996, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

Senator MICHAUD of Penobscot moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in NON-CONCURRENCE.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator MICHAUD of Penobscot that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in NON-CONCURRENCE.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators: CIANCHETTE, CLEVELAND

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator MICHAUD of Penobscot to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-836) READ and ADOPTED, in NON-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 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 - the motion of Senator HANLEY of Oxford to ACCEPT Report B - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835), in NON-CONCURRENCE.

(In House, March 25, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834).)

(In Senate, March 26, 1996, Reports READ.)

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. I rise this afternoon in hopes that you will support the Minority Ought to Pass as Amended Report. This bond package, initially, had a request for \$5 million for venture capital in the State of Maine. The other portion of this bond was \$6 million for an agriculture marketing loan fund. Let me state that we had a very positive public hearing, with a lot of people testifying in support of both the agriculture marketing loan fund, as well as the small enterprise growth fund. Men and Women of the Senate, one of the things that concerned me, in both the small enterprise growth fund and the agriculture marketing loan fund, is that these areas that the State is going to bond, and incur a higher debt service because of, can be highly speculative. In testimony at the public hearing, and further discussions with members of the Business and Economic Development Committee, the small enterprise growth fund is one of venture capitalists, where the success stories are grossly dwarfed by those that fail. Yet, there is merit for the State to help out those small entrepreneurs with just a few employees who are trying to expand. The same thing is true with the agriculture marketing loan fund, as I am sure you will hear this afternoon. The potato marketing loan fund has been very successful, providing capital for potato farmers and potato marketers to build storage facilities, and that that program has had absolutely no failures, and that of a \$5 million initial bond package, has grown to \$14 million of assets. However, I think there is an issue that members of this Chamber should be aware of in the agriculture marketing loan fund, as well as the small enterprise growth fund. The testimony presented to us for the agriculture marketing loan fund was to concentrate on cranberries, aquaculture, and apples. Those were the three as far as the people who came in front of us and testified in support. Those were the three areas that basically their attention was focused on.

A cranberry crop takes five years to mature and be marketable. Apples, five to seven. Aquaculture, depending on what species is being worked with, two to four years. It was my position, and the position of other members of the Committee, that we should start out a little more circumspect. Maybe we shouldn't go forward with an \$11 million bond issue. Maybe we should move both of these bond issues back a

Senate at Ease
Senate called to order by the President.

little bit. Let them establish themselves, establish a track record, get some historicals, and let the people of the State of Maine be able to judge how successful this program is. Especially due to the high risk nature in growing crops, unlike potatoes which can grow to maturity in a season, these other areas need many years before they are marketable and before any profits can be realized. I think it is important to distinguish between supporting this at \$11 million and supporting it at the \$6 million, as incorporated in this minority report. Let me point out for those of you in this Chamber, and let me put on the Record, who are concerned with the structural gap, who have been passing out papers as far as saying that to repeal taxes is foolhardy, that there are certain areas that we, as legislators, can focus on and reduce the fixed costs. One of them is debt service. The Governor, to his credit, has stated that he doesn't want to bond any more than 90% of what is retired in any year. With the bond package in front of you, we would be bonding, if endorsed by the voters, 87% of those retiring. Maybe it's because, on the Appropriations Committee, we are faced with these questions every day, as far as how do we make up the difference, how do we make up the structural gap if there is one. Well, debt service is a fixed cost but it can be ratcheted down. This report allows members of this Chamber to accept a bond package which would be 75% of what we are retiring. It would enable us to save, from our debt service, depending on what the voters approve, anywhere from \$3 million to \$7 million in debt service. More, if the voters reject all of them, but only that amount if the voters accept all of the bonds which we put out to referendum. That's all I wanted to say on this report. The two issues, these areas, are highly speculative. I think they should establish a track record first, before we encumber too much of the general fund dollars that the people of our State work very hard to provide. The second thing is I think there is a responsibility, as the Governor of this State has requested this Legislature to be responsible, and to look for alternatives as far as to fund potential structural gaps. This is a step in that direction. Yet, it still provides economic stimulus for both the small entrepreneurs, as well as the farmers. Mr. President, I request a Division.

Senator HANLEY of Oxford requested a Division.

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

Senator CASSIDY: Thank you, Mr. President. Good afternoon, Men and Women of the Senate. You know, when we first were all assigned to committees last year, and I happened to be assigned as Chair of the Agriculture and Forestry Committee, I was reading one of the articles in one of our daily papers that sort of listed all of us who are not real important committees. I was on that list and I thought, obviously, this guy was not eating dinner when he wrote that article. The other thing that I thought of is he obviously has not had an opportunity to canoe down one of our beautiful rivers in the State of Maine and walk through our forests and see some of the wonderful natural resources we have in this State. I want to say to you that I think each and every joint standing committee that you serve on are important to the well-being of this State. Although I do think sometimes, like the reporter that wrote that article, I think a lot of us sometimes take

aquaculture and agriculture for granted. I think that we don't realize how hard people work, how much food we provide here in this State; and, in fact, the entire world is our country.

In this particular proposal we have before us today, we are asking for a \$6 million bond to be approved by the citizens of the State of Maine to promote an industry in the State that has such an impact on our jobs. If we could just realize that agriculture in this State creates \$1.2 billion into our economy. We often think of industries that move into the area and create 50 jobs, or 100 jobs, or 200 jobs. Think of the assets we have here already; and what we are asking today is to approve this, so that the people will have an opportunity to improve their operations here in the State of Maine. There has been a misconception, and it was mentioned by the good Senator from Oxford, that this bill is a cranberry bill, and that the potato crop is not a risky business. As Chair of the Agriculture Committee, last summer I had an opportunity to visit Aroostook County five times and see some of the operations, to see some of the broccoli operations up there. I was there during the midst of the drought that they had, and I want to tell you that potato farming is a risky business. I think any of you who have been in that, or maybe some of you folks from Aroostook County, will realize that it is. This particular bond, as was mentioned earlier, will mirror the potato marketing bond that we approved in 1981. The numbers that you heard are exactly true. At that time there was a \$5 million bond that has since grown to \$14 million. We have been able to assist 224 farmers in building potato storage facilities so that they could compete with the Canadian market. If you don't think a drought is tough on Maine potatoes, go up and take a look at the Canadian influx of potatoes in this State. If we hadn't had the opportunity to provide the funding for those folks to build those storage facilities, the potato industry in Aroostook County would probably be non-existent today. Of the \$14 million value now that that fund is worth, we are loaning a little over \$1.2 million a year. That money, of course, is paid back to the fund. The other thing that you have to understand, this particular fund, as well as the agriculture fund, also will have a board that oversees this. This isn't something that you just walk in the door and say you need X amount of dollars to do something. It is very well managed. As was mentioned earlier, there has never been a cent lost in a high risk crop business in this particular program. The other thing that I think is exciting about both of those, and this, as I said, will mirror this, it also is going to have some features that will help agriculture and aquaculture, as well. I think the reason the misperception came across here on the cranberry aspect of this issue was because we had some folks come to our Committee, Agriculture, Conservation and Forestry, one day, who represented the Maine Cranberry Growers; and I am very supportive of that industry. I have also visited several of those sites last summer as Chair of the Ag Committee. I visited those with Commissioner McLaughlin. There is a lot of potential in the cranberry industry. The request to our committee was to earmark \$1 million of this fund for cranberry growers. Almost in an argumentative way with the gentleman who spoke to us, we assured him that cranberry growers, along with folks in the

aquaculture industry, as well, will have equal opportunity to apply for these funds. The committee felt that we should not ask Appropriations to earmark any part of this, that each person have an equal opportunity to present their plan.

The other exciting thing about this bond issue is this. If this is approved by the voters of Maine, the money, obviously, will go through the Finance Authority of Maine. A person who is applying for these funds then would be allowed to borrow up to 55%, up to \$50,000 for that project. The other requirement is that that individual would need to put in 10% of their own money to that project; and then, obviously, the bank would be the third players. This get the banks, industry, the farmer, and FAME involved in these kinds of projects that will promote agriculture and aquaculture in this State. This isn't only a cranberry bill. This is for dairy farmers, potato farmers even, if they need to expand their operation some other way, blueberry growers, pork farms, you name it, anything to do with farming or, also with the other industry that we have seen grow tremendously, especially down in our area, because of the cold, deep waters, aquaculture. That is also an industry that has created a lot of jobs, both in processing and in raising fish. So, what I ask today is that you really take a look at the opportunity that we have here to promote agriculture in some small way. We are talking a \$6 million bond that will be processed through the Finance Authority of Maine. I sat here last year and voted with you on a \$3.5 billion budget. I can't even imagine that, which probably doesn't even include all the dedicated funds that go in. We are talking \$6 million. That's like if I reach in my pocket and pull out my change to show you in relationship to what I make, no not really. It's a very insignificant amount of money, I think, when we look at the entire picture. We do not do enough to promote agriculture in this State. If you remember correctly, we also stood here last year and voted to increase the Finance Authority of Maine's right to guarantee \$100 million, \$25 million of which was to guarantee Avian Farms, a large industry in this State. We also sat here and voted, if you remember, thirty-four to one, to also allow them to increase \$100 million so that Bangor Hydro could buy out those power plants, which somebody made some bad decisions on, talk about high risk, a few years ago. As a matter of fact, I think I was the one who voted against that. It's so easy for us to guarantee \$100 million here and \$100 million there. We are talking \$6 million. As has been said earlier, the Governor, the Administration, I think we, in both houses, have agreed to try to keep our bonding within 90% of our debt that we are paying back this year. This will do that. I think to do anything different is not being fair to the State of Maine, to the people of the State of Maine, and to agriculture and aquaculture in this State. I ask you, please, to defeat this pending motion so we can go on and accept the majority report. Thank you.

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

Senator **KIEFFER:** Thank you, Mr. President, Members of this body. It isn't very often that I find myself differing with the good Senator from Oxford County, Senator Hanley, when it comes to being frugal with funds. It makes me have kind of a strange feeling when I am in this position. However, I think there is one thing that should be pointed out

in this regard on this particular bond issue. These crops that we are talking about, as far as cranberries, aquaculture and apples, are not crops that turn over on an annual basis until the original start-up period is over. Cranberries take four to five years before a crop can be taken off from them. Aquaculture will run three to four years, generally. Apples might be five to seven years. With that in mind, your cash is tied up for a long period of time. It isn't going to be returned so it can be reinvested year after year after year during these first start-up periods. I think you have to take that into consideration when you look at these amounts of money that are involved. I certainly agree with the good Senator from Oxford that these are more highly speculative types of farming operations. Certainly, no one can question that. But, I think that should be handled by the underwriting of the loans. It should be handled by the board in being more conservative or taking a harder look at exactly what the process that the proposed borrower has to implement their plan. I don't think it can be done by limiting the amount of the fund. I don't think that is the proper approach to do it. I think underwriting the loan at the time of the application is the time to take a hard look at it, to see whether it is a feasible and equitable loan, or not. So, I would ask you, as well, to defeat this pending motion so we could go on to accept Report A. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. I would like to point out that the bond level in the minority amendment came to 87%, while we were trying to limit ourselves to no more than 90% of the bonds that were retired. That being the case, if, in fact, we go along with an \$11 million bond issue, maybe someone here can tell me what that percentage would be; and would it, in fact, exceed the 90%?

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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. To answer the good Senator from Kennebec, Senator Carey's, question, I apologize for trying to catch up on my sleep and regain my mental faculties here. Maybe I wasn't clear. The Governor's proposal in the entire package that the Governor sent forth, in the four bonds which he sent to our Committee, if we had adopted everything that the Governor had, it would have totalled a little over 87%. So, the Governor was below his 90% threshold. The point I was making, in my position as Chair of the Appropriations Committee, was trying to ratchet down the over-all package. This is one of the packages that was to be ratcheted down to get us to the 75% level, which would then decrease our debt service.

While I'm on my feet, let me just respond to a couple of things. This is an \$11 million bond issue, \$6 million for agriculture, \$5 million for the venture capital. The minority report would be, and maybe I should back up. When the Commissioner of Agriculture initially came forward, the original bond was for \$3 million. It was the projection of the Commissioner that he wanted to do \$3 million each year. My thought was, in hearing from the Business and Economic Development Committee on the venture

capital, that \$5 million was really as low as they should go; but they could still operate with \$4 million, especially since they would only be making loans of \$150,000 or less. One other point, as far as the guarantee. The guarantee is different than bonding. Maybe it's a myopic view of the budget. I am 99% concerned about the general fund impact of the debt service. Avian Farms and Bangor Hydro do not have a general fund impact on our budget. This will. This will increase the debt service. I am trying to be fiscally prudent, as far as to find ways for the next legislature, the 118th Legislature, when they meet to find ways to have them live within their means. As it appears from the unanimous report out of the Taxation Committee, as far as to repeal taxes, and a previous vote of this Chamber, then, in fact, it looks very likely that we will be doing just that.

At this point in time, I would like to pose a question through the Chair. To anyone who cares to answer, as far as the agricultural bond package and the agriculture marketing loan fund, can any of that money be used to obtain permits for their particular marketing for whatever agricultural product or aquacultural product they are intending to market?

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you, Mr. President. I assume that you mean if a person was going to maybe apply for a cranberry operation, or that sort of thing. I don't know if that is exactly what you mean. I'm not sure of the answer to that particular question, but I can find out for you.

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

Senator **HANLEY:** Thank you, Mr. President. It is my understanding, as far as the way the fund would operate, that, in fact, monies from the bond could be loaned through this fund to obtain the permits. Let me preface that I do support this, although I would like to get some historicals in place before we go to the extent of \$6 million. I would also like to have some historicals in place before we get into the venture capital. These are two new areas. It concerns me that we are jumping in with both feet before we have even tested the water.

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. Cranberry growing in Washington County is a success already. You have a number of cranberry bogs up there now that are producing. They are producing good yields, very good yields; and they are a success. They are experimenting with cranberries in Aroostook County. We don't know the results of that. As far as permits, I don't believe the permit to build a bog is very expensive. They have been working with DEP, the Department of Agriculture and the Army Corps of Engineers to make these permits easier to obtain. In view of the fact that we all know in this hall that Washington County and Northern Hancock County and Southern Aroostook County are distressed areas, and we talk about economic development, folks, this is one where we can get economic development in those sections of the State. Because of the transportation costs, they are not doing very well with manufacturing; but we know they have the land, they have the water and they have

the people who know how to work and will do a good job. I hope that you will defeat Report B and accept Report A.

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

Senator **MILLS:** Thank you, Mr. President, Men and Women of the Senate. In regard to the issue of permitting, it is my understanding that getting your permit is just one of the so-called soft costs that's associated with any project that involves the use of real estate. It is, in and of itself, something which adds great value to the real estate that you are developing. It has tangible value, although it is regarded as an intangible part of any project; and it is something that should form an integral part of any responsible project that is presented for review. However, I rather think that the security interests that are taken back on these projects rely largely on real estate and other tangible holdings. I think you could regard a permit as a significant improvement to real estate, that adds to its value. One other thing I would add is that my own view of these two bond issues is that we either ought not to do them at all, or we ought to authorize them in some amount that makes it administratively feasible for FAME to administer them. It makes no sense to give them \$2 million or \$3 million in each category, and tell them to go through the enormous administrative undertaking of developing the programs when there is such a pitiful amount of money in each one. We ought to do it at \$5 million and \$6 million, respectively, or not do it at all. That's my view.

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

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. Just quickly, we must remember, too, that the person who is going to apply for these funds will have 10% of their own money. I assume that part of that could go to the permitting cost, as well. Obviously, the bank is going to participate, also. I just wanted to say to you, I think, for some reason, you are missing the point in thinking that this is a cranberry bill. Obviously, it is a wide bill that will help all types of agriculture in this State. As I mentioned, when those folks came to our Committee, we assured them of that and we did not ask to earmark those funds. In the original \$3 million last year, we decided to hold that over and make the request for this second year, to have a \$6 million fund. I would just ask that when the vote is taken if we could have the Yeas and Nays.

Senator **CASSIDY** of Washington requested a Roll Call.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to tell you the three reasons why I will be opposing the pending motion. The first has to do with the words of the good Senator from Oxford, Senator Hanley, who said that these small enterprise growth funds will be used for businesses that are highly speculative. Yes, indeed, they are highly speculative and they are risky. That is the point of this bond. We have spent quite a lot of time in the past session, talking about the fact that the jobs that we do have in Maine tend to be seasonal, tend to be minimum or low wage jobs without benefits. This bond could change that. This bond could provide money for

businesses that offer better jobs than that, jobs with higher than average salaries, jobs with benefits. They include items like biotechnology, marine science, computer software, information technology, biomedical industries. They are exactly the kinds of jobs that we are looking for in Maine, but it is true that these are riskier than normal loans. This money will go to businesses who are not able to obtain bank financing, and they will go to small businesses. The loans are capped at \$150,000; and they are targetted at small businesses having only a few employees, with good potential for growth. Repayment terms will be flexible and borrowers must obtain at least half of their capital needs from other sources. I support that very strongly; and I hope that you do, too.

The agricultural piece of this bond addresses the natural resource industries of our State. It is the basis for the Maine economy. Without those growing and flourishing, we will not grow and flourish as a state. I am going to confuse the good Senator from Washington, Senator Cassidy's, issue again, by talking about cranberries, though I agree, that is only one piece of the agricultural enterprise that will be supported by this bond. The reason cranberries are significant is because they are a relatively new crop in Maine, and they offer a brand new opportunity in one of the most economically disadvantaged areas in our State. If we had put this kind of money into cranberries four years ago, we would have a very different story to tell. As it is, cranberries are a success story. Two years ago I visited the Ocean Spray headquarters and they explained to me that they work as a cooperative and that they really had all the growers they needed and didn't anticipate looking for anymore growers. Two short years later that same cooperative is in Maine, desperately looking for people to plant cranberries. Prices have gone up from \$64 a barrel, for processed cranberries, to \$85 a barrel, with ironclad three-year contracts for anybody who will produce a cranberry. Let us leave the fishermen out of even this bill, it is one of the areas where there has been some successful conversions. People who are being forced out of the fisheries are becoming cranberry farmers. It's compatible because it is close, geographically, to the area where these fishermen live, and they have had some success of moving out of a, in some cases, declining industry and into a promising new one.

My final point is that I do not believe that this bond, fully funded, has an adverse impact on our general fund indebtedness. Maine's per capita guaranteed debt of \$348 is less than the national average of \$380 and is the lowest in New England and in the northeast. During the 1996/97 biennium, \$124 million of general fund principle is being retired. New general fund debt approved by voters in November of 1995, and proposed this year, total \$103.5 million, a net reduction of \$20.5 million. I urge you to defeat the pending motion and fully fund this bond. Thank you.

On motion by Senator CASSIDY of Washington, 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. It has occurred to me, as I have been listening to

the debate, and listening to the folks in the hallway advocating for defeat of the pending motion, that we could really add a zero to this discussion, or we could multiply it by two; and we could have the very same discussion about the need to help our agriculture and aquaculture community and our small business community. I couldn't disagree, as a matter of fact, I agree, wholeheartedly, with the comments from the good Senator from Washington, Senator Cassidy. But, I think, in trying to put myself in the shoes of the Senator from Oxford, Senator Hanley, who has helped tirelessly, with his colleagues, put together a \$3.5 billion budget, that, if we can find ways to help them create more money in the general fund, we will help address more of the problems as time goes on than this bond issue might, as currently proposed, prevent us from offering. As I thought about this, at least on the small growth/business growth development side of things, a decline from \$5 million to \$4 million, again I would like to see it at twice that, I think it is ultimately going to give more people a chance. But, the difference here, if \$5 million was approved, 33 people could take maximum advantage of this bond issue. If it was a \$4 million bond issue, 27 people could take advantage of this, at the maximum amount. We are talking about a difference of six potential businesses, to say a million dollars of principle and interest. I think it is also interesting to note that the last round of bond issues approved \$10 million for regional economic development initiatives, and we spread this money all over the various regions of the State of Maine. Do you know what? Aquaculture, agriculture, and forestry are all eligible for that \$10 million administered locally and regionally. While I appreciate the enthusiasm and the tremendous positive track record that FAME has demonstrated on other initiatives that we have passed and asked them to implement; and they have done a tremendous job; but if we lowered the bond issue to meet the goals of the good Senator from Oxford, Senator Hanley, FAME would still get that money; and they would still invest it; and they would still get the float, the interest on the money that is not yet lent out, to run their operations. I think it is a little unfair to say that at some point we would jeopardize FAME's ability to administer the loans. We certainly did a small bond issue for the Governor Baxter School for the Deaf in the last session. I believe it was \$2 million. These issues weren't addressed then. So, in conclusion, Mr. President, I think it is important that before you take a vote on this, regardless of whether you support the pending motion, or another motion, you are voting for something that is going to be speculative. The overwhelming statistics of entrepreneurial businesses are that they fail. They fail. If they didn't, they would be getting traditional bank loans; and we wouldn't be asked to float this bond issue. Mother Nature is going to have a lot more to say about a cranberry crop than we are about the amount of money that they will be able to access. Time is going to judge whether this was a good decision. I think all the Senator from Oxford, Senator Hanley, is asking is, it's a good idea. I want to go forward. Let's go slow. Let's make sure it works; and if it does, we will do it again. Thank you.

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

Senator **PARADIS**: Thank you, Mr. President, Men and Women of the Chamber. I have been incredibly impressed with some of the debate that has been going on this afternoon, with the sensitivity and the understanding of the issues that are, indeed, facing us as we speak, whether it's in Washington County or Aroostook County. At this very moment, for two days, we are having a major summit in the County, in terms of finding solutions to the fate of our potato growers. I am urging people to defeat this motion so we can go on. This is a very important piece; and I'm sure that when they are discussing this today, at the summit, that something will go forward that has a little substance to it. Let's not forget, these people pay their bills. These loans are always repaid. We have yet to see any default. Thank you.

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

Senator **CARPENTER**: Thank you, Mr. President, Men and Women of the Maine Senate. I really thought this would be over about half an hour ago; but the more I heard, the more I was urged to say a few words. In York County we have things such as Hussey Seating and Manufacturing Company. We're not interested in growing cranberries. We have Pratt and Whitney. Aquaculture doesn't mean a heck of a lot to us. We do have some apple growers, but mostly we have industry. Most of us have jobs in the industry. Most of us pay taxes back to the State, increases the income, whether it's sales taxes or income taxes. Therefore, I would urge you to vote against this motion. I think if this is what it might take to start a new industry and start a few more jobs for the northern part of the State, I would certainly welcome their help; and I think the rest of the individuals in York County would welcome their help in paying their share of taxes by being gainfully employed. Thank you.

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

Senator **HANLEY**: Thank you, Mr. President, Men and Women of the Senate. Thank you for your indulgence, although one of the times was in response to a question. I guess it has dawned on me that I have spent too many days down in Room 228, concentrating on the numbers and concentrating on the State budget, and trying to make sure that all of the numbers work out and that we are planning for the future, as well. I'm going to just leave you with one thought, and one thought only. In 1992 the Legislature voted for what was called a jobs bond, a \$79 million jobs bond. That bond was touted as jump starting the Maine economy, that it would propel us forward, that we would continue to add new employees, that it would be just what the doctor ordered for an ailing economy. Well, Men and Women of the Senate, I didn't vote for that one; because I was concerned, as far as whether or not that would be the antidote that our economy so desperately needed. History has borne out that. In fact, that \$79 million jobs bond only added a blip on the screen; and as soon as those monies were expended for the summer projects and for that year, there was no sustained employment growth for those next two years. Please, do not get me wrong. I support both the small enterprise growth fund and the agriculture marketing fund. All I can do is reiterate the words of the good Senator from Cumberland that maybe we need to proceed with a

little caution. We have made mistakes before, and I would like to think that we would rather be prudent in our decision making and let those funds have an opportunity to prove themselves. Let me reiterate. There was a \$3 million request, initially, for ag, and a \$5 million request, initially, for the venture capital. The ag was combined for the two years to total \$6 million. The minority report would have you reduce the bonding package from \$11 million down to \$6 million. Establish a track record, then come back to the legislature for additional funding.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Report **B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835)**, in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **BEGLEY, CAREY, HANLEY, HARRIMAN, PENDEXTER**

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

ABSENT: Senator: **PINGREE**

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

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HANLEY** of Oxford to **ACCEPT** Report **B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-835)**, in **NON-CONCURRENCE**, **FAILED**.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of Report **A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**, 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.

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, Report **A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)** **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-834) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
Bill "An Act to Prohibit Stalking"

H.P. 1286 L.D. 1766

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

Pending - ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829) Report, in concurrence.

(In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829).)

(In Senate, earlier in the day, ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828) Report, in NON-CONCURRENCE, FAILED.)

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829) Report, in concurrence.

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829) Report, ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-829) READ and ADOPTED, in concurrence.

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

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

Bill "An Act to Facilitate the Lawful Detention of Juveniles" (Emergency)

H.P. 1312 L.D. 1796

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

Pending - the motion of Senator BUSTIN of Kennebec that the Senate ADOPT Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776).

(In House, March 19, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776).)

(In Senate, earlier in the day, the Report ACCEPTED, in concurrence. Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776) READ.)

Senator HALL of Piscataquis requested a Division.

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

Senator BENOIT: Thank you, Mr. President. Is it possible for comments to be received by the Chair and the body? May it please the Senate. Just a few words, if I may. This bill has in it a provision that's holding the entire matter from moving along, it seems. What is proposed by the unanimous vote of the Criminal Justice Committee is to take out some language that requires us to gain approval of the federal Office of Juvenile Justice and Delinquency Prevention as to the way in which we house juveniles. After the public hearing the Criminal Justice Committee, unanimously, agreed to take this language out of our statute. Now Senate Amendment "B" intends to put it back in, in a different form of language. It really doesn't matter what we do. We could leave this language. We could put Senate B in

the law, in effect putting the language back in, not comply with federal law, and lose federal funds; or we could take the language out, comply with federal law and not lose federal funds. It's not what we say, it's what we do that matters here. The problem we have with not taking out this language, or in putting in Senate Amendment "B", is that we are incorporating, by reference, when we refer to federal law and make it our law. If the federal law is changed in Washington, we have got to change our law; or we are still caught up with a law that we have adopted by reference. We want some flexibility in our Corrections Department in this area. The way that the government in Washington is jumping around on matters, talking about block grants and what have you, who knows what they are going to be doing this summer or this fall? The Committee agreed, and I have a letter from Commissioner Lehman to this effect, that taking this language out will not cause us, in any way, to lose federal funds. I want to close in referring to a matter that I mentioned earlier today. The attorney for the federal government agency that we mention in our law has indicated to our Department of Corrections Commissioner that in taking out this language we will not jeopardize any federal money that we receive from Washington. It's not what we say in our law, it's what we do that matters. We have to follow the federal law no matter what we say. We have to follow the federal law and we will. We want some flexibility. The Criminal Justice Committee just wants to take this language out to give the State of Maine some flexibility here. Again, it's not what we say that counts, it's what we do. Thank you.

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

Senator BUSTIN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment that is before you is trying to address a problem that was created by an amendment coming into the Criminal Justice Committee without public hearing on a bill that was before them that did not include this amendment. This amendment was requested by the Sheriff's Association, so that they, in fact, could have more leniency in housing juveniles. That is the crux of the matter. Make no mistake about it. I have accepted the fact that taking out the approval for these facilities, being done by the federal government, is okay. I am not contesting that. So, there is nothing in this amendment that would lead anybody to believe that the current situation of having it approved by the feds is there. What my language does is simply references that we have to meet the federal standards, whoever approves the jail facility, so that that allows that flexibility to have the State approve the jail facility. Now that we have that very clear in mind, let me try to outline what the problem is and what is attempted by eliminating this language in L.D. 1796. What it is really trying to do is to allow you more leniency in how you jail juveniles. If you believe that you should have that, then certainly, you should vote against the amendment that is before you. If you believe, as I do, that juveniles do deserve to have the programming, do deserve to have the people who are trained to handle juveniles, and should not be exposed to the adults in jails, because of the obvious transference of attitudes, morals, et cetera, that could occur, then you would vote with the amendment. What I would like to do now is read to

you a letter that was sent to Senator Benoit and Representative Herbert Clark from Michael Saucier, who is the Chair of the Maine Juvenile Justice Advisory Group. The reason that I am going to read it to you is because it explains what is going on, so I can at least have on the Record what we are doing and what we are contemplating.

"I am writing to advise you of my opposition to a Committee Amendment which was made to L.D. 1796 in work session on this Bill on Wednesday, February 28. I understand that the Committee Amendment would delete the provision in current Maine law which now requires separate juvenile sections of county jails to be approved by federal officers of Juvenile Justice and Delinquency Prevention. The Committee has acted without benefit of a public hearing on this amendment, and without being apprised of its full ramifications. The potential ramifications include jailing Maine's troubled youth with adult prisoners. The Juvenile Justice Advisory Group, the board which has supervisory authority over federal formula grant funds, which come into this State as part of Maine's participation in the Juvenile Justice and Delinquency Prevention Act was not consulted with respect to this significant amendment. As you know, federal formula grant programs in the most recent biennium will bring \$1.2 million into this State for purposes of making improvements in the juvenile justice system. The amendment runs counter to provisions taken by the Juvenile Justice Advisory Group in the past, concerning important initiatives the JAG and Department of Corrections have worked to initiate for over a decade. I have set forth, below, some history for you concerning this provision of Maine law, and its importance to Maine's children or Maine's young people. I respectfully request that the Committee on Criminal Justice withdraw the amendment, or, in the alternative, that the amendment be deleted on the floor of both the House and the Senate. In 1980 Congress heard compelling evidence regarding young people being held in adult serving jails. As a result of those hearings, the Juvenile Justice and Delinquency Prevention Act was amended to require states to remove juveniles from jails and lock-ups serving adults. Maine has participated in that effort and complete compliance with that requirement is within our reach soon. Maine's strategy includes a separate northern regional detention facility, currently under construction, and a southern detention facility, located on the Maine Youth Center grounds. Merely final occupancy approvals, currently operational. In the interim, the Androscoggin County Jail is a facility approved by the office to detain young people in its separate juvenile section. To my knowledge, no other county has taken any step to have their facility approved by the JAG and OJJDP. The Committee Amendment proposed in the work shop threatens to undo the work done by members of the Legislature, Department of Corrections officials, professional youth workers, and volunteers for over a decade. Certainly, part of that effort was the approval of a bond issue in 1988 for the construction of separate facilities. Those behind the Committee Amendment threatened to undo this work, place Maine's troubled young people in harm's way, and jeopardize the federal formula grant monies that come into Maine. The concerns presented by the United States Congress in 1980, about jailing youths with adults, are still very viable today. Those concerns include potential physical and sexual abuse encountered by

juveniles incarcerated in adult jails, substantially higher suicide rates for juveniles incarcerated in adult jails, approximately seven times the rate of children held in secured juvenile detention facilities; significant inappropriate use of jail placements for minor or property offenses; compounded legal and liability problems related to placing juveniles in adult serving jails; the lack of treatment and rehabilitation resources in adult serving facilities; the fiscal folly of using expensive confinement resources, which are better expended on serious adult offenders; the counter productive stigma attached to jailing youth. This State has been moving toward separate juvenile facilities since 1985, not only because it believes in the underlying commitment to the JJDP Act, but because there is widespread agreement that incarcerating juveniles in facilities which serve adults continues to be inappropriate. The safety of our young people demands that we not place them in adult serving county jails. A national group studying the issue, the Youth Law Center, has come to the same conclusion, stating, 'Juvenile facilities located in or near adult facilities adopt the atmosphere, velocity and environment of adult correction facilities'. Simply stated, no amount of regulations, space separation, programming, or staff requirements can transform a co-located facility into a separate juvenile detention center. Had there been a public hearing on the proposed amendment, I am sure the important public policy and history of our work on jail removal in this State would have received a fair consideration by you. The JAG and past Department of Corrections officials have supported the approval of juvenile facilities in county jails, consistent with the federal guidelines in cooperation with the JAG and the federal Office of Juvenile Justice and Delinquency Prevention. I am aware of no urgency which requires this long-standing policy to change, literally, over night and without benefit of public comment. I am well aware of the emergency nature of L.D. 1796, and personally support the bill as drafted. I cannot, in good conscience, however, support the Committee Amendment deleting reference to federal laws and approval consistent with those laws. I see no justification for eliminating an essential requirement of our law and jeopardizing the health and safety of Maine's troubled youth, as well as significant federal funds. OJJDP administrator, Shay Liscek, issued regulations in 1995 which continue to permit facilities in adult-serving jails to house juveniles so long as separation from adults is observed in spacial areas, program activities and direct staff and management. These regulations are reasonable and Maine has no legitimate basis to refuse to comply with them. In closing, I would ask the Committee on Criminal Justice to reconsider the Committee Amendment."

I would like to further relate, and I won't read the whole letter, from the Commissioner to Mike Saucier, but what he basically says is, "The Department expects to advocate with Congress the following positions on the four guidelines in any continuation of co-located facilities provision in an amendment act. Separate residential areas for adults and juveniles through full sight and sound separation. No change. Any facility approved by DOT must achieve full separation. Time phasing of program space should be allowed. Use of properly trained staff in both juvenile and adult facilities

should be allowed. Annual review and certification appropriate." Then he goes on to say, "Items two and three, although consistent with the policy that applies in the Androscoggin County Juvenile Detention Facility was approved, differ from the current policy. The experience at Androscoggin County demonstrates, in our view, that with proper care and vigilance, juveniles' needs and rights can be fully protected in a facility where these conditions apply."

Ladies and Gentlemen, I am the business representative for the Androscoggin Sheriff's Unit. They have just recently moved to having three officers who only do juvenile, and for two reasons, because these officers are trained in how to handle juveniles, and because they will finally be able to develop programs for the juveniles, which they have not been able to do under what the Commissioner says Androscoggin is doing. They are not currently doing that; and because it failed, they are trying a different method. So, I would urge you to give due consideration to this amendment, and due consideration to how we are handling our juveniles. Rest assured that the reason that this is wanted to be out is to have more leniency in how you house juveniles, which means you pay less attention to all of those items that my Mike Saucier reiterated in his letter that I have read to you, and so that they can approve, which I find all right, they can approve the county jails themselves. That's okay; but you need to realize that in that approval, they have to meet the federal standards. In this amendment, contrary to what has been said, I do not cite any federal statute. I simply cite that the federal standards need to be met, which means that it can be a moving target as the feds move, then you do not have to change any of the legislation that moves with it. It really is as simple as that. So, I would appreciate your support of this amendment. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. The letter that was just read has going for it, mainly, the length, as to emphasis. I want to point out that it is not a federal letter, but a Maine person writing the letter. It is a Juvenile Justice Advisory Group, a very important entity in the State of Maine. What disappoints me is that this bill has been tabled for what seems like, to me, two weeks. Maybe it hasn't been that long, but I agreed to have it tabled so that we could get a letter from Washington. I waited, and waited, as you have, for a letter from Washington, saying something about this, that we were going to lose money if we take this language out. No letter from Washington. No phone call from Washington. Still we have waited, until today. What do we get for a letter? We get a letter from Maine, an advisory group. An important advisory group, but standing in the face of it is the attorney, the general counsel in Washington, speaking on this issue and saying, "Don't worry. You can take this language out and you will not lose any federal funds. The reason you won't is, if you comply with the federal law," as we intend to do, "in sight and sound separation for juveniles, away from adults, no problem." Let me tell you what Commissioner Lehman is working with the feds on right now, to give you an example of why that language has got to come out of there. Right now there is a regulation that if the person, a law enforcement officer in a facility that

houses adults and juveniles, takes a tray of food to an adult, that same officer cannot take a tray of food to a juvenile in the same facility. These are expensive propositions for states and the federal government is looking at it to make some reasonable changes. They are going to be made. They have to be made. Does it stand to reason that an officer can't take a tray of food to two different people in the same facility? Of course not. That's what is being worked out. That's the kind of flexibility we are looking for. This language can go. It's germane to the bill. It came up in a work session of the Criminal Justice Committee, and unanimously the committee of those there and participating said it has to go, give the flexibility that is needed. While I appreciate the letter that has been read at length, we have no adverse information from Washington at all in writing, no phone call, except the contact made between general counsel and Mr. Lehman concerning this very language we are taking up, saying "No prejudice. Get it out without any fear of loss of funds." Because, again, to conclude, it's not what we say in our law that counts, it's what we do. We can say all kinds of things in this statute about following the federal regulations; and if we don't, we lose money. By the same token, if we are silent, but we do comply, we don't lose funds. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President. In fact, I did have a lot of conversations with John Wilson at the Office of Juvenile Justice, and cleared up many issues for me, which is why I backed off from putting back in the federal language. As far as, and I never understood the cafeteria thing, but if that cafeteria thing is in the federal standards, then you still have to meet it, no matter what, whether you have language in the bill or you don't have language in the bill. So, I think that I conveyed to everybody that, in fact, the language that I have submitted as an amendment is the language that John Wilson and I talked about and made me feel comfortable with letting the State know that they needed to meet federal standards when they open facilities for juveniles.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BUSTIN** of Kennebec that the Senate **ADOPT** Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776).

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.

11 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-539) to Committee Amendment "A" (H-776), **FAILED**.

Committee Amendment "A" (H-776) **ADOPTED**, in concurrence.

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

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

ENACTORS

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

An Act to Provide Affordable Access to Information Services in All Communities of the State through Enhanced Library and School Telecommunications

H.P. 618 L.D. 828
(C "A" H-832)

An Act to Place Penobscot Land in Trust

H.P. 1306 L.D. 1787
(S "A" S-524)

An Act to Amend the Freedom of Access Laws to Include Advisory Boards and Commissions in the Definition of Public Proceedings

S.P. 739 L.D. 1847
(C "A" S-529)

An Act to Extend the Milk Handling Tax

H.P. 1372 L.D. 1880

An Act to Reduce the Notice and Hearing Requirements Imposed on Quasi-municipal Corporations and Districts

H.P. 1378 L.D. 1886

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 Revise the Sunrise Review Process for Occupational and Professional Regulation

H.P. 1287 L.D. 1767
(C "A" H-877)

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

An Act to Increase the Reimbursement Levels for Forest Fire Suppression Costs

H.P. 1321 L.D. 1808
(C "A" H-862)

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

An Act to Create the Small Enterprise Growth Program

H.P. 1337 L.D. 1831
(C "A" H-844)

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

Emergency

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

H.P. 1222 L.D. 1672
(C "B" H-858)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Establish a Sea Urchin Management Plan

H.P. 1252 L.D. 1714
(H "A" H-865 to C "A" H-816)

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

Emergency

An Act to Clarify the Retirement Status of Certain Employees of the Child Development Services System

H.P. 1349 L.D. 1850
(C "A" H-875)

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 **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 Regarding Agricultural Irrigation Ponds

S.P. 748 L.D. 1858
(C "A" S-531)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **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 Reduce Costs for Municipalities

S.P. 770 L.D. 1884

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

Resolves

Resolve, to Reduce Reliance on the Property Tax for School Funding

H.P. 1112 L.D. 1560
(C "A" H-861)

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

Resolve, to Improve Tribal and State Relations

H.P. 1217 L.D. 1667
(S "A" S-537 to C "A" H-856)

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

Resolve, to Extend the Reporting Deadline of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions

H.P. 1344 L.D. 1839
(C "A" H-870)

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

Resolve, to Secure a Release of Property from the State

S.P. 760 L.D. 1872
(C "A" S-536)

Which 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 Require that Public Schools Permit Participation in Curricular, Cocurricular and Extracurricular Activities for Students Enrolled in Approved Equivalent Instruction Programs

H.P. 1327 L.D. 1818
(C "A" H-871)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with 1 Senator having voted in the negative, and 27 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.

Resolve

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1996

H.P. 1373 L.D. 1881

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, Regarding Legislative Computer Information Systems (Emergency)

H.P. 1226 L.D. 1679

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-866).

Comes from the House with the Report READ and the Resolve and Accompanying Papers INDEFINITELY POSTPONED.

Which Report was READ.

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

Senate

Ought to Pass As Amended

Senator LORD for the Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Encourage Enterprises Engaged in Agriculture and Aquaculture in Maine"

S.P. 734 L.D. 1843

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-542) READ and ADOPTED.

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

Senator PENDEXTER for the Committee on HUMAN RESOURCES on Bill "An Act to Provide for Assisted Living Services"

S.P. 731 L.D. 1835

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-544).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-544) READ and ADOPTED.

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

Senator MILLS for the Committee on JUDICIARY on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 711 L.D. 1811

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-541) READ and ADOPTED.

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

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Create the Maine Health Care Reform Act of 1996"

S.P. 769 L.D. 1882

Reported that the same Ought to Pass.

Signed:

Senators:

ABROMSON of Cumberland

SMALL of Sagadahoc

Representatives:

VIGUE of Winslow

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" (S-543).

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

GATES of Rockport

SAXL of Portland
 MAYO, III of Bath
 CHASE of China
 THOMPSON of Naples

Which Reports were **READ**.

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

Divided Report

Five Members of the Committee on **EDUCATION AND
 CULTURAL AFFAIRS** on Bill "An Act to Establish Choices
 for Parents and Guardians in their Children's
 Education"

S.P. 36 L.D. 66

Reported in Report "A" that the same **Ought to
 Pass as Amended by Committee Amendment "A" (S-545)**.

Signed:

Senators:

SMALL of Sagadahoc
 ABROMSON of Cumberland

Representatives:

AULT of Wayne
 BARTH, JR. of Bethel
 WINN of Glenburn

Five Members of the same Committee on the same
 subject reported in Report "B" that the same **Ought
 Not to Pass**.

Signed:

Senator:

ESTY, JR. of Cumberland

Representatives:

MARTIN of Eagle Lake
 CLOUTIER of South Portland
 DESMOND of Mapleton
 STEVENS of Orono

Two Members of the same Committee on the same
 subject reported in Report "C" that the same **Ought to
 Pass as Amended by Committee Amendment "B" (S-546)**.

Signed:

Representatives:

MCELROY of Unity
 BRENNAN of Portland

One Member of the same Committee on the same
 subject reported in Report "D" that the same **Ought to
 Pass as Amended by Committee Amendment "C" (S-547)**.

Signed:

Representative:

LIBBY of Buxton

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND
 CULTURAL AFFAIRS** on Bill "An Act to Initiate
 Education Reform in Maine"

S.P. 701 L.D. 1791

Reported that the same **Ought to Pass as Amended
 by Committee Amendment "A" (S-549)**.

Signed:

Senators:

SMALL of Sagadahoc
 ESTY, JR. of Cumberland
 ABROMSON of Cumberland

Representatives:

AULT of Wayne
 BARTH, JR. of Bethel

DESMOND of Mapleton
 STEVENS of Orono
 BRENNAN of Portland
 MARTIN of Eagle Lake
 CLOUTIER of South Portland
 MCELROY of Unity

The Minority of the same Committee on the same
 subject reported that the same **Ought to Pass as
 Amended by Committee Amendment "B" (S-550)**.

Signed:

Representatives:

LIBBY of Buxton
 WINN of Glenburn

Which Reports were **READ**.

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

ENACTOR

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

Mandate

An Act to Implement the Recommendations of the
 Task Force on Tax Increment Financing

H.P. 1313 L.D. 1797
 (C "A" H-808)

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

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

**PAPER FROM THE HOUSE
 Non-concurrent Matter**

Bill "An Act to Establish the Penobscot County
 Budget Committee"

S.P. 613 L.D. 1617
 (C "A" S-476)

In Senate, March 19, 1996, **PASSED TO BE ENGROSSED
 AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476)**.

Comes from the House, **PASSED TO BE ENGROSSED AS
 AMENDED BY COMMITTEE AMENDMENT "A" (S-476) AS AMENDED
 BY HOUSE AMENDMENT "A" (H-855)**, thereto, in
NON-CONCURRENCE.

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

Sent down for concurrence.

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

**COMMITTEE REPORT
 House**

Divided Report

The Majority of the Committee on **NATURAL
 RESOURCES** on Bill "An Act to Implement the
 Recommendations of the Land and Water Resources
 Council Regarding Gravel Pits and Rock Quarries"

H.P. 1353 L.D. 1854

Reported that the same **Ought to Pass as Amended
 by Committee Amendment "A" (H-872)**.

Signed:

Senators:

LORD of York
 HATHAWAY of York
 RUHLIN of Penobscot

Representatives:

DEXTER of Kingfield
 GOULD of Greenville

POULIN of Oakland
BERRY of Livermore
MERES of Norridgewock
WATERHOUSE of Bridgton
DAMREN of Belgrade
MARSHALL of Eliot

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

Signed:

Representative:

SHIAH of Bowdoinham

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-872).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-872) 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Promote Additional Health Insurance Reform"

H.P. 1074 L.D. 1513
(\$ "A" S-526 to C
"A" H-820)

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

In Senate, March 28, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-820) AS AMENDED BY SENATE AMENDMENT "A" (S-526) thereto, in NON-CONCURRENCE.

Comes from the House, that body having INSISTED.

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

Non-concurrent Matter

Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate"

H.P. 1359 L.D. 1864
(C "B" H-850)

In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849).

In Senate, March 29, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850), in NON-CONCURRENCE.

Comes from the House, that body having INSISTED.

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

Senate at Ease

Senate called to order by the President.

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

PAPER FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists" (Emergency)

S.P. 622 L.D. 1630
(C "A" S-472)

In Senate, March 20, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472).

In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-473), in NON-CONCURRENCE.

In Senate, March 27, 1996, INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Comes from the House, that body having RECEDED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-473) AS AMENDED BY HOUSE AMENDMENT "A" (H-879), thereto, in NON-CONCURRENCE.

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

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

Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate"

H.P. 1359 L.D. 1864
(C "B" H-850)

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

Pending - FURTHER CONSIDERATION.

(In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849).)

(In Senate, March 29, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850), in NON-CONCURRENCE.)

(In House, March 29, 1996, that Body INSISTED.)

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

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

PAPER FROM THE HOUSE

Non-concurrent Matter

JOINT ORDER - Relative to repealing and replacing the Joint Rules

S.P. 761

In Senate, March 25, 1996, READ and PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-497).

Comes from the House, READ and PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-497) AND HOUSE AMENDMENT "A" (H-809), in NON-CONCURRENCE.

Senator CAREY of Kennebec moved that the Senate RECEDE and CONCUR.

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

Senator CAREY: Thank you, Mr. President. This is a rule that we had with a sponsor, a co-sponsor from the other body, and five additional co-sponsors. It's been changed now to the sponsor, co-sponsor from the other body and eight co-sponsors, which brings it up to ten. I would point out that ten is still better than one hundred and fifty.

Off Record Remarks

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

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 1 Senator having voted in the negative, and 27 being more than two-thirds of the membership present and voting, the motion to **RECEDE** and **CONCUR**, **PREVAILED**.

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

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

Off Record Remarks

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

On motion by Senator **LORD** of York, **ADJOURNED** until Saturday, March 30, 1996 at 10:00 o'clock in the morning.