

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
Saturday
March 30, 1996

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

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: This morning our prayer is in two parts. First a poem and then a short Biblical passage. The poem is entitled "Welcome Morning" and it was written by Anne Sexton.

"There is joy
in all:
in the hair I brush each morning,
in the Cannon towel, newly washed,
that I rub my body with each morning,
in the chapel of eggs I cook
each morning,
in the ourtcy from the kettle
that heats my coffee
each morning,
in the spoon and the chair
that cry "hello there, Anne"
each morning,
in the godhead of the table
that I set my silver, plate, cup upon
each morning.
All this is God,
right here in my pea-green house
each morning
and I mean,
though often forget,
to give thanks,
to faint down by the kitchen table
in a prayer of rejoicing
as the holy birds at the kitchen window
peck into their marriage of seeds.
So while I think of it,
let me paint a thank-you on my palm
for this God, this laughter of the morning,
lest it go unspoken.
The Joy that isn't shared, I've heard,
dies young.
Now, if you will bear with me, a very brief
Biblical passage, which will help give us guidance in
our final deliberations. "And they said to Him,
Master, what is the greatest commandment of all? He
said, 'You shall love the Lord with all your heart,
all your soul, and all your mind. This is the first
and greatest commandment, but, there is another, and
it is you shall love your neighbor as yourself, for
on these two rest all laws." Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act Regarding the Maine Potato Board" (Emergency)

H.P. 1380 L.D. 1888

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

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1379 L.D. 1887

Which was **READ A SECOND TIME**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-551) **READ**.

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

Senator **AMERO:** Thank you, Mr. President. This amendment corrects a figure that was mistakenly recorded in the original bill.

On further motion by the same Senator, Senate Amendment "A" (S-551) **ADOPTED**.

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

Sent down for concurrence.

House As Amended

Bill "An Act to Prohibit Stalking"

H.P. 1286 L.D. 1766

(C "B" H-829)

Bill "An Act to Authorize a Bond Issue to Encourage and Support Economic Development"

H.P. 1330 L.D. 1822

(C "A" H-834)

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

(C "A" H-872)

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

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

H.P. 1312 L.D. 1796

(C "A" H-776)

Which was **READ A SECOND TIME**.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This Bill, as you can see, is the Bill "An Act to Facilitate the Lawful Detention of Juveniles" that I spoke on yesterday. Yesterday I let pass remarks made by the Senator from Franklin, Senator Benoit, regarding the delay in dealing with L.D. 1796 because of my effort to get answers from the JJDP Office. I had gotten the verbal answers and had attempted, however poorly, to convey to this body that response, and had been told by Mr. Wilson, of that office, that, unfortunately, he would be on the road and would not be putting his answer in writing until he got back. He had hoped to respond in writing by Thursday. I made no effort to call him on Thursday, or Friday, when the letter had not arrived. One, because I got the impression he was pressed for time; and two, because, I, as others on the Appropriations Committee, other members and other leadership, have been working two evenings and mornings this week until approximately four a.m. At 6:45 p.m., Friday evening, not more than an hour

after the remarks regarding this letter, a fax was received in the Democratic offices. Our secretary dropped it off to me at my home. I still had not called Mr. Wilson. I have had this letter copied and it now sits on your desks for your own, individual, judgements. This bill, that we have before us, is not a bad bill. In fact, it would not have received any attention from me had I not been made aware that an amendment was being offered that would take out the federal oversight for co-located facilities for housing juveniles in jails. I'm not going to revisit that issue again, except to make these comments. This bill isn't a bill, in and of itself, that has any great significance in the scheme of things. Whether or not you have a reference to federal standards in the law isn't the important issue. As I worked with the bill, and the amendment, I found an underlying current of feeling that scares me. It scares me because of what it portends for the future and our attitude toward our children. The undercurrent I felt, and had expressed to me in different ways, but never said directly, is that these kids are bad actors and should be in jail. I don't want to minimize that. I'm sure that's the case in all too many instances. Are we, indeed, reaping what we have sown? Whatever the answer is to that question, it, too, is immaterial. The fact is we are a society, as individuals, doing something wrong. To have so many cases of child abuse, so many cases of delinquency, so many cases of juvenile crime, what is it that we are doing wrong? Can we look at doing something right? Federal oversight, regarding housing juveniles in jails, was one attempt to focus on this problem. Congress, in 1980, knew there was something drastically wrong and imposed the standards which we must follow, but only to receive the \$600,000. If we don't want the money, we don't have to put anything in about putting juveniles in jails. Is this the answer? No, it is not. Do I know what the answer is? No, I do not. I only know that we must continue searching for the answers and continue working together, federal, state, advocates, families, to find a better way to raise our children than ending up throwing them in jails. Let me end with an illustration. A single one, yet poignant enough to have stuck in my mind. Recently, I was waiting for an elevator in a building not too far from the State House. The foyer of the building is completely enclosed by glass, so you can see any activity that is going on outside. As I was standing there, I noticed a brief flurry of activity and then realized an angry parent was berating a child, who looked to be about three years old. Approximately the age of one of my granddaughters. There was no physical violence going on, although the mother was bent down so her face was in alignment with her child's face, and she was restraining him by having her two hands on his shoulders. She was shouting, yes, shouting, I could hear her through the glass doors, at the child. The dad, finishing his business in the bank, came up and stood beside them and entered into the "conversation". Now these parents were not being abusive to the child, unless you think, as I do, that shouting at children is abusive. They were scared, yes, scared, afraid, panicked. The child's reaction to this verbal barrage was simply to shut the parent off. There was no reaction, just a blank look on the child's face. What had happened was that their child had gotten away from them, and had, I gathered from listening to

their conversation, had pushed the elevator button to go up in the elevator, a very scary thing for a parent. Of course, they were scared. Was their reaction warranted? Of course, it was. However, was the action they took in this situation conducive to good human relationships? Was it developmentally supportive for the child and nurturing? Of course, it was not. Does anyone here have a clue as to how to do it better? Sadly, I did not, as a parent. I saw myself and my child outside that glass door. I did not contribute any more than that mother was, at that moment in time, to the nurturing of our society through our children. There is a better way, though, that is glorious and joyful, and that I am learning through one of my children. I shouted at my lovely daughter, who was here on Monday, as I was bringing her up. I could just see, in my mind's eye, that day at the bank what she would have done as a parent. She would have told her three year old how scared she was. Explained to her how important it was to have a grown-up help her when she wanted to do new things. Then, offered to help show her how the elevator worked; and, if it was the first experience for the child, given her a ride. Which is the right way? What will be the grown-up result of the difference in how these two children are being parented? I don't know. No one does. All I know is that as I watch my daughter and her husband parent their two children, I have hope, hope that we are learning to raise our children better, and thereby eliminate the discussion of whether or not to house juveniles in jails, hope that we will never again have to. For the record, and because there was so little opportunity for public input in removing the federal oversight words in the statute, allow me to read into the record Mr. Wilson's reply. It is not pages long, it is only one page and a small paragraph on the other side.

"March 29, 1996. To the Honorable Beverly Miner Bustin. Dear Senator Bustin, This is in response to your letter of March 21, 1996, requesting input on the impact of L.D. 1796 on Maine's compliance with federal standards for co-located juvenile detention facilities. You indicated that your questions were as follows: One, if state standards for co-located facilities are less than that required for federal oversight, will Maine be in jeopardy of losing its OJJDP block grant funding? Answer, yes. Under the Juvenile Justice and Delinquency Prevention Act, states must certify that any co-located facility meets the co-located facility criteria established under OJJDP's regulations, 28CFR31. The state then submits the certification and supporting documentation to OJJDP for approval. If a state has lesser standards, OJJDP approval will not be forthcoming, and each juvenile held in the facility would be in violation of the jail and lock-up removal requirement. This would jeopardize the state's eligibility to participate in the Title 2, Part B, formula grants program. Two, if so, what is the amount of that loss to Maine, and what will be required of Maine to meet federal standards for juveniles? Answer, Maine receives \$600,000 annually under the formula grants program. Were the State to establish standards for co-located facilities that did not meet federal requirements, and authorized such facilities to operate without OJJDP approval, this entire amount would be jeopardized. It is important that I point out that OJJDP has always had an outstanding relationship with the Maine Department of Corrections, and I have no reason to believe that

the Department would promulgate standards that are not consistent with federal criteria. Thank you for your interest in this issue. Sincerely, John J. Wilson, Deputy Administrator." Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. Senator Bustin asks the question, have we got a clue of how we can deal with our children, other than locking them up? I want you to judge my answer. When I was on the district court for two years, I noticed, in Skowhegan, that I had a caseload in Juvenile Court of 150 cases, standing continuously. I would get ten new ones and would process ten. It stayed at about that level. I said I was going to do something about the caseload. It was too high. The longest days I worked in court were Juvenile Court days; quarter past midnight in Farmington, and quarter of one in the morning in Skowhegan. I said to the clerk, "I'm going to start a school speaking program. I'm going to school twice a week and talk to the children about juvenile crime and the problem of too many cases." Monday and Friday mornings, before I went to court, I went to school. In six years I saw close to 10,000 children in my district. The program received national attention. Charles Kuralt came to Farmington and filmed it. I had two judges call me, one from Germany and one from Australia, that saw the show. Here's the point, the first Wednesday of each month was set aside solely for juvenile cases. We worked long days. There came a Wednesday when the clerk came to me and said, "Judge, we don't have any cases in Juvenile Court today. We don't have any cases, period." Do we have the answer, Senator Bustin? We do. There's your answer. There is where I am coming from when you talk about children. I can recall one morning, at five o'clock, in the winter, rolling out of bed to get to Pittsfield. Judy says, "Is it worth it?" I said, "It's worth it."

Did you listen to the radio this morning and get the good news about Maine's criminal justice system? We rank near the top in our success on recidivism, costs, four categories. Good news. There's your quality of life. We have to keep it. We have to work for it. We will. I'm proud to have heard that kind of news this morning. It's a direct reflection of our Corrections Department in this State. Can their word be trusted? You better believe it. Look at the record they have in Washington. Just read that paragraph on page two that Senator Bustin read. "It's important that I point out that my department has always had an outstanding relationship with Corrections in Maine." You better believe it. "I have no reason to believe the department will promulgate standards that are not consistent with federal criteria." Yesterday, I told you, it's not what we say, it's what we do that counts. We're doing it. When I first started reading this I noticed the number of "ifs". It's got almost as many "ifs" in it as Kipling's poem. If Maine does this. If Maine does that. In order to lose money we have got to do a whole lot of bad things, and we are not going to do them. We are on track in this State. This letter is exhibit A in support of the action we took in this Chamber. I say stay the course. We are on track. No problems. Thank you.

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

Senator **MILLS:** Mr. President, Men and Women of

the Senate. The issue before us is really very small, and, in my humble view, almost of no consequence. The issue is whether we leave the bill as we accepted it yesterday, without any specific reference to federal law or federal regulations. I recommend that we do leave it exactly as we acted upon it yesterday. Under the former version of this law, actually the version that is currently in effect and the one that we are amending, and under the federal rules and regulations that are imposed upon us, there have been some very strange things done with juveniles in some of our rural counties; because we have only two facilities in the southern end of the State capable of retaining juveniles, under federal regulations, for long periods of time. We have had some situations, in rural counties, where juveniles have been sent, by means of a shock sentence, to the local motel, where they are fed pizza and watch movies and are baby-sat by a deputy sheriff at a cost of several hundred dollars a day, in order to comply with these same federal rules and regulations. There isn't anyone who recommends, or feels, that juveniles should be thrown into the same jails, or the same incarceration facilities, that we reserve for adults. No one is seriously contemplating that. But, there is an ongoing discussion with the federal government about how we can, in some way, relax the very rigid federal standards that are currently in place in order to accommodate juveniles in a more rational way in some of our rural counties where it is very difficult to transport them from some place, like Calais, all the way down to South Portland for short terms of incarceration. Commissioner Lehman knows these regulations thoroughly. Regardless of what we put into our law, he will not jeopardize our receipt of these federal funds by doing anything that would violate the federal rules and regulations. We are bound by them, whether we refer to them or not. I suggest that we simply leave the bill as we acted upon it yesterday. 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. Just so that it will be clear, I am not, not, not, asking for a division on this bill. I am merely putting on Record what was unable to be put on the Record, because there was no public hearing on the amendment that stripped the federal language itself. That is all that is happening here today. Secondly, perhaps the good Senator from Franklin, Senator Benoit, is correct. Certainly, I heard the same report. Out of a possible 200 adverse points in Corrections, Maine only had 32. That's very good. It takes in the whole corrections thing, not just juvenile. I think it's wonderful. I will remind you, since 1989, we have had the words in the statute that says you must be oversighted by the federal government for juveniles, which is very good. Secondly, that Don Allen was Commissioner of Corrections at the time that we put that in and was supportive of that. Secondly, no, I still think we should have the language in that refers to the federal standards; and I agree with the good Senator from Somerset, Senator Mills, that it probably doesn't even enter the radar screen as a blip, except for the impact that it could have if people don't pay attention, which, again, is my purpose for putting on the Record the need to have the standards done correctly for juveniles. Throwing

them in jail, or opening up the standards, or relaxing the standards, is not the only solution, nor is it a solution for the problems cited about the northern counties and transferring juveniles, et cetera. There are some good things in this bill, which is why I will not be asking for a division. I am not asking for that. I am merely making the point. 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 will be very brief. I didn't complete the story about going to school and having a big case load and, finally, after six years, a clerk saying, on a Wednesday, "Judge, we don't have any more juvenile cases pending. The docket is clear." I didn't tell you what happened after that. I said, "Good. I'm going fishing." And, I did.

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

Bill "An Act to Reform Campaign Finance"
I.B. 5 L.D. 1823
(C "A" H-836)

Which was **READ A SECOND TIME**.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I just wanted to thank the members of this body for their overwhelming vote yesterday, in favor of this important piece of legislation. Some of you are new to this body; but some of the rest of us have been working on campaign finance reform forever, it seems like, years at least, in this particular body. As you all know, this is a citizen initiated petition. I hope that our vote was truly from the heart and that we will be true to the hearts and minds of the citizens who signed this, over 50,000 citizens, and keep it whole. Thank you.

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Encourage Enterprises Engaged in Agriculture and Aquaculture in Maine"
S.P. 734 L.D. 1843
(C "A" S-542)

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

Sent down for concurrence.

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 711 L.D. 1811
(C "A" S-541)

Which was **READ A SECOND TIME**.

On motion by Senator **MILLS** of Somerset, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-541).

On further motion by the same Senator, Senate Amendment "A" (S-555) to Committee Amendment "A" (S-541) **READ**.

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

Senator **MILLS:** Mr. President, Men and Women of

the Senate. You know it is late in the session when we begin correcting errors in the errors bill. We understand, from our analytical assistants, that the paragraphs that are being deleted by this amendment contain substance that has already been dealt with by the committee of jurisdiction. Thus, they are surplusage and should be eliminated from the errors bill. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-555) to Committee Amendment "A" (S-541) **ADOPTED**.

Committee Amendment "A" (S-541), as Amended by Senate Amendment "A" (S-555), thereto, **ADOPTED**.

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

Sent down for concurrence.

Bill "An Act to Provide for Assisted Living Services"

S.P. 731 L.D. 1835
(C "A" S-544)

Which was **READ A SECOND TIME**.

On motion by Senator **CARPENTER** of York, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-544).

On further motion by the same Senator, Senate Amendment "A" (S-552) to Committee Amendment "A" (S-544) **READ**.

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

Senator **CARPENTER:** Thank you, Mr. President. This is a very minor, technical amendment. When we proofread the bill we noticed that there were quotation marks within quotation marks and it should have been just quotation marks. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-552) to Committee Amendment "A" (S-544) **ADOPTED**.

Committee Amendment "A" (S-544), as Amended by Senate Amendment "A" (S-552), thereto, **ADOPTED**.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

SENATE REPORTS from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Initiate Education Reform in Maine"

S.P. 701 L.D. 1791

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-549) (11 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-550) (2 members)

Tabled - March 29, 1996, by Senator **AMERO** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**.

Senator **SMALL** of Sagadahoc moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-549)** Report.

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

Senator **SMALL:** Thank you, Mr. President, Men and Women of the Maine Senate. L.D. 1791, Committee Amendment "A", is the end result of many hours of work by the Education Committee to take the legitimate concerns heard at the public hearing and incorporate those changes into the Learning Results Bill. I will attempt to outline what the bill now

does and, later, what it doesn't do.

L.D. 1791 adopts six guiding principles that determine what a student should know upon graduation. We amended the bill to remove the content standards from the original bill, and require the State Board, the Department of Education and representatives of the Education Committee to hold public hearings throughout the State to develop new content standards and performance indicators. Every school district, PTA, and school board will be invited to contribute to the new standards. The public hearings will be held in at least eight regions of the State and will seek input from local school boards, teachers, business leaders, citizens, and, most important, parents. After the content standards and indicators have gone through rulemaking and had their public comment, they will be brought back to the 118th Legislature for approval by the Education Committee and by the Legislature. You, or your successor, will have the final say on the content standards and on the performance indicators. The eight content standards that are in law, the categories, are English and Language Arts, Mathematics, Science and Technology, Social Studies, Health and Physical Education, Visual and Performing Arts, Foreign Language, and Career Preparation. Because not all schools have existing programs in Performing Arts, Foreign Language and Career Preparation, there is language which delays implementation of these three content areas if adoption of the standards would result in increased local cost. Because the Committee was adamant that no part of this bill will be an unfunded mandate, we have required that the Department review and make recommendations to the Education Committee to provide assistance plans for implementing learning results in the areas of Career Prep, Foreign Language, and Visual and Performing Arts. If the Department cannot provide plans to implement these content areas at no local cost, the Department must assess the local cost and provide the State dollars if the programs are ever required to be implemented. There is no unfunded mandate.

The original bill held sanctions for school districts who did not comply with the learning results. Committee Amendment "A" removes the sanctions and replaces them with an assistance plan. Under the amended bill, if the school district experiences difficulty meeting the learning results, the Department will provide intensive assistance to the school district. The bill has changed the Department's response to non-compliance from punishment to assistance. If we pass this legislation today, and truly raise the expectations of our teachers and our students, we will need to assist teachers to meet the new higher standards. Already, our colleges are incorporating the learning results in their teacher preparation degree programs. We will have no difficulty assuring our new teachers can teach to the higher standards, but what about the existing teacher workforce? L.D. 1791 included \$2 million for professional development to promote the learning results. Teachers will be encouraged, through grants to the local districts, to work collaboratively to bring in model programs and successful teaching practices that can help students attain the learning results.

It's interesting to note that in my home district, in Bath, BIW spends millions annually to retrain its work force. We are asking for only \$2

million to assist all the teachers of the State become better at their profession. Setting high standards requires an assessment to gauge how successful the students are at achieving the learning results. Beginning in 1998/99 the fourth and eighth grade MEA tests will be redesigned to measure a student's progress in reaching the learning results. The eleventh grade MEA will measure achievement of the learning results beginning in the year 1999/2000. There will also be locally devised assessments to measure achievement, including portfolios, performance demonstrations, and other records of achievement. Local sites may test at various grade levels to monitor a student's progress and direct increased assistance to those students who are having difficulty meeting the standards. We did not tie completion of the learning results to receipt of a diploma, or as a condition of graduation. The local school districts will continue to set their own graduation requirements. But, we did ask the State Board to come back with a recommendation to the Legislature on linking achievement of the learning results to completion of high school. This will allow the public to have further debate and input before any final policy is adopted by the Legislature.

So, really, what does this bill do? It sets up a process for high academics to be agreed upon by local communities, and it provides the assessment and strategies for schools to determine if their students are achieving the standards. It provides the additional dollars to help teachers become proficient in teaching the learning results. It restores high academic expectation of our schools, of our teachers, and of our students. What this bill doesn't do is, perhaps, as equally important to many legislators. It does not harm special needs students. Learning disabled and special ed children will retain the same protections in this bill as they have under present state and federal statutes. I never want to have the label of "learning disability" prevent a child from receiving help in reaching the very highest potential that that child is capable of achieving. This bill does not undermine local control. The State currently prescribes a minimum of courses a student must take to graduate. This simply asks for accountability that the students have actually learned something while they sat in that class. The three content areas that may not already be part of a school's curriculum are not required if there is an increase in local cost. There is no unfunded mandate.

This bill also makes a special accommodation for parents who have deeply held religious beliefs. Currently, many school districts make accommodations for students if a parent finds some class material objectionable for religious reasons. But, it is not standardized and it is not state policy. This bill will allow it to become the state law. Finally, this bill applies only to public schools and private schools approved for tuition purposes. Home schooled children and private schools are exempted from this legislation.

Before I sit down I do want to take a moment to thank all the people who worked so hard on this legislation. The original task force, who spent hundreds of hours; the many teachers, school board members, and parents who worked on the guiding principles and content standards; the business leaders who devoted time and energy to working on, and seeking support for, the learning results; the State Board of Education and the Department of

Education, for being flexible and working with the Education Committee to accommodate our changes and concerns. Finally, I want to thank the Education Committee, and our analyst, Mike Higgins, for the weeks they spent deliberating with us on this issue. The signers of the majority report are not only from both parties, but represent former, as well as practicing, teachers, a former superintendent, an active school board member, a college professor, a college student, and a college admissions director, a businessman, and, I think, most importantly, parents of school age children. The bottom line of all of our deliberations was always how can we raise the academic standards for our children and then, how do we help them succeed? We believe L.D. 1791 is the first step. Thank you.

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

Senator HALL: Thank you, Mr. President, Ladies and Gentlemen of the Senate. Occasionally, not occasionally but every session, we seem to have a bill that comes before us that generates an awful lot of concern, questions, and calls and letters from home. I have to admit that L.D. 1791 has the distinct honor of having the highest total of calls and letters from home. I realize that the Committee has worked tirelessly on this bill, and spent many hours, as they have on some other bills. I began to wonder because all of my calls and letters were all one-sided. I called them back and had discussions with them, but I said there has got to be somebody on the other side. So, I started initiating calls of my own, to my school superintendent, principals, school board members and just citizens at large. Well, I found that it was still all one-sided. A lot of it through skepticism, through "we don't want the State to tell us what to do". They have had enough of that and that's probably a lot of the reason that the majority of my calls opposed this. Another fact that came out, good, bad, or indifferent, where in the bill does it tell us, and this is just a start, but where in the bill is it addressed that this goes further, we set some standards, our students have to do this and do that in order to graduate? Occasionally we have an educator, for whatever reason, who can't cut the mustard, and, therefore, does not teach the students the basics that they are going to need to graduate. Where does this bill address that? I can't find it. I don't know if it was even discussed. But, one thing that I have tried to do, and will continue to try to do for as long as I am here, because I feel that we all should be representing the majority of the people that sent us here. Occasionally people forget that, and they say the people back home don't know what's good for them. Well, thank goodness, I haven't forgotten it yet. I haven't been here that long. I hope I never am. For that reason, I move that we Indefinitely Postpone L.D. 1791 and all of its accompanying papers.

Senator HALL of Piscataquis moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED**.

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

Senator PARADIS: Thank you, Mr. President, Men and Women of the Chamber. I vociferously oppose the motion that was just made. I have to confess that I have prejudice on this issue because I spent 34 years in the classroom, as a student and as a teacher. At age five I announced to my family that I would be a teacher. Luckily for me, three of my older sisters

became teachers and my oldest sister was sent back home to teach when I was in the fourth grade. From then on I spent every waking moment in that classroom, where I became her little assistant. We didn't have any educational technicians in those days. There was never a doubt in my mind that every child in that classroom had to learn; and that if they were not able to learn, it was going to be her fault, or my fault, that somehow there was something we were doing wrong. My dream came true. I did become a teacher. I found, when I started teaching, that there had been an attitude change. Indeed, you are not, as a teacher, failing if a child failed, that it was the child's fault. There was always a litany of reasons why this person could not be reached. When I left, to come here, in 1986, I had not changed my mind. I had not been convinced that, indeed, that there was something wrong with the child if I was not able to reach them. I was present at a school board meeting one year when school board members questioned the superintendent and principal about a particular class that was not doing very well. The principal said, "Well, it's a bad year. Since they have entered school, we have never been able to do anything with them." Like they were just bad seed. Every child born in those communities that year were not intelligent. The school board members went on with their meeting like nothing had been said, like, obviously, that is what it was. In 1919 this chamber, and the other chamber, passed a law that said all french in the State of Maine, especially in the schools, was to be banned from the face of the earth. For fifty years, until the law was overturned by these two chambers, there was an incredible amount of stifling, or demeaning, or abuse of children who arrived in the classroom who had a different tradition than what we would have wanted. A lot of us survived because we had parents who were able to convince us that we were worthy to be taught, and kept us going. I, for one, was one who was willing; because they changed this law that was permitting the educational community in Maine, which was the Board of Education in Augusta, and the Department of Education. They had changed the law and I wanted to put it behind me. A woman in Madawaska recently decided she would start documenting, because we started hearing that people didn't believe what had been happening in the classroom, so we will have all that documentation. So, needless to say, I was just overwhelmingly happy to hear that we were, as a body, again going to be doing something positive like we have never done before, not because children are coming to us, because they don't vote for us. They are out there, hoping that some of us are going to be making some decisions that will help them. Now I know that there were adults who were in office, at the time, adults that were in the department, adults that were responsible, that should have intervened; and they did not. We were left to our own mercies. We are here now, and we want to say something. We want to send a message to the children of the state that they are precious to us, they are important to us, and they are able to learn and this is so much common sense I can't even believe it. Every child in the State of Maine should be taught. I can't see what the problem can be with that. When I was told that this is the Communists coming again, I reminded people that Communists never came to Frenchville. The damage that was done there was Maine. It was the

communities responding to a directive that they believed. I urge your support for the motion stated by Senator Small. Thank you.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. I would like to pose several questions through the Chair, if I might. My first question is, can schools currently do this now? My second question is, if this is vital, as people say that it is, can the State Board of Education adopt proposed rules and bring back to the legislature, under current law, without this bill? The other part I have a concern about is the mandate aspect. I understand what the good Senator from Sagadahoc, Senator Small, had mentioned that there is no mandate. However, I cannot find anywhere in the bill where, if they are required to do some of those areas, where it says the State will pay 100%. I see where they will pay 90%, but not 100% of the funding. Where, in this bill, is the 100% funding? My last question is, it costs \$2.1 million, proposed to come out of the general fund. I was talking to a member of the Education Committee; and I asked where that money is coming from out of the general fund; and the answer was, and I did call staff on some of the ideas that the Department of Education had, and they said \$1.2 million from school construction, \$150,000 from the Baxter School for the Deaf, \$300,000 from unorganized territories, \$100,000 from the State Board of Education, and another \$200,000 from public safety. Is that, in fact, correct? If not, where is that money coming from out of the general fund? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Michaud, has posed a series of questions through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President, Men and Women of the Senate. The answer to the first question, can schools do this now, yes, and some are doing it. You will probably recognize which ones they are, because they are probably the ones that are receiving the national or state awards for achievement. The problem is we look on education in this State as being something that should be equitable. Right now we try to get a funding formula, you can argue whether or not it works, but the bottom line is to try to promote equity. Money does not always promote equity. It's an assistance to that; but equity is that all children, when they leave school, have had access to a good education and that that educational system has worked to make sure that they have achieved all that they can achieve. I don't believe that we have that equity now. This tries to promote that equity statewide.

Can the State Board adopt these regulations and bring them in without this bill? This bill simply sets up specific guidelines for the State Board and the Department to do that. I'm not sure what the difference would be because you are all going to have an opportunity to vote on the content standards and indicators, or those of you who are back, next session anyways. Basically, what we are saying is, take the guiding principles, go out and solicit comments on the content standards and indicators, and then come back to this Legislature and prove that these are what are going to be beneficial to our school districts. So, everybody is going to have

another opportunity to vote on these. As far as the unfunded mandate, we worked very hard to make sure that there was nothing in this bill that was unfunded. The schools are already required to teach English and Reading. They are already required to teach Mathematics. They are already required to teach Science and Social Studies and Health and Physical Education, so there is no new requirements there. We are just asking that they teach them and be successful.

Why we want to spend \$1.2 billion, in local and state dollars, and be satisfied with a 60% turnout, or a 50% turnout, or a 70% turnout is beyond me. I think that we should be opting for the very highest goal and asking the schools to achieve that. The 90%, I believe, is what is in the mandate law now. We made very sure that we did not want this legislation to be an override of that mandate law. If we are wrong, and if there are mandates in this, and the school districts come back and say it's going to cost additional dollars, or whatever, then I would certainly support the State going back and providing those dollars. We feel, right now, that there is no unfunded mandate in this law. There is a mandate. There is a mandate that we raise the aspirations of our kids. There is a mandate that we require them, and the teachers, and the schools to set high standards and then to help children to achieve them.

I do want to speak on another point of who is exactly supporting this, because it appears that in some districts nobody is. It's one of the few times I can remember on an educational initiative, that all the groups that are interested on education, and work hard to promote education, are supporting something, plus the Maine Chamber of Commerce, and a number of other organizations. I will read, briefly, some of the organizations that are supporting this. I would assume that they might have members in some people's districts. We have the Maine Adult Education Association, the Maine Association of Directors for Services of Children with Exceptionalities, the Maine Association of Vocational Education Administrators, the Maine Education Association, the Maine Principals' Association, the Maine School Boards' Association, the Maine School Superintendents' Association, the University of Maine System. Then we have the associate members, the Coalition of Excellence in Education, the Maine Chamber and Business Alliance, the Maine Congress of Parents and Teachers, the Maine PTA, the Maine School Counselors' Association, the Maine Mathematics and Science Alliance. We also have a letter that came in today from the Presidents of the Independent Colleges. We had a number of signatures: Donald Howard, from Bates College; William Beardsly, from Husson College; Roger Gilmore, from the Maine College of the Arts; David B. House, from St. Joseph's College; and George R. Span, from Thomas College. These are all colleges that are receiving the students that are coming out of Maine now; and they are finding them lacking in academics, the basic academics that those kids need. They are having to provide remedial courses, or they are having to refuse entrance to these kids to the colleges because they are not prepared. I think we all have an interest in this. I want my school district to do well because I care about the quality of the education that my children receive. I want your school districts to do well, because those are the children who are going to go on and become the citizens that are supporting this State. They are

going to be providing the services. They are going to be the leaders, and the doctors, and the workers; and they are going to need to be able to go out and get jobs so that they can contribute to this State, as their parents and grandparents did. I see this as being the vehicle, and the very first step, in providing the opportunity for those children. Thank you.

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

Senator **AMERO:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise today because I am a proud sponsor of L.D. 1791, and to answer some of the questions that have been raised about whether schools can do what we are suggesting here now. Sure they can. We heard what has happened in Biddeford High School; but is it good enough for Maine that a handful of schools are already doing this, and that they are getting good results? This piece of legislation, for the first time, sets a state direction in which we say that we want all students of this State, and we know all students of this State can do better than they are doing now. They can achieve at higher levels. Remember, in the State of Maine, by our constitution, it is a state responsibility. Education is a state responsibility. We are only doing what is responsible by setting high standards in this State for all kids to achieve. Education reform has been going on for centuries. The most recent Education Reform Act in the State of Maine was in 1984. There were some pluses and there were some minuses in that Education Reform Act; but overall what we attempted to do at that time was to require students to take more courses, to spend more time on subject areas, in hopes that more time on task would create better results. What we learned by the end of the 1980's was that the expected achievements from those reforms were not being realized. We learned from our technical colleges, we learned from our university system that the students that were arriving at their doors as freshmen did not have the basic skills that they needed to go on to a college program. In both our technical colleges and in our university system, we had to have remedial programs for students. This is not acceptable. It's not cost effective. We are paying twice to get students up to speed so they can go on to higher education. We know that by the time these learning results are in place, in the year 2002 or 2003, that the job market in this state, and in this country, will require that employees have an education beyond high school; 85% of the jobs will require an education beyond high school. In our state right now over 50% of our students are not preparing themselves for higher education. They are taking a general track course that prepares them for nothing. Is this fair to over half of the students in the State of Maine, that when they get out of high school with a diploma, that they can't go anywhere? They can't get a job. They can't get into a technical college. They can't go on to higher education. I don't think that we can allow this to continue in the State of Maine. That's why every education group in this State, every major business, small businesses, the Chamber of Commerce, the PTA, are all supporting L.D. 1791. If you are happy with the way things are going in education today, if you are happy with the results we are getting, then you should vote no on 1791, and you should vote for the status quo. But, if you want to see change, if you

want to see our kids be successful, if you want to build in some standards and some accountability into our very expensive education system, then I urge your positive vote on L.D. 1791. I strongly urge that you vote no on the pending motion to indefinitely postpone. Thank you.

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

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know I don't see how it's possible to send everybody to college. It may come as a surprise to some, but not everybody wants to go to college. I have heard that same statement, "If you don't have a college education, you're not going anywhere" for the last 35 years. I have heard it more recently as technology advances. I know some very successful people who never spent one day in college. I know some very successful people who never graduated from high school. I will grant you, in order to get in to some professions you have got to have not only college, but other years of education. If you mean that you want people to earn more money so they can pay more taxes, then you need a college education. It's a proven fact, someone with a college education, their earning capacity is much more. I always told my children, "I don't care what you do, be happy doing it, because you are going to work for a long time." Then I encouraged them all to go on to college, and encouraged them to the point of helping them financially. They didn't all take me up on it. I think they all should have. It's proven out that those who did are doing much better, financially; but you know, they are not a bit happier than the ones that didn't go. That's all I asked, that they be happy. We are not all made from the same mold. We never have been. We never will be. Thank God we aren't. What worries me about this, mainly, is not what I read here today, it's what I don't read that bothers me. It's what's coming behind it. I will relate it to a river getting a little high. If you go and look at it you say, "Well, is it going to get higher? If it is, I better put some sandbags up. If it doesn't, I'm wasting my time." What are you going to do? I'm going to put the sandbags out. It can't help but be somewhat of a mandate back to the communities; regardless, it is going to be. How much? I don't know. It's the unknowns that bother me in any piece of legislation. I will grant you, I want the best for our children, as all of you do. Some school districts have done a very fine job. We have heard about what they have done. Others are looking into it. Others tell me they think they are doing a good job. You can lead a horse to water, but you can't make him drink. Don't try it. It doesn't work. I am going to urge you all to vote for my motion of indefinite postponement. 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. I would first like to assure the good Senator from Aroostook, Senator Paradis, that perhaps the Communists are not coming to Frenchville; but I want to warn you that the federal government, and their bureaucrats, are. That's what this bill is about. I stand before you as the proud parent of five children who are now in the Maine school system. Along with 300 other parents, I spoke in opposition to L.D. 1791 at the public hearing, when fifty establishment people came

to support it, and 300 loving parents opposed it. The question today is whether or not we are going to let parents control the education of their children on the local level, or whether we are going to have the bureaucrats from the Department of Education in Washington do it for us. I think it's important that we teach our children how to think, not what to think; that we have public schools, not government schools. To me education is very simple. We have children who are eager to learn, and teachers who love to teach. We have killed the spirit in both. We need to give them each the responsibility and the freedom to do what they want to do and what they love to do. This is another issue of bureaucrats in Washington giving us a solution to a problem, where they say that one size fits all once again. This is about outcome-based education through GOALS 2000 being forced at the local level. Outcome-based education simply shifts the schools focus from how much your students know, which is cognitive outcomes, to how well they are socialized, which is effective outcomes. It holds smart kids back to a slower pace. It weans children from the values of their parents. It instills in them politically correct values, which I believe are not the foundation of this country. It always has two results. We have cheated children; and, as Senator Hall says, we have angry parents. This is the case all across this country wherever outcome-based education has been used. GOALS 2000 has been established to convince politicians like us that there is a need to appoint an unaccountable national school board. That school board will come up with a system of outcomes and standards, such as we are talking about today, in curriculum frameworks and assessments that tie these programs on the state level to federal dollars, where the states are asked to "voluntarily" adopt this scheme. The question was asked one year ago, right here in this Chamber, about funding for this program from Washington. My understanding is that we have, indeed, received about \$465,000 to put this task force together. I want to ask you, when was the last time we received money from Washington without strings attached? GOALS 2000 is an unprecedented and a new level of federal intrusion into what is a local responsibility. The new national school board would set up standards and objectives from the federal level to control the parents at the local level. Now I know the question has been asked, and the statements have been made, that perhaps this issue isn't about outcome-based education or GOALS 2000. We all received a letter a few days ago from one of the participants that has been mentioned today in this debate. I would just like to read this to you. "How is this work connected with GOALS 2000? The federal GOALS 2000 legislation requires that states who participate in the program name a panel to oversee the effort of developing state standards of academic achievement and plan for education to support student achievement. In Maine the State GOALS 2000 panel is the Task Force on Learning Results, created by the Legislature in 1993 to adopt and develop academic standards at the state level. Since Maine received its first GOALS 2000 funding, the Task Force has acted in both capacities. GOALS 2000 funds are being used to support other work, which already started in Maine, including teacher certification pilot projects, professional development grants for schools, local school system grants, et cetera." Therefore, GOALS 2000 funds are

being used in Maine. We heard, a couple of days ago, from Warren Galway, a very moving speech. My question to Principal Galway, who I admire for the courage he has shown and what he has accomplished, would be this: Could you do this at your local level if 1791 had been in effect? The answer would be no, he could not. He could not achieve the excess at the local level had he been under the standards of 1791. GOALS 2000, I believe, enables our union controlled schools to do something besides teach. As I said, we have children who are eager to learn, teachers who love to teach. We should let them each do what they love to do; but, after thirty years of declining academic scores, rising violence, and abysmal dropout rates, I would want to change the subject, too. If you believe that federal money should be given to our neighborhood schools to turn them into branch offices of the DHS, then you should vote for 1791. If you want parents on the local level to control the education of our children, then I urge you to adopt the pending motion. We need to get back to basics. Thank you.

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. I rise in support of this bill today. I have a little bit of experience in this area; and I applaud the members of the Committee, who went through a very difficult session, trying to get a bill before us. This bill is not a cure-all for all that is wrong with education. But, it is a small step. One small step to set some standards and some goals for our students, and to also recognize the importance of staff development, something that is often maligned by persons who are critical of the product of education but who are unwilling to invest in the people who are doing a great part of the teaching that our children see. I think it is important to keep in mind that children are in school for a small percentage of the year, really, 180 days. They are in school for a small percentage of the day, a few hours. Yet, we expect schools, somehow, to make up for all of the shortcomings that we have, and the shortcomings in our attitudes towards children. I had a parent in Orono, who complained to me one time about the schools. She said that her son, who was eight or nine years old, was a chronic liar; and there was something wrong with these schools because her son lied like there was no tomorrow. What do you say to that? I told her I didn't think it had much to do with the school. I didn't learn about lying in school, any more than I learned about reading in school. Probably most of us learned about reading, not in school, but at home. This bill is an attempt to make the part of child's learning experience that is in school a little bit better. We hear candidates for federal office and state office, we have probably all done it, promise to somehow improve education. I believe that there is little that we can do that affects the relationship between the teacher and the student. It's magic. I think that passing, merely passing, a law falls far short. I reject the notion that there is some federal conspiracy to infiltrate our schools with bureaucrats and union organizers. I think, rather, there is something far more insidious at work; and that is the benign neglect that we give to education. Equity in funding is the first thing we can do to ensure that our students learn equally well. This bill is one small step toward setting

some standards. I hope that in the years to come people in this Chamber will realize and see the difficulty that some districts have in reaching the standards because they don't have access to the necessary resources. We know that we underfund GPA by more than \$100 million every year. It saddens me to see the House and the Senate arguing over the magnet school, either in Limestone or Portland; and people saying they would love to support it but they don't have an art teacher in their local school, so they can't. They would love to support it but gifted and talented is gone. Our schools are bleeding. This is one small piece. I believe we should pass it; but I don't think that we should lose sight of the larger problem, which is that \$100 million a year that we underfund our local schools. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President. I believe that it would be hard to find a program that has more buy-in than GOALS 2000. I would like to remind the body that this is a bipartisan effort, started by President Bush and taken up by President Clinton. Then, to insure that there was even more buy-in, the governors became involved. I think that's probably the avenue that leads to this decision that we have here. It is an attempt at creating a national goal, so that our kids, and our workforce, can compete better in the global economy. Now, if we had, in front of us, if we could get twenty leaders of our twenty industrial competitors, the twenty nations of the world, Germany, Japan, the twenty most industrialized western nations, and we would be included in that; and we asked those Presidents to hand us a copy of their national educational goals, all but one of them could do that. Guess which one that is. The United States of America. We are competing with countries that have goals for their kids, educational goals for their kids, national and collective goals of where they want to be and what they want their kids to learn. You can bet that they are more updated than ours. We have none at all. If we also ask those twenty presidents that we have assembled here in the body, which of you has the highest drop-out rate of any of our nations? Once again the United States would win that terrible contest. We definitely have to do something to increase our ability to compete. I think the remarks of the good Senator from Cumberland, Senator Amero, were completely on point and very eloquently given. It is our responsibility to educate our kids. It is our responsibility, in our democratic system, to prepare our kids and lead them and give a significant direction to them in the kind of investments they, individually, and their families, have to make so that they can be productive people in this economy. Currently we are not giving them those signals. Our educational goals are based solely on seat time. We are not giving the kinds of signals that are going to lead this country, and this state, to be as great as it can be. Believe me, there is going to be a race. There is going to be a competition for the 21st century. It is going to be between Europe and this country and Japan. Right now we are not predicted to win. The reason we are not predicted to win is what we are talking about right here today. We do not have a world-class workforce. We do not have a world-class educated workforce. This is the first step in changing that and we need to make it. I urge a no vote on the motion to indefinitely postpone. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. When I read the amendment that replaces the bill, the very first sentence says, "The Legislature finds that because all children can learn at a significantly higher level." I don't know where we, all of a sudden, gained all of this wisdom that all children can learn at a higher level. There are some who are, in fact, deteriorating rather than being able to learn. We have set section 6209 as the foundation for educational reform and under 6209 we say that the system must establish high academic standards at all grade levels, and then it lists a number of subjects that includes foreign languages. I would like to ask somebody, after I finish speaking, if we are going to teach foreign languages in the school, I would like to know if there is a limit on the number of foreign languages that can be taught. Is there going to be a minimum amount of students that have to take a particular foreign language before it can be taught in the school? If it is going to be taught at all grades, how many teachers are we going to need per foreign language subject in the school system? Now, if that is not a mandate, I don't know what is. There is a whole set, and they have to learn at least one other language besides English. I have a real serious concern, and I would support the motion of the Senator from Piscataquis for indefinite postponement.

The Senator from Cumberland, Senator Amero, said it is the State's responsibility to provide the education. It is also the State's responsibility to provide the funding. They have not been funded up to 50% for some time. I think it is now down to roughly 42%. Maybe my learned colleague from Cumberland, Senator Esty, can point that out. All of the organizers and supporters of this bill, should this go through, I would hope that they would sign up at the town office or city halls, so when they get their new tax bills, we can exclude them from complaining about their tax bills because of the increase in the school budgets based on these learning results. I will support this bill when one of two things happen, only one of two things, when the State pays its share of educational costs, or when hell freezes over. Thank you.

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

Senator **ESTY:** Thank you, Mr. President. It's an honor today to stand and speak in favor of this bill. I would also urge, obviously, to kill the motion regarding indefinite postponement. Let me address some of the questions, briefly, that the Senator from Kennebec raised. I won't address his comments, we will address those later. Question one is no. Question two is no. Question three is it is a legitimate issue that we are looking at. We have some concerns and we have addressed that in the study.

Let me now make a few comments regarding the bill itself. Senator Small, from Sagadahoc, did an outstanding job explaining what this bill really does. She also talked a little bit about what it doesn't do. I have found that this bill, this session, has been the bill of all bills that had more misperceptions, more perspectives and inaccuracies discussed, and more assumptions made about it that weren't printed in any legislation, than any I have seen this year. I think we need to get back and put a little perspective into what we are really trying

to accomplish. This bill, as Senator O'Dea said so well, is a step forward, a step that recognizes that we have done some good things in education in this State, but that we can improve the things that we do in our schools. There are many very good schools in this State. I believe that this bill will help them to improve even more. There are schools that have problems and that are not succeeding in ways that they would like to succeed, or that we would like to see them succeed. I think that this bill provides the leadership, provides the direction, and the improvements to significantly help those students, those administrators, those teachers, and those parents in those schools that are struggling in our State. But, this isn't, as Senator O'Dea said, the most important education bill of this century. It also, as others have said, is not the greatest catastrophe even. Both of those extremes who think that this will do so much, or cause so many problems, I think, is simply causing more difficulties in moving us forward in education than they are willing to address. What this actually will do, when we get this ball rolling, is give meaning and usefulness to some of the learning standards and content issues that we would like to see discussed in all of the classrooms today. More importantly, it will help provide teachers more tools to teach our kids better. That's what it is all about here, I think.

I think Senator Hall from Piscataquis has raised a number of legitimate concerns, and I would like to talk about those for a minute. I think the opponents that we have seen riding this issue fell into two categories. Those who simply were filled with rhetoric about all of the issues of our time, I won't even give credence to them by mentioning all of those issues. There was another group of opponents who had legitimate concerns. Senator Hall has mentioned some of those concerns. The content standards that were a part of this bill, originally, were a good first draft. Were they comprehensive? Were they as meaningful and useful as we had hoped they would be? No. Did the Committee, after spending a great amount of time looking at all of this, feel that to make this bill work we wanted to improve in those areas, so we set up a mechanism to do that, with checks and balances along the way, to address the concerns that we heard from parents and legitimate people in other areas that had specific issues? Yes, I believe, in fact, contrary to what you have heard, that we have strengthened this bill, not weakened it. We have said that it is important to focus on education. It's important to develop some results, to create some accountability; but we want to do it in a meaningful way that won't be put on a shelf in some room somewhere. So, we want to take this process and make it deliberate, make it useful, and improve it. I believe we have in many, many areas. Again, this is an opportunity for us. We will either pass on this opportunity when the focus is on education right now, by voting to support indefinite postponement, or we will seize this opportunity now and say there is more work to be done. There has been a lot of good work on education in this State, a great amount of successes, but we can do more. We can always do better. Let's strive for that. This provides that direction with the cautiousness that has been indicated by people, but with the boldness that says we can't stand where we are. I urge you to support the bill and vote against the indefinite postponement. 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. I would like to take a minute to distinguish the rhetoric from the reality as I see it. First of all, I would just like to address a question raised by the good Senator from Penobscot, Senator O'Dea, about our lack of funding. I hope that that means that the good Senator will join me in calling for us to abolish the Department of Education in Washington, where we waste \$5 billion a year on bureaucrats, where we could return that money right here to our local towns and cities in the State of Maine where it would do some good in educating our children.

To the good Senator from Kennebec, Senator McCormick, and her attempt to find the "elective goals" and her race to create a workforce, I will tell you a little bit about reality at this point. I have spent time in the old Soviet Union, where there was a great experiment to try to reach collective goals, national goals, to turn their education system into a system that created a workforce. I have been on the collective farms. I will tell you anytime I will take a man like Willis Lord, who has put his own individual spirit, sweat and tears into the land, and what he has accomplished, over what was accomplished in that failed experiment. I am going to share with you something that I believe will be a result, and has been a result, where this educational system has been applied. I am going to talk to you about wasting money and about the reality of our federal bureaucracy, in collectively reaching our goals and training our workforce. I have another report from Washington, where we have spent your tax dollars, the skills and tasks for jobs, the SCANS report, which is the Secretary's Commission on Achieving Necessary Skills. You may think this isn't connected, but I am going to tell you this is all part of GOALS 2000. One of the results is that our government is telling you how to be a farmer. If you want to be a farmer, all you have to do is get this report from your federal government. It will teach you, Senator Lord, how to allocate your time, how to harvest crops on time. "To perform the task the farmer evaluates the maturity of a given crop and, if the crop is deemed ready for harvest, prepares equipment for use. Next, the farmer evaluates the weather and harvests the crop as quickly as possible, after accounting for other priorities." How to handle manure. How to work together to store straw in a barn. How to teach others who are unknowledgeable. How to select technology, identify and correct a problem with a piece of equipment. "To perform the task the farmer perceives a problem with the mower. The farmer selects the appropriate equipment." This is task I.D. 8,101,191. We paid someone to put this together. That is where our money is going when it should be spent at the local level on our children, on education, to teach them the basics so that they can be individuals, so that they can decide how to think and what to think. I urge you to support the pending motion to indefinitely postpone. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President, Women and Men of the Senate. I rise to oppose the pending motion and to support the motion to pass this bill. I do that after much consideration; because I had my own misgivings about what was going to happen with

this bill, or what was going to happen as a result of this bill. I have a quote that I would like to do; and I cannot remember the poem's name, or its author; but I have used the quote often here. That is what I presume this bill is aimed at, and the quote is this, "Our reach should exceed our grasp, else what's a heaven for?" I think that's what this bill is about. Having said that, however, I have to ask this question. One of the things that I see sadly lacking in this bill is reference to vocational education. I would like somebody, if I may pose a question through the Chair, to respond to is there anything in here for vocational education? If so, what? And is there any funding for that in this bill? Thank you.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. I support the L.D. and will be voting opposite the motion. I want to make a very brief remark to the statement that I just heard, that we should leave the control of our schools in the hands of parents. You know, I wish we could. I pray we could. It would be wonderful if we could. But, we can't. I will just give you the example of discipline in our schools today. Find a teacher who feels comfortable in reasonable discipline of a student without the fear of being sued by the parent. You know the expression that teachers stand in the shoes of a parent, "in loco parentis" is the expression, yet they have this high responsibility; but they can't exercise the authority because most of the time teachers just don't have the support of the parents. I would like to leave control of the schools in the hands of parents; but, frankly, today, parents seem to be abdicating a lot of their responsibilities as it is. The teaching of morals, now, almost can be taken and found to be on the agenda in our schools. To me, that is something for home. Sex education, we find that in our schools today because parents just don't teach that at home. Pass the buck to the school, folks, they will teach you morals, sex education. Right from wrong, they are getting that from the courts. I would like to see a law on the books that requires parents to go to school on occasion and just sit and observe. They don't have to go to the class where their student is, go to another class, see what is going on. I would like to see a law on the books like that; because I have gone to open houses, and you have, where the parents are supposed to go in and meet the teachers at the start of the year. Go and find out how many parents are there, taking advantage of that program. If the place was crowded, I would say fine, let's leave education in the hands of parents. I have had parents come to court with their child for a minor matter and say to me, "Judge, you've got to teach my young person right from wrong. I have tried and I can't." A total stranger, sitting in a black robe, has got to do it.

I had the benefit, as a young fellow, when I went to Catholic school. What a difference there is today between what I had the privilege of having in that Catholic school. I had discipline. I acted up one day and the nun got the ruler out and spanked my hands a couple of times. I went to school for discipline. You try discipline today and see what you get. You get a summons to court.

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

Senator **SMALL:** Thank you, Mr. President, Men and Women of the Senate. I am speaking a third time; but I guess the previous time was in response to a question, so I guess that doesn't count. In this case, I am also responding to the question of the good Senator from Kennebec, Senator Bustin, when she asked a very appropriate question about vocational ed, which is so important in our schools. That comes under the career preparation portion of our content standards. The difference will be now measuring how well our vocational programs are doing within the school system. I think that was an important point to bring up and I'm glad you raised it. The other question that the good Senator from Kennebec, Senator Carey, asked. My colleague gave him a one word response, which was absolutely accurate; but I think it's important to note that as far as having to hire the language teachers, particularly for the elementary, we understood that while all research indicates that children learn languages best early on, that's the window of opportunity to reach children, if you introduce a language early in their school career. We also understand that most school systems out there now do not have elementary language teachers, and many of them do not have teachers that have a strong education in the languages. I think that is something we will be able to change simply by putting requirements for graduation from teaching colleges that you have to have a competency in a foreign language; and then you can incorporate that into your classroom, along with all of your other programs. But, that is not currently what is out there. We delayed the implementation of that. We said if it is going to cost your local school district, and it was a concern of mine, they do not have to implement it. Some school districts are now trying to implement this and are doing it on their own. I think we will be watching them and trying to come up with model programs where this can be done without additional cost. I don't think anyone here would say that if it is proven effective to start children early working on foreign languages and learning them, and it provides for more success when they have to take it in high school and college, that it wouldn't be better to start it when they are best able to start taking up the nuances of the sounds and the pronunciations. We did understand that; and while we would have liked to have had the foreign languages in along with the others, we understood that that could be a burden for the school systems, so we allowed that to be optional. Thank you.

THE PRESIDENT: The Chair would note, for educational purposes, that the three times limit is per motion. The Senator from Sagadahoc, Senator Small, did speak at length on her own motion originally, but has not spoken three times on the motion to indefinitely postpone. The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you, Mr. President. On the issue of language acquisition skills, I am disappointed that we backed off from it; because I am told by most superintendents that for every job opening that there is in the State about 200 people apply for it. I think in the next seven years, if we look at our new applicants for teaching positions, for their ability to know a second language, that we won't have any problems filling our classrooms with

people who have those skills. We now know so much more about how children learn. A Newsweek article, "Your Child's Brain", recently did discuss how a child's brain is wired for music and math and motion. We know that after the age of eleven the ear for language goes, so we could transfer some of our high school teachers into the lower grades and have them do it where we would have a chance of teaching children another language quicker. We don't need new dollars. But, that will never happen because it is so much in the structure that when you hit high school, when you are fourteen and fifteen, when it is the least propitious time for learning a language, that is when you are hit with it. It sounds like that is something that won't change. I enjoyed one of the Senator's comments about the fact that he didn't learn how to read at school. A lot of people in this Chamber kind of shook their heads. Indeed, most of us knew how to read when we got to school; because that is something that was valued in the home and you picked that up very quickly. One of the turnoffs for children in rural areas of Maine is when they arrived in school with the book "Dick and Jane", with mom in pearls and high heels doing housework, and dad in suits to go to work. It just did not compute. So, if you got it before, you were all set afterwards. In terms of the federal government coming, for me, in most of our areas of rural Maine, it is like "Waiting for Godot". He's not coming, guys. He's not here. Fifty years ago we passed a federal law that said we were going to get a road system throughout this State, from corner to corner of this country. It has not happened. I have walked almost all fifty towns in my district. I saw very little of Mr. Federal Government. So, for us to be sitting here, making policy about something that didn't happen fifty years ago, is not happening now, and probably will not happen for fifty years, and let so many of our children wither on the vine is beyond preposterous. 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 want very much to vote in favor of this bill and against the pending motion, but I find myself rather surprised to feel that I am going to be voting with the dinosaurs today. I want to explain exactly what kind of a dinosaur I am, and what herd I am from; because I think my reasons for, at this point, being inclined to support the motion of the Senator from Piscataquis, Senator Hall, for indefinite postponement, are rather different than some of those that have been expressed so far. There is no doubt in my mind that something is seriously wrong with the way we are attempting to educate our children. I think that I cannot improve on the articulate statement of that problem made by the good Senator from Cumberland, Senator Amero. I also believe that the reason the business and official education communities are so strongly in support of this legislation is because they recognize a problem. There is no doubt that our businesses feel very strongly that the students that come to them from our public education system are not well prepared for the workforce, not only for the new kinds of jobs and the new kinds of skills that we need today, but for the most basic and most traditional skills of reading and math and English. They are not ready to join the workforce. This has been a concern of mine since I

first started considering becoming in a position where I can have some impact on this, and it remains a major concern of mine today. As I travel through my district, receiving unsolicited calls and letters regarding this subject, but also beginning, as the Senator from Piscataquis did, to reach out and try to contact people who I thought would be involved, meaning parents and students and teachers, I could not find anyone in my district who supported this legislation. The reasons that were most often given to me were because there are elements in the legislation that were an affront to certain religious systems. I think those have been addressed. And, because there was a lot of so called "fluff" in there. A lot of language that people had a hard time coming to grips with, they weren't sure what it meant. I think that a lot of that has been fixed also, in the most recent draft. But, the reason that I still feel myself unable to support this legislation is that when the rubber meets the road, is this going to make anything any better? A teacher in my district who was involved in the process of developing this legislation told me that as she travelled through schools in her district, and her school had given her some time to do that, to visit other schools and to talk about this legislation, she described it as people being scared to death at being confronted with a policy, if you will, that they didn't understand, that they didn't feel they would have the resources to implement, and that they didn't have any confidence would make education any better for their children. It was a frightening prospect. She said that she thought the test for whether something should be a learning standard for our kids should be, is it critical and essential for every student? She felt there were many items in this legislation that did not meet that test. She also said that she couldn't find consensus anywhere, that even within the groups that met at the Bethel retreat and so on, to work on this legislation, no matter how small the group got, whether it was the overall group of hundreds of people, or the round table discussions of only eight people, nowhere was there any consensus about what should be in, what should be out, what would work, what wouldn't work.

A lot of things were cut out of this legislation and have disappeared. I think that is probably good. Language like "using math to make sense of the world" and telling our students what they had to appreciate had disappeared, but it has been replaced by a system that would remand all of those decisions to the same group that made them in the first place. So, that does not do much for my confidence level to say that once rulemaking takes over this process, and it's engineered and developed by the same people who have participated in developing the earlier, less useful, draft of this legislation, that those people are not going to come up with similar, if not identical, kinds of statements, the kinds of things that most of my constituents have been strenuously objecting to. So, I am concerned that that process may simply lead us back to another reiteration of a lot of these standards that are not acceptable and will not be acceptable in our schools. I have had a growing feeling over the last few years that the way positive efforts spread the best is by contagion, not by mandate. That when we hear of a school like Biddeford, when we hear the enthusiasm and the commitment of the principal of that school, who is so convincing in his comments before this body a week or

so ago, there is always a sparkplug in a successful project. To try to get down the elements of that project on paper and hand it to a community where there is no sparkplug, and say "You have to do this, too", I don't think it's going to work. I think we saw that happen in comprehensive planning, in fisheries management, in all kinds of areas that we have tried to address legislatively. What I think we need to do is to develop, rather than this, a way of helping our schools to see what other schools are doing that are working well; because if it is truly working, those schools will want to do it, too. The learning standards that are in this existing legislation remain somewhat confusing to me. I would compare them to what I saw in a school in my district who was working very hard at developing a similar process, but came out with very different results. This is the draft of Trenton's learning results. This is the whole thing. They make statements like, under math and science, "Life skills related to math. Computer literacy. Use of math in business and technology." Under language arts, "read and write, purposefully, meaningfully, critically, effectively and creatively". "Knowledge of a foreign language, practical writing skills." They are mostly things that certainly are not getting a lot of dissent in the community because they are focused, they are practical and they are things that most of us, if we looked at the list, would say, "that's a pretty good basic education."

I want to say one other thing about the good Senator from Cumberland, Senator Amero, who has been a role model for me in the legislature, because I have seen her commitment to education over six years, through chairing the task force on school funding, and through a tremendous commitment to education for our students in every possible context in which she has been involved in the legislature. A large part of me would like to vote for this legislation simply as a tribute to the dedication she has shown and to the hard work she has put into this. It gives me faith to think that because of her conviction, win or lose, education in Maine is going to get better. But, I cannot get past my sense that if we now impose, on our local school districts, a system which, because they, for whatever reason, are not ready for, they are not prepared for it financially, they are not prepared for it psychologically, so what we are going to do here is rather than take a step forward for education in Maine, we are going to generate a battle that will go on for years over bits of language and so on. I don't think that's going to move us forward. I don't think the very hard work of all the people who have put this together is by any means a wasted effort. I think it is the very foundation of what we need to take on next, but I just don't think that this is in a state where we are ready to move it forward.

My final comment is, when we have schools who have cut out art, music, sports, guidance, field trips; and I'm talking about northern schools where a field trip takes on a whole new dimension; we are talking about kids who may not have left Washington County, may not have left Aroostook County, so a field trip is not a frivolous item to those schools. They have cut out all of those things already, and for someone to now say you are going to meet this huge list of standards, because it is good for our kids, is an affront to the men and women who work in those schools and have been struggling against all

odds to keep a teacher in front of a classroom, seeing programs that they value being siphoned off one by one because of lack of funding. It upsets me to have anything coming out of this city and this building that indicates that they are not doing the job they need to do for our kids and they need to revise their program, when they have desperately tried to cling to the kinds of things that are in these very standards, and seen them drawn off; because they don't have the money to perform to those standards with which they don't necessarily disagree. So, I am inclined, at this point, to support the pending motion and would ask for your consideration on the points that I have made. Thank you.

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

Senator CASSIDY: Thank you, Mr. President, Men and Women of the Senate. It's been a very interesting debate here this morning and this afternoon. I have enjoyed some of the comments that I have heard. I am probably one of the very few of my colleagues here who sees the results of these kids when they leave the K through 12 system. As most all of you know, I teach in the tech college system. I couldn't help but think of the comments that the good Senator from Penobscot, Senator O'Dea, said about the young student who seems to be a perpetual liar. I wonder if maybe the student learned that from us, as a society; because of all the lies we have told about the quality of education in this country. It's sad to me, when I think about all of our post secondary schools in this State, including the University of Maine at Orono, Machias, USM or Southern Maine Technical College. We all have to offer remedial programs because those students aren't up to speed. The intent of this bill and, as the good Senator from Hancock mentioned, is admirable. I think there has been a lot of good work gone into this. I also think there is a point in time where we can take some of those things and continue to come up with a process and try to better our education here in this State, and, indeed, this country. The problem, when I look at some of the original language in the bill, to think that the folks who know so much about education, and have such an education, would put together a package, I see a word in there where each student will speak fluently in a foreign language. It is impossible. It's not going to happen. It reminded me, and I hope General Adams isn't still here; but years ago I was reading a Legion magazine, and one of the cartoons showed the Company Commander up in front of the company. It was obviously Christmas time, there was a wreath and a tree and whatever, and under the picture of the company and the commander it said, "At ease, Men, and open your presents. Everybody will have a merry Christmas." This is exactly what this bill tries to do. This bill tries to say that every kid will be able to do this and to acquire that. There is some reason we, as parents, and we, as educators, think that every student that graduates from our secondary level schools are some sort of an apple or orange that has fallen off a conveyor belt and that they are all going to be the same shiny red, or the same bright orange, or whatever the case may be. I think the good Senator Hall mentioned earlier that we are all different. People have different abilities, different skills. When we look at an athletic event, such as the Boston Marathon, everyone doesn't finish

first. There are people at the head of the pack, in the middle of the pack, at the end of the pack. We have the same abilities academically. Just walk through a field in the summer, if you grow corn, or go to a farmer who grows corn, and look at the different size of the corn and how some of it will flourish. Some of it will grow. Some of it won't. We are the same way. Every kid does not have the same academic skills as all their other classmates. We need to start being honest with what we can do with children, and what we are doing with children. It's pretty sad to see us giving out a high school diploma that means the same for every student, because it doesn't. I think what we need to do with bills such as this is we need, and on the local level, but we need to set the standard where, somehow, attached to that diploma, or on the back of the diploma itself, we need to identify the competency that the student has acquired. You need to say I can do decimals and fractions, and he can do Algebra I, and he can do Trig and she can do whatever. This is what we are doing wrong. We are thinking that every student has the ability to do the same thing.

This is a real tough bill for me. As a member of the faculty at Washington County Technical College, I am also a member of the Maine Education Association. I heard today that they are supporting this thing. It's pretty hard for me to stand here and remember that and say I can't support this. The reason is because, although the intent was good, I think some of the ideas that came out of this are crazy. It's not obtainable. I think, like Senator Goldthwait and Senator Hall stated, I got calls on this thing, and most of them were no. I got on the phone yesterday and called some of the teachers of K through 12 back in my district, and no one is excited about this piece of legislation. I think we need to do something. We all know we need to do something, but this particular bill isn't going to be the answer to this. I'm telling you, there is no one in this Chamber today that understands the problem any more than I do, because I have dealt with these students for years. The most frustrating thing, when I first started teaching, was I had standards for myself and I had to adjust to what I was dealing with for these kids. My first reaction was, "You will have a merry Christmas"; but the fact is I had to step back and say to myself, to justify what I was doing, this student has come to me after twelve years of a formal education, K through 12, and isn't up to speed. If I can bring this student from there to here, then I am successful. That's how I dealt with it. Also, the joys of doing what I do, too. I have had students who fell through the cracks somewhere, because someone said, "You can't do this, just sit there and be quiet." Once you have some of these students realize that they can accomplish something, and build their confidence, you should see them. They start to pass the piece of corn that's in the other row. There are a lot of kids who have a lot of potential; and we have set up a society here, with an educational system that we don't recognize those kids who fall through the cracks. We don't recognize the kids who only can apply a certain competency. Somehow we have got to address this. I feel real reluctant to support this motion, but it is for the reasons that I have mentioned. We have debated this for a long, long time; and I will finally sit down; but I just wanted to share some of my thoughts. I

hope, no matter what happens to this bill, that we will continue to find a solution, and to be honest with educating our students in this State. 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 share all of the reservations, I think, that have been expressed by at least the last two speakers, and, I think, by many of those who have preceded them. I drove down this morning, from Cornville, without any clear idea of how I was going to vote on this difficult issue, and that was not because I haven't been thinking about it. I have thought about it a lot over the last several months. I have gone to all six school boards within my district. I, too, have encountered many of the same reservations, doubts, objections, and concerns that have been expressed at the local level. I am deeply concerned about what we may or may not be doing to impact education at the local level. There are a couple of things that occur to me that are outlined, at least in my mind, in very bright terms; and I would like to share them with you. The first issue is this issue of local control versus state control, versus federal control. I think that education in Maine, and I think in most other states, is very clearly and foremost the responsibility of the state legislature. I don't think we should leave here, in this session, without recognizing that very clearly. When Maine was founded as a state in 1820, it wrote a constitution which reflected the thinking at that time; and I don't think that the thinking has changed very much since then, about the role of the state. It says, and I am reading from page 36 of our little purple hymnals, "The Legislature is authorized, and it shall be their duty to require, that the several towns make suitable provision, at their own expense." We have changed that somewhat over the years "for the support and maintenance of public schools." I think that the problem they were confronting in 1820 is very similar to the problem that we are confronting today, and that is that there is a widespread diversity of educational effort, attainment, and achievement from one town to another. We have some schools in Maine which are probably the very finest schools in North America. We have others that may be close to being the worst. The principle standard that we have enacted and allowed to remain in place to measure the difference is the so-called Carnegie Unit Standard, which says so long as you are in your seat for 24 units, then the local school district is authorized to give you a piece of paper called a diploma. Beyond that we, as a state, say hands off, it's a matter of local control.

My friend from York County, Senator Hathaway, has made reference to what happened under Communist rule in China and the Soviet Union. When Mao Tse Tung made the great leap forward, the first thing he did was to delegate responsibility for education to the local Communist committees. What did they do? They killed all the educated people. They broke all the reading glasses. And, they burned all the books. We, as the legislature, have the duty to see to it that education in this state is relatively uniform from one school district to another, so that, at the very least, each kid who gets a diploma out of a local school system, will have achieved certain basic things. I think we owe it to the business community that a diploma in this state means something. I

share the idea that was just articulated by the Senator from Washington, that probably the best way to approach this is to put a certificate of some kind on that student's diploma, a proficiency certificate that says this student did well. If the local school district wants to issue a diploma to others, who cannot measure up to the standards that the state may set, they can do that. We shouldn't control that process. But, we, as a legislature, have an undelegable responsibility to see to it that kids all over the state, from Fort Kent to Kittery, get something by way of a moderately satisfactory education, that meets certain minimum standards.

The reason I don't like this bill, even though I think I am going to support it, is that it doesn't have too many standards. It's mushy. It's got language in it that I don't understand. I don't understand how to implement it. I despise some of the language that is in this bill because I don't think it belongs in legislation; but I am reluctant to vote against it because I am so fearful that, if we defeat this legislation, it will arrest the momentum that is presently going on in this state, led by Senator Amero from Cumberland, led by this Governor, to try to impose some set of performance standards on our schools, so that we will all be able to point to those standards and say, "There, that's what a kid can do that is out of high school in Maine." In doing so, I think we need to focus very narrowly on core academic subjects. Things that we all agree that every kid should know. I am bothered when the language of the statute goes way beyond that and sets up little targets for people representing various interest groups to shoot at. One of the most hotly debated issues in the Education Committee was whether the word "diversity" should appear somewhere in the statute. There is no need to include language of that kind. Let me give you a simple example of why it shouldn't be there. If I am one of the brightest kids in the high school, and I walk into the principal's office the day before graduation, having shaved my head and tattooed a swastika on my right shoulder, and I say to the principal, "I'm a hopeless bigot." I have definitely flunked one of these guiding principles, but are you going to give me my diploma? The irony of that situation is that if we are a truly diverse society, if we tolerate diversity within our society, we have no choice but to give that misguided kid his diploma. I don't understand why some of these soft issues are embedded in this statute. They are distracting. They are getting us off the mark. They are filling the columns of our newspapers with commentary. What we should be talking about is reading, writing, mathematics, science, technology and the social sciences, and getting back to defining what the basics are for our students.

Other states have gone through this process. I have read, for instance, that the State of Virginia went through a process of developing learning standards. The first effort in developing those standards was a disaster, because it had in it some of the soft and distracting language that I have eluded to. Then they fell back, they reacted to public outcry, and redid the entire effort and came up with this book, which I know our Governor and many other people have in their own files on this subject. A set of standards that I think many, many people in this room would say is a competent set of standards. The reason, I think, that I have finally

decided to support this bill is that I am in hopes, that through the rulemaking process that is part of this bill, that the people who take on the burden of developing a set of standards for Maine, will learn from the miserable failures that we have seen in other states, and will adopt and mimic those standards which have been enacted by states who have achieved success in this effort. There are a number who have. I also think that it is a shame that this bill does not contain within it some form of uniform testing. I react with dismay when I read literature circulated by the Maine Association of Teachers that says, "Oh, my goodness, we don't want any of our kids to have to take a paper and pencil test because they might find it intimidating." A paper and pencil test is one of the principle ways in which we measure achievement in academic subjects. If we are so naive as to rule out that form of academic testing, what have we got left to work with? Is it because some teachers are afraid that they, themselves, might be evaluated by the performance of their students? I think we, as a legislature, have a duty to see to it that the Department of Education comes up with a set of hard, no nonsense, clean, simple, understandable standards that we can be proud of in this state, so that there will be at least some measure of uniform, minimal achievement from Fort Kent to Kittery in our school systems. Thank you.

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

Senator **ABROMSON:** Thank you, Mr. President. Only the dictates of propriety and the rules of common decency of this chamber keep me from responding to the remark of the Senator from York, Senator Hathaway, with regard to the handling of manure. I shall, however, respond to the remark of the Senator from Piscataquis, Senator Hall, who mentioned that he was here to represent the majority of the people in his district. I will say that I am here to represent all the people of my district. When they offer their opinions, I don't ask them for whom they voted. They sent me here to listen, to learn, to make my best judgement. If they don't like that judgement, they can replace me. I would urge everyone in this chamber to vote against the motion for indefinite postponement.

I want to share with you, though, the perspective of some business leaders in this community. From the testimony given at the Education Committee hearings, and I am not going to read every word that was said, I think I learned something from the good Senator from Kennebec, Senator Bustin, not to do that. Kevin Healy is the Director of UNUM Corporation in Portland, a major employer in the greater Portland area, with approximately 3,000 people, and another 4,000 in Canada, Japan and the United Kingdom. In his testimony he said, "UNUM enthusiastically supports L.D. 1791 because it is the logical starting point for the true improvement of our schools." He goes on to talk about, based on his experience throughout this country, that every state is serious about school improvement and is building or has adopted standards. He also mentions that he is the father of two children in the public school system and, as a parent, he is very interested in seeing that his children have what they need in the way of skill and knowledge to reach their full potential. Peter Geiger, Vice President of sales at Geiger Brothers, an employer of 500 people in Maine, testified that Maine continues to have a willing

workforce, but one that is ill prepared, with even the most basic skills, as a result of a public education system that does not produce world-class thinkers. During the last four decades we have allowed ourselves, he says, to dummy down our system and have lowered standards for graduation. The needs of the business community are clear. Changes come quickly and successes come only to those who can plan and react to the unknown. The establishment of high standards will, in the end, give the business community confidence in our public education system and will provide future employees who are critical thinkers, collaborative workers, with a broad level of skills. As a major employer in the Lewiston Auburn area, he concludes, "I encourage the adoption of L.D. 1791. High expectations and high achievements are a must in this ever competitive world."

Finally, I would quote from an op ed piece written by our Governor, Angus King. He said, "There is a lot of talk, lately, about the widening gap between the rich and the poor in our society. No matter how you slice it, the rich do seem to be getting richer and the poor, poorer. There are a lot of solutions being proposed. Ted Kennedy and Robert Rife suggest that the government should pick good companies, that is those who give higher wages, benefits, et cetera, and reward them with preferential tax treatment or a leg up for government contracts. Pat Buchanan says we should punish corporations which pay their executives exorbitantly high salaries. Our own Carolyn Chute seems to want to abolish corporations all together. "But, Governor King goes on to say, "I think these ideas are treating the symptoms and not the disease. The real solution jumps out at us when we more accurately state what is going on. It's the educated who are getting richer, and the uneducated who are getting poorer. The good news is that the route to good jobs and maintaining our standard of living is clear. Quality education will completely determine who wins and who loses in the twenty-first century. The bad news is that figuring out how to transform our schools to meet this challenge, and then moving them to change, is tough. The Maine Legislature has before it now, a bill that would give us a huge headstart on this process."

Ladies and Gentlemen of the Maine Senate, there are too many instances of high school graduates not having the basics. Good writing, basic math skills, decent reading skills. Jobs are changing in Maine. We are moving towards a more knowledge-based work place. For example, the Rockland Camden area used to be big in chickens. It didn't require a lot of education to pluck chickens. Rockland went from poultry processing to MBNA, where greater skills are needed. The way to future success in the workplace is a better education, 1791 starts us down that road. It's a good start. It's only the beginning. It's not perfect, but it's very much needed. I would say that the only thing for good people to do to defeat excellence is nothing. As the good Senator from Cumberland, Senator Amero, said, we can't do nothing because nothing will put us backwards. Thank you.

On motion by Senator SMALL of Sagadahoc, 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 Piscataquis, Senator Hall.

Senator HALL: Thank you, Mr. President, Ladies and Gentlemen. It has been a very interesting, and very good debate, I feel, on both sides of the issue here today. I will try not to enflame you so that ten more people don't jump up to try to refute what I say. Just a couple of quick comments and you know I am always quite quick, so I won't delay this any longer. Listening here, I can't help but get the impression that our education in Maine has gone down the tubes. Our children know absolutely nothing. They are failing, out there, miserably. While I get that impression from what some of you have said, I think back to my childhood, to my children's childhood and upbringing; and now, I'm very fortunate to watch my grandchildren grow up. I guess I learned the basics, was taught the basics. I respected my teachers. Yes, I got my hand slapped. I got my ears pulled. It didn't hurt me too much. It hurt my pride and my feelings at the time, but do you know I sat up and paid attention. I watched my children grow up with the advent of television. I was amazed at how much younger they learned things, and how much quicker. It didn't have quite so much violence on back then. Then, I kind of worried about my grandchildren growing up, with what's on television and everything; but, thank goodness, their parents have kind of monitored what they watched. I'm really amazed today at what some of my grandchildren, especially the older ones that are between 10 and 13, can run a computer. They know more about a computer than I; and I should be ashamed to allow them to get ahead of me; but I don't see our children going to pot, being uneducated. I think a diploma means something today. They are not just running these students out, passing them year after year to get rid of them. There is something that is still very disturbing, when I ask around, and that is the high drop-out rate. How many students enter the freshman class and how many actually graduate? If you don't know, you really ought to look into it. One thing that does bother me about this legislation is, I think you're going to double that all, easy.

A quick comment, remember my story about the sandbags? I've got to tell you, I've seen that river rise two feet in the last hour and a half here. I refer to we are going to mandate a second language, we are going to teach them elementary level. The first thought that came to mind, I had a couple of experiences with a couple of languages in school. How many people, I wonder, in this room learned Latin. Then I asked the question, how many of you have used it and are still using it today? Think about that. Then please think about the mandate issue. That river is rising, folks. I made the comment that I try to represent what the majority of my constituents want. Well, apparently that wasn't clear. I try to represent them all, but when they are split on an issue I have to pick one side or the other. I can't please everybody. I try to represent the majority and the people who are paying the bills. I will urge you, one last time, please support my motion of indefinite postponement. Thank you.

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

Senator LONGLEY: Thank you, Mr. President, Colleagues in the Senate. I rise in strong opposition to the pending motion to indefinitely postpone the raising of standards among our students

and our teachers. I speak as a teacher who notices, grading these compositions or having them articulate, there are issues around standards that need to be spoken about here. We need to raise these standards. We, as a state, spend over \$700 million of general fund money on education, 53% of our budget on education, 75% of everyone of my towns, at least, spends their money on education. I think it's the least we can do to set the highest standards that we think we can achieve. I think the guiding principle for me, as a teacher, is to always speak at a level higher than what I think that student can reach. It raises my standards, it raises their standards, and results happen as a result of that. I think that time is of the essence. I think there is a significant number of students who are falling through the cracks. We don't have a nanosecond to waste. We don't have a year to waste. We have a bill here that raises these standards. There are faults with it. We have all heard the faults, but it's our best bet. Lastly, I would like to say that as a certified high school teacher in this state, your tax dollars should make me make sure that each of my students can clearly and effectively communicate. These are the guidelines: that I should help produce a self-directed and lifelong learner; I should be treating each student individually and trying to figure out where their skills are; develop those skills, where their weaknesses are and help them figure out how to be a lifelong learner. I liked what Warren Galway, of Biddeford High School, had to say, "teach everyone to be a lifelong teacher. Each one of us is born with certain gifts, find those gifts and share those gifts. Your tax dollars should require me, as a teacher, to make sure that I, and my students, are creative and practical problem solvers; that we become responsible and involved citizens; and that we learn to work with each other. These are the guidelines. This is what we are asking our tax dollars to buy. It's the least we can ask of ourselves, our teachers, and our students. For that reason, I urge anyone who might still be undecided to vote against the pending measure. Thank you.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would just remind you that this is not about standards. We have standards. We have a building full of standards across the parking lot. We have standards that the individual schools have devised of their own free will. We have another set of standards proposed here. What this is about is not standards, it's about making kids meet the standards. There's a big difference there. We have been operating under the inoculation theory of education. You don't have to learn it, you just have to have had it. Once you have had it, you don't ever have to have it again. It doesn't work. The standards don't matter. There is not a school in this state who would not devise a perfectly appropriate set of standards. The issue is, do we hold the kids to those standards or not. I submit that as much work as has been done, we have not reached a point, with this piece of legislation, where we hold kids to the standards. That's the missing piece, and that is why I don't support this legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator HALL of Piscataquis

that the Senate **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator **HALL** of Piscataquis to **INDEFINITELY POSTPONE** the Bill and Accompanying papers, **FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **SMALL** of Sagadahoc that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-549)**.

The Chair ordered a Division.

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **SMALL** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-549)** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION MEMORIALIZING

THE CONGRESS OF THE UNITED STATES

NOT TO CUT FUNDING FOR HIGHER EDUCATION

WHEREAS, President Nixon stated, "No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal."; and

WHEREAS, each subsequent President, including President Clinton, has reaffirmed this policy; and

WHEREAS, a dollar invested in the federal educational grant programs will return \$4.30 in additional tax revenue over a student's lifetime; and

WHEREAS, full-time college students work an average of 25 hours a week to support themselves; and

WHEREAS, college-aged youths from the highest income families are more than 3 times as likely to be enrolled in college as those from the lowest income families; and

WHEREAS, under current Congressional proposals, 212,000 college students will lose state grants and an additional 150,000 needy students will lose student loans; and

WHEREAS, Congress has proposed reducing student grants for college by eliminating Pell grants for 400,000 students; and

WHEREAS, Congress has proposed to penalize colleges and universities for serving needy students by instituting a tax on schools equal to 2% of loan volume; and

WHEREAS, educational programs that will receive no funding under the current congressional continuing resolution include: law-related education, cooperative education, Douglas Teacher scholarships, innovative community service projects, drop-out prevention demonstrations, state vocational education councils and art programs; now, therefore, be it,

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to maintain aid for higher education; and be it further

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

H.P. 1381

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

Joint Resolution

The following Joint Resolution:

**JOINT RESOLUTION MEMORIALIZING
THE CONGRESS OF THE UNITED STATES
TO AMEND THE FEDERAL FOOD, DRUG AND COSMETIC
ACT AND THE PUBLIC HEALTH SERVICE ACT TO
FACILITATE THE DEVELOPMENT AND APPROVAL
OF NEW DRUGS AND BIOLOGICS**

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

WHEREAS, improving patient access to quality health care is a paramount national goal; and

WHEREAS, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

WHEREAS, minimizing the delay between discovery and eventual approval of a new drug, biological product or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

WHEREAS, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

WHEREAS, the current rules and practices governing the review of new drugs, biological products and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative drugs, biological products and medical devices, without compromising patient safety or product effectiveness; and be it further

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

H.P. 1383

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

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

ENACTOR

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

An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority

H.P. 1266 L.D. 1741
(C "A" H-799)

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

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program"

S.P. 712 L.D. 1812

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-556)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-556) **READ** and **ADOPTED**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Prohibit the Photographing or Videotaping of Jury Deliberations" (Emergency)

H.P. 1360 L.D. 1868

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-887)**.

Signed:

Senator:

FAIRCLOTH of Penobscot

Representatives:

LAFOUNTAIN, III of Biddeford

WATSON of Farmingdale

PLOWMAN of Hampden

HARTNETT of Freeport

MADORE of Augusta

NASS of Acton

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

Signed:

Senators:

MILLS of Somerset

PENDEXTER of Cumberland

Representatives:

TREAT of Gardiner

JONES of Bar Harbor

RICHARDSON of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887).**

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 Amend the Laws Relating to Harness Racing"

H.P. 868 L.D. 1218

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-891).**

Signed:

Senators:

FERGUSON, JR. of Oxford

MICHAUD of Penobscot

Representatives:

TRUE of Fryeburg

LEMONT of Kittery

LABRECQUE of Gorham

CARR of Hermon

FISHER of Brewer

GAMACHE of Lewiston

MURPHY of Berwick

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

Signed:

Senator:

STEVENS, JR. of Androscoggin

Representatives:

CHIZMAR of Lisbon

NADEAU of Saco

BUCK of Yarmouth

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-891).**

Which Reports were **READ.**

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

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 Improve the Child Development Services System

S.P. 753 L.D. 1866

(C "A" S-534)

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

An Act to Establish the Penobscot County Budget Committee

S.P. 613 L.D. 1617

(C "A" S-476)

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

Emergency

An Act to Amend the Hospital Cooperation Act of 1992 to Facilitate Integrated Health Care Delivery Systems by Authorizing and Supervising Certain Hospital Mergers

S.P. 636 L.D. 1644

(C "A" S-533)

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

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve the Provisions of Mental Health Services to Patients Residing in the Community"

H.P. 1358 L.D. 1863

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED.**

Comes from the House, with the Bill **INDEFINITELY POSTPONED.**

On motion by Senator **PENDEXTER** of Cumberland, the Bill **INDEFINITELY POSTPONED**, in concurrence.

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Allow the Removal from Public Office of Certain Elected County Officials," H.P. 1240, L.D. 1700, and all its accompanying papers, be recalled from the Governor's desk to the House.

H.P. 1382

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the Education Reform Act of 1995"

H.P. 807 L.D. 1124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)**, thereto.

Which Report was **READ**.

Off Record Remarks

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-882) **READ**.

House Amendment "A" (H-888) to Committee Amendment "A" (H-882) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-882) as Amended by House Amendment "A" (H-888) thereto, **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Reorganize and Redirect Aspects of the Site Location of Development Laws"

H.P. 1352 L.D. 1853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-876)**.

Signed:

Senators:

LORD of York
RUHLIN of Penobscot
HATHAWAY of York

Representatives:

DEXTER of Kingfield
GOULD of Greenville
BERRY of Livermore
SHIAH of Bowdoinham
MARSHALL of Eliot

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

Signed:

Representatives:

POULIN of Oakland
MERES of Norridgewock
WATERHOUSE of Bridgton
DAMREN of Belgrade

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-876)**.

Which Reports were **READ**.

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

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

Senator **CLEVELAND:** Thank you, Mr. President. I have an interest in adding an amendment to this bill,

so I would ask that it be tabled until later. Thank you.

The Majority Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-876) **READ** and **ADOPTED**, in concurrence.

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

ENACTORS

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

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

H.P. 1359 L.D. 1864
(C "A" H-849)

An Act to Amend the Laws Concerning Enhanced 9-1-1

S.P. 766 L.D. 1877

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

Emergency

An Act Regarding the State Government Computer System

H.P. 1377 L.D. 1885

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

Resolve

Emergency Mandate

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

H.P. 1374 L.D. 1883
(S "A" S-540)

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

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.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **ABROMSON** 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 CIANCHETTE of Somerset, RECESSED until 3:00 o'clock this afternoon.

After Recess
Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Recodify and Revise the Maine Revised Statutes, Title 19"

H.P. 1347 L.D. 1842

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-897).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

Senator MILLS: Thank you, Mr. President, Men and Women of the Senate. As this Bill is passing through the chamber today, I just wanted to make mention of the fact that it is, in large measure, a complete recodification of Title 19, which is all of the statutes dealing with marriage, divorce, child support, enforcement, child custody. It is a comprehensive piece of work that was started in about 1993 on somebody's lap top computer and found its way through to our technical staff down in the basement and has been worked on over the summer. The version that you have before you is the one that will be enacted, if you choose to enact it, with an effective date of October, 1997, so that we will have next session to tinker with it further, if we may need to, in order to fix anything that people in the general public may find is disturbing about it. It will be a lot shorter than our existing body of law because so much of what we had there was repetitive. Some of the language is actually derived from 1820. One of the pieces that you will find rather amusing is we have a law on the books, still, that says that married women are perfectly capable of owning their own property in their own names. It was felt necessary to pass such a law many, many years ago. When we confronted that for recodification, we were tempted to leave it out as being no longer necessary, but someone asked if we were raising the specter that by eliminating this law we were reviving the old common law rule that they could not. So, we did the only thing that we could do and that was to say that married women and married men can now own property in their own names. I want to say to you guys, we have come a long way. I would also add that that was the source of the rumor, we put in the Statement of Fact that one of the things we achieved in this recodification was to make the laws of divorce and marriage gender neutral. People have read that as

suggesting the Judiciary Committee was proposing a bill to authorize marriage between people of the same gender. We have altered the Statement of Fact to reflect that we were really talking about other things. Thank you.

Committee Amendment "A" (H-897) READ and ADOPTED, in concurrence.

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

The Committee on LABOR on Bill "An Act to Expedite the Decision-making Process for Disability Retirement under the Maine State Retirement System"

H.P. 1238 L.D. 1698

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-899).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-899) READ and ADOPTED, in concurrence.

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

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 Amend Certain Motor Vehicle Laws Including Those Affecting the University of Maine System Plate and the Certificate of Lien"

H.P. 1195 L.D. 1639

(H "A" H-852 and H

"B" H-854 to C "A"

H-847)

In Senate, March 28, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENTS "A" (H-852) AND "B" (H-854) thereto, in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENTS "A" (H-852), "B" (H-854) AND "C" (H-895) thereto, in NON-CONCURRENCE.

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

COMMITTEE REPORT

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 1280 L.D. 1759

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-892).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892) AS AMENDED BY HOUSE AMENDMENT "A" (H-900) thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-892) **READ**.

House Amendment "A" (H-900) to Committee Amendment "A" (H-892) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-892) as Amended by House Amendment "A" (H-900) thereto, **ADOPTED**, in concurrence.

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

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

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

Senator **McCORMICK:** What is the status of the supplemental budget?

THE PRESIDENT: The Chair would answer it was just sent forthwith.

Senator **McCORMICK:** It can't be held?

THE PRESIDENT: It is now in the possession of the other body.

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

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

HOUSE PAPERS - from the Committee on **JUDICIARY** on Bill "An Act to Prohibit the Photographing or Videotaping of Jury Deliberations" (Emergency)

H.P. 1360 L.D. 1868

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-887)** (7 members)

Minority - **Ought Not to Pass** (5 members)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, March 30, 1996, 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-887)**.)

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

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

On motion by Senator **FAIRCLOTH** 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 Faircloth.

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues in the Senate. The issue before us today, on this legislation, is whether to allow cameras into something that, for centuries, has been sacrosanct in our judicial process; and that is jury deliberations. Justice Rudman and Justice Glassman, of the Maine Supreme Judicial Court, in an eloquent dissent from that Court's decision, expressed what, I think, are the very legitimate concerns about invading the jury deliberative process. While I certainly respect those who take another point of view, I am very wary of an experiment of this type, and think the dissenting opinion is the proper

position. What we need in the jury deliberative process, as the dissent pointed out, is the fullest, least inhibitive, and most free-flowing, fact-finding discussion possible. I think if we look at the O.J. trial, as it overshadows this discussion, there is no question that the videotaping and broadcast of any form of court deliberation has an effect on the process. Where Judge Ito may have had, and I think a consensus has arisen that Judge Ito may have been an impediment to the process, there is no question that TV broadcasts of any form of court deliberations, much less the sacrosanct jury deliberations, has a fundamental effect on the process. It affected the behavior of the witnesses in that case. It affected the behavior of the attorneys and the judges. It did not edify us one bit. What we saw with that trial was something that degraded the process. It did not add a single thing. What I heard most about the trial was how Mr. Kato's hair looked and what people's visual appearance was. It did not add anything to it. It's what I call the "Loud effect". If you recall the Loud family from twenty years ago, when they filmed that family being a family, it had an effect on their behavior that was not beneficial and was not an accurate depiction of what that behavior would be. Certainly, with jury deliberations, that would also be the case, that, when you are filming it, it fundamentally alters the process. So, we are not learning anything by filming it because it is changed by virtue of the filming. Indeed, there was a documentary on PBS, about ten years ago, and in that process what we saw was that the behavior of jurors was affected. People were mugging for the camera and behaving in ways that they otherwise would not behave had they not had a camera placed in the jury deliberation room. So, it is not that I distrust CBS, or distrust anyone in this process, it is the nature of the beast. It is the nature of the filming process that is going to have what I think is a deleterious effect. I think it is a slippery slope that we move down; because what we have seen in the arguments in this situation is people say they did it in Wisconsin, they did it in Arizona, so we should do the same in Maine. If we were to approve it here, then they will go to some other state; and we'll have Mr. Geraldo Rivera arguing that we should be doing this regularly, as a lot of people have argued. It affects and degrades the jury deliberative process, as we saw in the general courtroom process in the O.J. trial. I think what we need is to retain the sense of dignity in that process. Nothing will be gained by filming it. If people want to learn about it, perhaps there is some form of transcript of those deliberations which seems to have a less extreme affect on people's conduct, and might be something that is more enlightening. But, to put a TV camera in there is moving down a slippery slope that alters the very nature of our process and is something that we should avoid. With that, I thank the good members of the Senate.

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

Senator **MILLS:** Thank you, Mr. President, Men and Women of the Senate. If I may explain just a little bit about what this bill does and what it responds to. Quite some time ago the American Bar Association, in what is called their litigation section, had meetings and discussions on CBS news about the possibility of doing two very limited

documentaries in two different sections of the country, in an effort to document, in a selected way, some jury proceedings, the trial and the jury deliberations, in each of two kinds of cases. Arizona agreed to provide access to a criminal jury, on this basis; and the Maine Supreme Court has agreed to provide access to a civil jury. This is a one-time experiment, if you will. Nobody involved in the trial will have to participate unless he, or she, gives consent. In other words, the jurors will be asked before they are selected. They will be told all about what is to be expected. If they choose, for any reason, not to participate, they will be excused without any difficulty. The parties, and the attorneys for the parties, any one of them will have a veto. The point is that everybody involved in the process will be there voluntarily or it will not happen. It is a one-time experiment, not to be repeated. Our usual rules in Maine about access of cameras to the courtroom are very, very restrictive. During the last ten years we have experimented with different rules for allowing either cameras or microphones in the courtroom; and we have developed, over the years, a very careful and well thought-out set of rules so that the participation of the press in our courtroom proceedings now is very, very limited. Those rules remain in place and no one is considering changing them. We do not allow jurors to be photographed in the ordinary course of things. It just does not happen in Maine courts. The usual rules are very restrictive otherwise. We do not allow the very sort of camera gymnastics that took place out in California. This experiment would concern a civil case involving eight jurors, plus one or two alternates, and a couple of parties who are disputing over a matter of, probably, money, which is what most civil cases are about. They will be participating only if they agree to participate. We had some very interesting testimony in the committee hearing from people who were talking, quite often, about the sanctity of the jury and American jurisprudence tradition, and so forth; and it reminded me of the story told to me by my father about an Attorney General who came up to prosecute a murder case in Franklin County some years ago, I think in the forties or thirties. In those days it was common for the Attorney General for the State of Maine to go to court and try cases. I am encouraged to understand that our current Attorney General actually goes to court about once a month to do things. I think that is wonderful. In any case, going back about fifty or sixty years ago, our Attorney General at the time was a fairly pompous individual, quite full of himself, and enjoyed the local exposure when he came to town to do a murder trial. The case went fairly well, except that they began to lose their alternates. When they had lost all of their alternates, through illness or family reasons, they got down to twelve. Just as they were about to conclude the trial, one of them took violently ill and they were down to eleven. The defense attorney, who thought the case was going fine, said, "Well, Judge, look, there is no magic about twelve as far as I am concerned. They all have a vote so I will take the verdict of eleven one way or the other. My client agrees. Let's go. Let's get the case over with." This rather pompous Attorney General took exception to that and said, "No. We have always had twelve jurors since Maine was a state. We had twelve jurors since 1776, since

colonial times. In the time of Magna Carta the number was twelve. You go back to the time of Christ, he had twelve apostles." The defense attorney said, "He would have been a damn sight better off with only eleven."

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. I must, in rising to support the minority report, respond to the good Senator, Senator Faircloth's, remark that what we should be doing today is to protect something that has been going on for centuries. It reminded me of something that has been going on for centuries in the church that I attend. For centuries the mass in the Catholic church, you go there, and the priest's back would be facing the congregation. For centuries that's the way it was. I can tell you, as a youngster, when I went to church, and the priest turned around finally, I enjoyed mass much more. I would say to that argument, to heck with honoring centuries. Then, when they stopped talking, at mass, in Latin, gee, I thought that was pretty neat, too. That's because I like full disclosure and communication, the eye-to-eye. You know, on a Sunday now, in Rangeley, at our Lady of the Lake Church, Father Cote comes down into the aisle. Can you believe that? To give a sermon. Don't talk to me about honoring something for centuries just because it has been going on for centuries. There's an example with full disclosure. I like church much more now because of it.

I would like to, in support of the minority report, tell you what has happened here. We got this bill, that I don't support, and the request it makes, because we got this order from the Maine Supreme Court. This order from the Maine Supreme Court is not really a factual kind of situation that we should fear. In it the Maine Supreme Court says if you can find a case where the Chief Justice of the Superior Court agrees to filming, and the Judge who presides agrees to filming, and the lawyers for the parties agree to filming, and the jurors agree to filming, and the parties agree to filming, film it. That's not your regular case. They are having a hard time trying to find a case down there where this is supposed to happen. It's all voluntary. The Judicial Department is co-equal departments with this one. If you want to slap them in the face, then pass this bill. In doing so you are going to be telling the Supreme Court we can protect our people better than they can. We, here in the legislature, are going to take over a judicial function. I'm not going to do it. I like what Edmund Burke said, some years ago. A famous statesman in England, when we were setting up this country, said something that supports my vote, or the basis for my vote on this. Something I had in my chambers when I was a judge in the district court. The only thing I had on my wall read, "Where mystery begins, justice ends." I'm a little sick and tired of the way we are sheltering our juries in this country. I will suggest to you, you support something you know about, you don't support ignorance. The more we know about the jury system, the more I will support it. I don't like to support something that I don't know anything about. I am disturbed the way the juries are working in the country. Witness the O.J. Simpson case that Senator Faircloth has mentioned, the Reginald Denny case and the Rodney King case. What's happening is the jurors

in this country are becoming social workers. They are not deciding the cases on the facts and the evidence any more, or the instructions from the court. They are not deciding the cases that way. They should be. They are deciding the cases on the basis of trying to correct a perceived imbalance in some mores going on in society. That's the way it seems to me. If we can shed some light onto the jury system, in a positive way, with everybody in agreement, what's wrong with that? That's not your regular case. We don't need this law because what we have suggested by the Maine Supreme Court is not your regular situation. For these reasons, I am going to be supporting the minority; because I feel full disclosure is important. There is nothing sacred about the jury. It's been pointed out by the two justices that don't agree with the majority here that the jury's privilege of confidentiality in their deliberations is not something that is absolute. I'm not afraid of full disclosure. I'm not afraid of voluntariness either. Just remember, Edmund Burke said, "Where mystery begins, justice ends."

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. Believe it or not, I am on the side of the lawyers on this one. Probably the first time in this whole session that this has happened. So that ought to tell you something, that this is probably an okay bill, or it isn't an okay bill and it should die. A response to the comments from the Senator from Penobscot, who talks about the O.J. Simpson trial, let me remind you that this is Maine, this is not L.A. Judge Ito is not here. During the deliberations of the Judiciary Committee, I felt that it was the members on the other side of the report who were creating the sensationalism. Let me remind you that the cameras are not going to be visible. I think you could quickly forget that you are being taped, because the cameras are not visible. You are not on live TV, like the O.J. Simpson trial was. There are going to be segments of these jury proceedings that are going to be used in a documentary. So, I think there is a lot of difference between what we have been exposed to lately on TV and what this actually is all about. I remind you again that everybody has to be part of the process. Everybody has to agree. The thing that struck me the most, and the reason I can support the good Senator from Somerset in his motion, is that I really feel that the court has done its homework. They set up a task force. They have been working on this for over a year and they have really researched every little detail you can think of. They have been working really close with the producers. I felt very comfortable with the fact that they have done their homework. If they feel this is appropriate, then I think we ought to let them do it. So, I hope you will join me in supporting the motion on the floor. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. There are many issues, or maybe not too many issues, left to debate; and I would be glad to let us move to them fairly soon. But, I do want to respond to a couple of points. I think that the intent of those who would have this documentary go forward is certainly very noble, but I respectfully disagree that it would be valuable. In

fact, I think when the good Senator refers to the light that would shine in the proceedings, I think it would be a lot more heat than light. The glare of TV cameras, which in so many cases has degraded the process rather than added to it. I can do no better, perhaps, than to quote from the dissent, which I think sums it up very well. "To film the trial and the jury deliberations that follow, and all the participants, judge, litigants, lawyers and jurors, have consented, the process cannot replicate a trial without the electronic intrusions. Selection of only those jurors who do not mind thinking out loud before millions of observers, or those who will serve, but in silence, by its nature, will distort the jury's deliberative process. In such circumstances the presence of the cameras that seek to record how a jury reaches its decision will distort the very deliberative process the cameras purport to record."

We are changing the system by the virtue of the camera. No one can tell me just because it's hidden, or wherever it is, you know a camera is there; and it is going to affect the behavior of these jurors. More important to me is what affect we will be adding to in our society. I know, from being a member of the Judiciary Committee, what the arguments were to me. I would have people come to me and say they did it in Wisconsin, they did it in Arizona, let's do it here in Maine. Mr. Geraldo Rivera, I guarantee you, and people of his ilk, will be out there saying they did it in Arizona and Wisconsin and Maine, now let's do a really big one so we can broadcast it live. Let's get approval to do that. I don't want to participate in that kind of process and that is what we will be doing. That argument is going to be made and Maine will be part of that process if we allow it to go forward. Let's, if we want to talk about jury reform, or some system for that, there are lots of things to do about that; but cameras in the courtroom won't add one iota to improving this process.

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

Senator **BEGLEY:** Thank you, Mr. President. In the past there have been any number of ways to gauge what has happened after the fact in jury rooms. Schools, universities, law schools have presented all types of programs to try to understand the jury system. What frightens me here, and this is a question that I would like to ask, if the documentary goes through, is there danger of rules and regulations coming out of that because of what we see?

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. In answer to the question, I am not entirely clear what rules and regulations the Senator would be referring to. At present there is a very well developed set of rules that the jury is given by instruction from the judge at the end of every case, explaining what the law is, how they go about their deliberations, and how to come to a decision. There is not a lot of detail there, but there are general guidelines that are given. I can't imagine any reason why those general rules would be altered or affected by a video camera disclosing what happened on one day with one group of people on one jury.

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

Senator **BEGLEY:** Thank you, Mr. President. The

rules that are presented to a jury by a judge, of course, are versed in such terminology that it is open, of course, to interpretation as to your understanding. Quite naturally the judge is far more knowledgeable than the juror. The beautiful part about the jury, from my point of view, is that having received these regulations and rules and points of law, the jury then, in the sequestered position, interprets. To my way of thinking that is the glamour of the system. If we photograph and find that a juror didn't follow the instructions, therefore, something must be wrong. That is not necessarily the case from my point of view; because that person may be interpreting it in her, or his, fashion. Once again, it comes down to that point of twelve people, or eight people, making that. What frightens me in the possibility are if they come out of that, and we tape this, and people finally say no, no, no. We've got to say to the jury you can't do that. Then we run into something that would disturb me greatly by a documentary deciding what juries should or should not do.

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

Senator **CAREY:** Thank you, Mr. President. The O.J. trial was discussed today, and we talked about the actions of the judge. We talked about the actions of the defense attorneys, the witnesses. We talked about the actions of the prosecutors. The only ones that apparently came out of that clean were the jurors. Now we are going to start tainting that. There is sanctity in the jury room. I would hope that the remark that the good Senator from Cumberland, Senator Pendexter, made that they won't even know the cameras are there, obviously, they will know they are there. They had to give their permission to let them into the courtroom to begin with. So, that becomes a problem. Now we are going to start making a mockery of the jurors. Somebody said earlier that Judge Ito was in California and this is not California. We certainly could create another Judge Ito on the bench if the cameras are in there.

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 won't be long, actually I can bring even more brevity to my remarks by saying that I totally agree with my good and dear friends from Somerset and Franklin, Senators Mills and Benoit. But, I do want to ask you to remember, earlier in this week, we had another piece of legislation before us that, as my good friend from Franklin, Senator Benoit, said, would have sent a chilling effect in the actions of this Legislature. I would submit to you that this is another piece of legislation that questions the wisdom and the trust of a separate branch of government that is protected under the Constitution. I trust our Supreme Court. I believe that they have thoroughly, and carefully, and thoughtfully looked at the options that these folks may be able to use for a documentary. As the Senator from Somerset, Senator Mills, said, this is purely optional. As you may have read today, it does not, at this point, appear that they have any people that are willing to participate. So this may be a moot point. I would ask you, Ladies and Gentlemen of the Senate, to join me in supporting the pending motion to reaffirm our confidence and our trust in the Supreme Court. Thank you.

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

Senator **CARPENTER:** Thank you, Mr. President, Women and Men of the Maine Senate. It does feel a little awkward, perhaps, voting against the majority decision of the Supreme Court, five to two, in regards to this motion. But, as I have been experiencing today, and other days here in the Maine Senate, I don't believe the justices realize what a camera does to a lot of individuals being televised. The camera is there. We know better than the justices do what reaction we have when the cameras are here. We all come out with a different performance. I think it would be even worse when it is a hidden camera. I think we would all be looking for where the camera is. I really think that we ought to keep the cameras out of the jury and out of the trial, and I will be voting against the motion. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. We have to remember now, this is all voluntary. The good Senator Harriman is quite a good student. He is using one of my principles against me. That's fair. He says the chilling effect will be there and I would like to clear that up. You do not have any chilling effect of the law when everything is voluntary, you have a chilling effect of the law when it's the opposite. I use the example, if you had an appeal fee of \$1,000 in a civil case, that would put a chilling effect on the appeal process if that amount had nothing to do with the cost of the appeal. That is a chilling effect on your right of appeal. This is all voluntary, so there is no chilling effect. I would like to close with a comment about Senator Begley's comment. He says a juror might get the instructions from the judge and may not follow them. I would remind the good Senator that if he was on trial, and got put away for life, and one of the jurors did not follow the judge's instructions, he might be interested in knowing about that fact.

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

Senator **LORD:** Thank you, Mr. President, My Learned Colleagues. In my young life I have been on one jury. It was quite a few years ago. I can't help but believe that if I knew there was a camera there, and if all the rest of the jurors knew there was a camera there, their discussions and their actions would have been altogether different. I feel if there is a camera there, I picture people, if they see the documentary, might get a wrong idea. I don't believe that you are going to get the frank discussions that you do if you don't have the camera. I'm against the motion.

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

Senator **CLEVELAND:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. It seems amazing to me, because I can't seem to quite understand who it is, or what it is, that we think we are protecting. We have a process that has been looked at carefully over the period of a year. It has been debated by those individuals who practice in the field of justice and trials and the law. We have the Supreme Court of the State of Maine, on a five to two decision, deciding to do it, not the local group down to Sam's Pub who thought they would talk about this

around the table and see if it was a good idea. The Supreme Judicial Court of the State has given a considered opinion. Everything is voluntary. Nobody has to participate. Any of the plaintiffs or defendants can simply say, "I don't want to participate because I do think it will affect my trial, either in a negative way or some other way." None of the attorneys, none of the judges, none of the jurors, and the judge can pull the plug on the whole operation at any time that the judge feels that it is not in the best interest to continue. We are talking about one situation, not changing the jury system for all time to come. One situation. Somehow, at the end of our session, when we are busy doing lots of other things, time is short. We have a quickly called public hearing and a limited discussion. We somehow, in our own arrogance, think our judgement is superior to all of the other people. Somehow our own self-importance gets inflated simply because we have the authority to do it, that we have to supplant our judgement for other thoughtful and considered individuals who have decided to set up a process that allows no one to participate in any way that they don't want to. Will it change some way that particular trial? Maybe. But, don't the participants have the right to take that chance? These are adults. They have the right to make a decision, right or wrong. It's their case. It's their outcome. Don't they have that right to make that decision? What is it that we are afraid of? We don't know what the outcome is. Not a single person here knows what the outcome is going to be. It's going to be information in a taped form, with an audio tape. We don't know what people's conclusions might be. It might be positive, or it might be negative. I don't know what people's conclusions will be when they take a book out of the library, or when they see a particular movie, or have any particular experience. I don't know. I think we have a right to try to have that information available so thoughtful people can have some reflection on it, on a limited basis, on a one-time situation. Let's be confident enough that intelligent, reasonable people in an open and democratic society will make reasonable decisions, if any, other than some sort of entertainment, on whether that information is useful to use in any way or not useful to use at all. I don't think we ought to be restricting information and the opportunity to have knowledge about an important aspect of the way our society is run and organized simply because we are concerned that we don't know how people might interpret it. When it is done freely and openly and voluntarily, knowing that there may be consequences; but as human, mature, responsible adults, we can make a decision whether we want to participate or not. For those reasons, I see no compelling reason why our judgement is superior to anyone else's, or that we are protecting anyone's interest from any harm anywhere. I am going to be supporting the minority report. Thank you.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. Let me paraphrase, if I may, the first paragraph of the dissenting opinion. I respectfully decline to concur on the foregoing motion, and feel compelled to briefly state the reasons for my refusal to join with my colleagues in authorizing the court's participation in a production

of a CBS report, television documentary, on jury deliberations. Having said that, it is with a great deal of trepidation that I rise this afternoon to go against my colleagues, who I very seldom have reason to disagree. I have had an opportunity in my life to poll juries after they have come back with a decision and ask them is there something that happened during the course of the trial that impacted the way they made their decisions? Was there something that I could do to better represent my clients, to make the case better? Oftentimes I have had very good criticism. Other times I have come to find out that the reason why they came to a decision was that it was getting late and they wanted to go home and they didn't want to come back the next day, or they wanted to decide before lunch so they could go out and have lunch and then go home. That's the way the jury process works. The same way this Legislature works. There are some times when we make decisions for whatever number of reasons. I'm sure there are times when, if the cameras had been focused on us, we would have made different decisions, quite possibly. I don't think this is a slap in the face of the judiciary, because the judiciary is a microcosm of the legislature, and we are a microcosm of them, and we all have different opinions on how best to address a particular situation. The two Justices which dissented in the court's order, referred back to a 1933 United States Supreme Court case in which they said the freedom of debate might be stifled and independent thought checked, if jurors were made to feel that their arguments and ballots were to be freely published to the world. Another portion of their dissent, which I found very compelling, was they said the purpose of the judicial system, in protecting the confidentiality of jury deliberations, is a centuries-old recognition. That justice is best served by the fostering of a free, open, and candid debate in reaching a decision. I think this sentence sets it apart. "Such free debate can only occur when the jurors are assured of complete confidentiality." My response is identical to that of the dissenting justices, stating that the public, yes I think there is a need to know what happens in the jury deliberative process, but I would say, as the justices said, the public would be better served by a documentary that emphasized, rather than intruded upon, the confidentiality of jury deliberations.

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

Senator **CAREY:** Thank you, Mr. President. May I pose a question to anyone who may answer? When this documentary is shown, can either side, the plaintiff or the other side, then sue one of the jurors for whatever was said during their deliberations?

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. Jurors, like judges and legislators, have practically an absolute guarantee of privilege for the things that they say in the jury room, on the bench, or on the floor of this chamber. They cannot be sued.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. Very quickly, the good Senator from Androscoggin, Senator Cleveland, for

whom I have the highest respect, raised a couple of points that I need to respond to. One, he eluded to the arrogance of this process by opposing this legislation. For me, I am just a mere member of the Judiciary Committee; and a piece of legislation was presented to our Committee. I listened to the arguments on both sides and I found most persuasive the written material of the dissenting opinion of Justice Rudman, appointed by Governor McKernan, and Justice Glassman, appointed by another governor whose name escapes me right at the moment. I think what they have is a thoughtful and intelligent opinion. I think that it is entirely reasonable. While I certainly respect the noble intentions of those who take the other point of view, I think that it is entirely appropriate for the legislative body to make decisions about policy. There is nothing unconstitutional about making a decision whether there are to be cameras in jury deliberations. It's an entirely reasonable and appropriate step to take. Again, it is simply my view that bringing cameras into the courtroom will distort the process and not add to it. I have very great concerns about the long-term historical effect of continually adding cameras into the courtroom process in various aspects. That's my humble view of why I am taking the position that I do. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator MILLS of Somerset that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** 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, BENOIT, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HARRIMAN, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS

NAYS: Senators: BEGLEY, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, ESTY, FAIRCLOTH, HALL, HANLEY, HATHAWAY, KIEFFER, LAWRENCE, LORD, PARADIS, SMALL, and the PRESIDENT, Senator BUTLAND

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

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

Senator **HALL** of Piscataquis 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 **MILLS** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Establish the Education Reform Act of 1995"

H.P. 807 L.D. 1124
(H "A" H-888 to C
"A" H-882)

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

Bill "An Act to Reorganize and Redirect Aspects of the Site Location of Development Laws"

H.P. 1352 L.D. 1853
(C "A" H-876)

Which was **READ A SECOND TIME**.

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

Senator **CLEVELAND:** Thank you, Mr. President. I am in the process of preparing an amendment to this bill for introduction at the second reading. I would ask that it be tabled until later in today's session. Thank you.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act to Initiate Education Reform in Maine"

S.P. 701 L.D. 1791
(C "A" S-549)

Bill "An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program"

S.P. 712 L.D. 1812
(C "A" S-556)

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

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Relating to Harness Racing"

H.P. 868 L.D. 1218

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-891)** (9 members)

Minority - **Ought Not to Pass** (4 members)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, March 30, 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-891)**.)

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

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

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

Senator **FERGUSON:** Thank you, Mr. President. What this is, this is a bill to authorize video slot

machines in the State of Maine. What it would do is bring them under State control and it would allow video slot machines, where currently off-track betting and commercial racing is going on. Also, the non-profit clubs that are currently licensed, and have these machines, would be authorized to continue. It would also expand it to the Passamaquoddy and Penobscot Indian Nations. The breakdown of those, commercial tracks would be authorized to have 150 machines, the off-track betting parlors would be authorized to have fifty machines, agricultural fairs would be authorized to have five machines if paramutual betting is allowed at those fairs, the Passamaquoddy and Penobscots would each be allowed to have fifty machines. There would be an on-line central communication system to monitor this and to audit the various machines. If a machine malfunctioned, or wasn't paying off properly, it could be pulled by the central communications system. You would be authorized to play these machines at 25 cents to \$2 per play. The Director of the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the Maine State Police, the Bureau Chief, would be the one who would license this and administer the communications center. The Chief of the Maine State Police would be the one that would enforce the bill. There is also established an agricultural fair support fund in this legislation. There is a lot of these machines that are currently out on the market. They are referred to as gray machines. Testimony came forward at the committee hearing that there was between 5,000 and 6,000 of these machines that aren't licensed at the current time. This would prohibit those machines. It stiffens the penalty and allows for confiscation of them. There are stiffer fines; and the penalties would go up to a Class C offense, which is a very serious crime, if you are in violation of the law.

We had before our Committee three bills that dealt with gambling. One was L.D. 400, which would have opened this type of operation up to any place that wanted to register. It would have been pretty much wide open gambling. We also had another bill, which we heard earlier, L.D. 1303, which will be coming back to us, which is a definition of what is a game of chance and what is a game of skill. We had this bill, which actually restricts and controls gambling in the State. It allows it where gambling is currently occurring and I would urge that you support the pending motion. Thank you.

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

Senator **STEVENS:** Thank you, Mr. President, Men and Women of the Senate. Maybe you have noticed that my name is not on the majority report. One of the reasons why, I feel this is just a trickle-down bill. They are talking about the possibility of \$100 million that could come through these video machines. I have a letter here from our Maine Association of Agricultural Fairs, also from the Maine Horseman Association. From the proceeds from this they will each receive about 2%. Both of these groups do need some financial help. My answer to the problem is to revisit the off-track betting that we put into place four or five years ago. I don't believe this piece of legislation will be of any help to them. Thank you.

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

Senator **MICHAUD:** Thank you, Mr. President, Men

and Women of the Senate. I join the Senator from Oxford, Senator Ferguson, in support of the majority report. The Committee had dealt long and hard with this issue; and, unlike the previous video gaming bill that came before the legislature over the last few years, this is very restrictive. We primarily took the language, the enforcement powers that were suggested from the State Police, and put them in this bill. It is also very limited to where these machines will go. That is another important item in this bill, unlike the ones of the past. It is very limited. As the good Senator Ferguson has mentioned, there are over 5,000 gray machines out there. This bill will regulate those gray machines which are currently not regulated as of this time. There are funds, as the good Senator Stevens has mentioned, that will go to help out the agricultural fairs. I think they are in desperate need of some additional help. This bill will do that. It also will help the harness racing industry survive in the State of Maine. It's my understanding Massachusetts, and probably New Hampshire, are going to be dealing with this issue. By not passing this bill, it is going to put the State of Maine at a great disadvantage. I know people are concerned about gambling. However, the State of Maine currently does allow it with Megabucks and scratch tickets. The Governor supports it. He signed a bill last year for the lottery, which that money is supposed to go into the Department of Fisheries and Wildlife. I think it would be very inconsistent if we vote against this bill today. So, I hope that you will join me in supporting the majority ought to pass report. Thank you.

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

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. Just for clarification, I think the good Senator meant that the Governor supported the lottery last year on conservation. I don't think he actually supports this particular bill in front of us. Obviously, I think this bill is of interest to everybody in the entire State of Maine. All of you probably had an opportunity the other day to read the article that was presented to us by Senator Mills, that I think was copied from the Reader's Digest this month. It talked about some of the gambling issues that are going on in other states. This article was about the State of Minnesota. I have some real problems taking a look at video gambling and covering our entire state with video machines for that purpose. I remember, years ago, when the lottery first came to the State of Maine. I was under the impression that all these funds were going to promote education. I think that was what sold it to the people of the State of Maine. What a wonderful way to take the burden off communities. You know what has happened to that plan, and what happens to all those kinds of plans, whether it's the Rainy Day Fund or whatever? Somehow it seems to fall between some cracks when this body changes every two years. I know there are some good intentions to help some folks here. A very small percentage is going to help agriculture people. I think there are other things we can do. We approved one already this week to help those departments. I just can't see us adding any more gambling. I know we have gambling in Maine. As a matter of fact, I know some of my colleagues try to beat me at cribbage once in a while, although we play for nothing.

Actually they do it quite often in the evening as a way to unwind. We are all into gambling one way or another. I certainly don't mind scratch tickets, and those sorts of things that we have allowed here, but I think we are not doing what is good for the folks in the State of Maine if we continue to add to this gambling thing. The Lord knows where it will end up. We will be adding something next year and the next year, and the funds will be used for this and that and something else. I just can't support the pending motion. I hope that we defeat it.

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

Senator **STEVENS:** Thank you, Mr. President, Men and Women of the Senate. If this passes, it would go into effect December 1, 1996. We still would lose another racing season, as well as the fair season. Also, there is no local control on these at all. This is a side-by-side that was put together for us back in January when we were operating the bill. On 12/18 the paramutual facilities, commercial tracks, fairs and OTB's can have the machines. How many can a business have? From 200 to 600. Who regulates the machines? The Harness Racing Commission. That was changed, we gave it to the State Police and the Bureau of Alcoholic Beverages. What sort of license is required to operate these machines? To get a license needed to be a paramutual facility, no additional qualifications or background check. What if you didn't have a license to operate a machine? No penalty provided, general laws on games of chance don't apply to video machines. What role does local government play in the machines? No local government role. Thank you.

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

Senator **FERGUSON:** Thank you, Mr. President. I would like to tell the members of the chamber what the distribution of the funds are. 22% is to be distributed to the machine, 23% to the operators of the machine, 9% to supply harness racing purses, 1% to the Sire Stake Fund, 2% to the Agricultural Fair Support Fund created by this amendment, 2% to the State Harness Racing Commission for distribution pursuant to Maine Revised Statutes, and 1% to the Local Government Fund. Like I mentioned earlier, there is a lot of gambling going on in this state. This brings it under the control of the State Police and the Bureau. It seems to me that this is a common sense thing to do and I would hope that you would all vote for the prevailing motion. Thank you.

On motion by Senator **CLEVELAND** of Androscoggin, 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 York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. Four years ago we had a bill introduced into the legislature to allow video gaming throughout the State of Maine. I chaired the Legal Affairs Committee at that time for the House. I was one of the strongest opponents of that bill in the House. We lost, overwhelmingly; over two to one voted in favor of allowing video gaming into the bars throughout the state. My opposition was based upon the way we were bringing it into the state and the reasons we were bringing it into the state. The way we were bringing it into the state would have allowed proliferation all around the state, in all different areas. It was difficult to control. At the same

time, we also had a bill introduced to allow off-track betting. Through that procedure, we set up off-track betting facilities with safeguards, with protections, with controlling who was going to be there and what was going to take place while they were there. They were set up very safely. This bill seeks the same type of compromise and the same type of safety. It would seek to allow these types of devices into those types of situations. It's not bringing it into all bars, all areas of the state. It's bringing it into a controlled environment where the people are already going to participate in some form of gaming. It's just a different type of gaming offered at the same facility. This is a very safe and secure way to do it. Let's not kid ourselves. We are in the gaming industry. The State is in the gaming industry. It allows others to be in the gaming industry. The whole issue is how do we regulate it? How do we control it? This bill is, in fact, the best way, as someone who fears gambling becoming too widespread in a state like Maine, this is the best way to bring it into the state and keep it under proper control. I hope you will support this legislation. Thank you.

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. The underlying premise of the argument you have just heard is that we should simply let gambling increase in this state and control it as it comes; and we should make a policy judgement that a greater opportunity gamble is simply good for our citizens and let it happen. I think the answer to most of the arguments that I have heard this afternoon is that there are certain forms of illegal gaming going on right now that ought to be constricted and ought to be controlled. We are not going to do that by letting more legal gambling come into the state to supplement the illegal gambling that is already here. As I understand the casino operations that are going on in other states, about 80% of the take is on machine gambling. Only about 20% is vested in blackjack, card games, roulette, and the other, more traditional, forms of gambling. What we are saying in this bill, if we pass it, is it is okay for a commercial racetrack to bring in 150 of these machines and locate them in one location. That's a casino. That's everything you need to operate a casino. So, we are saying that every commercial raceway in this state, one of which has its own turnpike exit, can become a casino. So we are just licensing casino gambling by passing this bill, if that is what we elect to do. There is no difference between enacting a casino bill and passing this bill. The bill is very cleverly drafted in that it slips out 1% or 2% here, 1% to local government, a few percent to harness racing, a few percent there. When you get done, the distributor gets 22% of the net. That's an enormous sum of revenue from all of these machines if you add them all up all over the state. They will be responsible for collecting it; and the money that they will collect will be in quarters, fifty cent pieces, dollars, two dollars. Bushels and bushels of small change. It's an invitation to money laundering. This is what the State Police is concerned about. This is what I am concerned about. I am also concerned, at root, with all the issues that are dealt with in this wonderful little article from Reader's Digest of this month, dealing with what happened in Minnesota when they

brought a number of casinos into that state. The number of suicides that were easily attributed to gambling, some of the hidden suicides that arise when someone who is burdened with debt, \$30,000, \$40,000, \$50,000, \$60,000, wants to leave his family with something and crashes into a tree in order that his life insurance will be collectable. The increase in uncontrolled credit card debt. The great increase in bankruptcies. The increase in the number of pawn shops surrounding these casinos and gambling places. The increase in fraud for homeowners' policies when people pawn off a chainsaw, or a piece of furniture, or a TV set and then go out, in order to collect twice, they report it as stolen on their homeowners' policy. All of these immense societal costs flow as the direct and indirect result of licencing and expanding gambling operations in the state. I urge you to vote against it.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. The good Senator Lawrence has just made a comment that I must respond to. Pass it, he suggests, because people are already there doing this. I think about that, and then I think that there are people out there smoking marijuana. I guess under that thinking we ought to legalize that. How about crack cocaine? People are using crack cocaine quite often. Are we going to legalize that? I doubt it. My constituents, and I have had my arms twisted in good fashion by my constituents, and other folks, on this issue. I am going to go with my constituents. My constituents tell me that we have a quality of life in Maine that we can be proud of. A couple of weeks ago, in a debate here, I had occasion to remind you that yes, we do have a quality of life to protect. We better be about protecting it or we are going to lose it. Here's a good example right here. There is nothing positive, my constituents tell me, about enlarging gambling in this state. If you enjoy it, and many do, Atlantic City is the place for you to go down and vacation and gamble and come home. To me, happiness is Atlantic City in my rear-view mirror. Thank you.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, BUSTIN, CAREY, CARPENTER, CIANCHETTE, FERGUSON, HANLEY, LAWRENCE, LONGLEY, LORD, MICHAUD, O'DEA, PARADIS, PENDEXTER, RUHLIN**

NAYS: Senators: **AMERO, BEGLEY, BENOIT, BERUBE, CASSIDY, CLEVELAND, ESTY, GOLDTHWAIT, HALL, HARRIMAN, HATHAWAY, KIEFFER, MCCORMICK, MILLS, PINGREE, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

ABSENT: Senator: **FAIRCLOTH**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **FERGUSON** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ENACTOR

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

Emergency

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997

H.P. 1280 L.D. 1759
(H "A" H-900 to C
"A" H-892)

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 to let you know that the State of Maine has an opportunity this evening to pass a supplemental budget which, in fact, will address the needs of Maine's most needy citizens. In this supplemental budget, we have addressed all of the terms as put forward by the Mental Health and Mental Retardation Department on the Consent Decree for AMHI. With funding from within the Department, and an additional \$15 million on the part of additional funding, we are able to work with the Courtmaster, the plaintiff's counsel, and the court system to, hopefully, address this matter and to put us on the road where we are meeting the needs and not just paying lip service. Also in this supplemental budget we have spent over \$4 million additional for child protective services, to try to address the backlog of over 2400 cases of alleged child abuse which have not yet been investigated. Also, we are able to spend an additional \$13 million for our elderly in the long term care industry to deal with individuals who have Alzheimers who currently aren't eligible to receive nursing home care. On top of that, this budget includes the repeal of the gross receipts tax on nursing homes. It repeals a tax which I don't think anyone who served on the Legislature in 1991 liked in the first place, because it was a gimmick. It was a manner to raise additional funds to get the State through difficult times. This supplemental also allocates another \$675,000 for children's respite care. For those families who currently have at home children with special needs, it allows them an opportunity to get out of their house for five hours a day.

There has been some discussion on the supplemental budget in repealing the gross receipts tax that we are being fiscally irresponsible. The Governor of our state has, in fact, stated that this is not prudent to do at this time. My response is, we have taken action to eliminate bad tax policy; and in doing so, we have inserted \$24 million. If this supplemental passes through, we will have nearly \$25 million in the State's Rainy Day Fund. A feat that

hasn't been achieved during my decade of service here in the legislature. In talking with people who have been here longer than that, hasn't been duplicated since. We have nearly \$25 million in the Rainy Day Fund, also the circuit breaker money that the Governor had wanted to use to fund the supplemental budget, the overage, the monies that weren't taken by the people of the State of Maine in the circuit breaker program, totalling near \$5 million, we have carried that over. We have not spent that money. That \$5 million has been carried over in the circuit breaker account. All told, we have paid all of the debts of the accounts payable in our departments. They will be up to speed. We no longer have furloughs and shutdowns. We have repaired the problem areas, and still we are putting nearly \$25 million into the bank and an additional \$5 million into the circuit breaker for the next Legislature in the 118th to deal with property tax relief. Speaking of property tax relief, we have \$1.5 million in the supplemental to appropriate to our county jails, to start beginning to fund them to the level that we said we would, for the state prisoners that they house.

I would like to state on the record that it has been a privilege and an honor to serve with the thirteen members of the Appropriations Committee. I take my hat off to my colleagues in the Senate, the Senator from Lincoln, Senator Begley, and the Senator from Androscoggin, Senator Berube, for what has truly been a bipartisan effort to address the needs of Maine citizens, so that we all can go home with our heads held high, seeing that the most needy have been addressed, restoring some integrity into our budget process, not maintaining taxes on the most needy and infirm in our society, and planning for the future by placing nearly \$25 million into the Rainy Day Fund. This is something that was done in a bipartisan effort, with members of this chamber working in concert with members of the other body. I believe this supplemental budget is a budget that we can walk out of Augusta, and back into our districts, and say we heard the areas that you were concerned about, and we know the issues that we haven't addressed previously, our mentally ill, our elderly and infirm, and our children who are not being protected and who are being abused. I believe those are the neediest of Maine's citizens, and I believe we have addressed them within the resources that we had available, and still are able to put some money aside for the inevitable problems and downturns that may arise. I hope we have your support as this final supplemental is enacted. Thank you.

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

Senator CAREY: Thank you, Mr. President. As a member of Taxation, I would like to extend our thanks to the Appropriations Committee for the way they treated us with our very top priority, the removal of the excise tax on nursing homes. That money is not going to be a total loss, as a matter of fact; because the excise tax is tied, also, to restaurants; and the restaurants will be paying the 7% sales tax. So, that excise tax will not be totally rubbed out. It is only going to be replaced. The communities themselves ought to be pleased with that, in that in the income tax, they at least share with the Local Government Fund. The Local Government Fund, however, will not be sharing until 1998, so that we can be assured that we do have a balanced budget. Once

again, we tried on the Taxation Committee, to insure that the nursing home owners would relay that 7% savings that they are now going to have, by dropping their charge on the nursing home patients. We could not find a legal way to actually force them to do that. Hopefully, if anybody knows of any unscrupulous nursing home owners, I personally would like to hear about it. 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. I would just like to add what the good Senator from Oxford, Senator Hanley, said. I think this is a great day for this chamber. Two years ago, when I decided to run for office, I told people that I was coming here to cut taxes. Many people told me it couldn't be done. In the last two years many people have told me that I can't work with Democrats. Today, I think we see that we can all work together. I think this 7% tax on our elderly, on people who can no longer earn a living, was one of the most immoral and outrageous taxes I could ever imagine. I will be very pleased to see it be repealed today. In the last two years I have heard comments such as, "Let them go broke" about our elderly in nursing homes, in regards to this tax. I would just like to say that I do think it's a great day that we are not only cutting a tax, but we are also ending a terrible gimmick. If you remember last year, this bill was in the Taxation Committee. There was only one vote to repeal this tax, yet this Senate took the lead and overwhelmingly, with people from both sides of the aisle, voted to repeal this tax. This year, because of the Democrats on the Taxation Committee, willing to take the lead, we have this bill, under unanimous report from the Taxation Committee. As the good Senator from Kennebec, Senator Carey, said, the Appropriations Committee was kind enough to welcome our suggestions that this be included in the budget. I think it shows that we can work together and do great things. I do think, once again, that this is a great day for this chamber.

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

Senator PENDEXTER: Thank you, Mr. President, Men and Women of the Senate. I, too, am pleased to be voting for this budget; and I commend the Appropriations Committee for bringing to us a unanimous decision. Chairing the Human Resources Committee is probably just as challenging as the Appropriations Committee, so we realize the hard work one has to do to get a unanimous report. Those of us on the Human Resources Committee did work very well, bipartisanly, on the long term care. I just want to spend a few minutes to just share with you, because we won't be discussing it in any other arena, that of the \$13 million in the budget, that there is something in there for everybody. We had appropriated \$2.8 million for home-based care. We also have added significant amounts for homemaker services and to help the people who want to stay at home and who are able to stay at home. We have also appropriated the ability for 75 new low-income elderly assisted-living units. There again, this is an excellent alternative for us to have in the community. We have also staffed the Ombudsman Office, and we have extended her jurisdiction to cover all arenas of long-term care, and not just nursing homes. We feel, as we are branching out in

all these new settings, we certainly do want our consumers to have a vehicle with which to let us know if there are problems. The adult family care homes, I know, are a concern for some of you. What we did was we capped how many would be able to be created at this point. We put a cap at twenty private and twenty public. There will be some reporting back to the Committee just to see how those are working out. I'm pleased to say that we were able to address some of the Alzheimers problems that, of course, Med94 has brought upon us. Med94 is a good tool. It does work effectively, but the problem has been that we didn't have the good alternatives to offer. As we continue to work on developing new alternatives, I am happy to say that we have been able to fund further adult day-care scenarios and also apply more money to respite care for those folks who are taking care of their Alzheimer family member at home. We have also tried to help the nursing homes by what we would call tweaking Med94. That does add an additional assessment tool to the already existing form, which does take into account some cognitive problems, which, hopefully, we will pick up about 300 more persons which we haven't been able to qualify for nursing homes. Also, lastly, we have given \$3 million to encourage nursing homes to transfer their nursing home beds to residential types of settings. Hopefully, when we come back, and we look at the long-term care setting in another two years, we can say yes, we are getting there and we are developing good alternatives. So, that's the good news.

The bad news, however, for me, having spent a whole lot of energy and time on the Productivity Task Force, it distresses me to find out that there are 134 new positions in this budget. Ninety-four are general fund, five are federal and forty-one are special revenue. I have to ask myself, why do we go through all this? I don't really know what the answer is; but I guess I would say that we are continuing to expand state government, everyday we are here. I think we need to start thinking about the programs we fund and the way we deliver services. You know, we cut state government; and then we build it up again. I don't understand it. So, for me, that is the bad news in the budget; and I hope that we can continue to look at how we restructure state government. I learned a lot on the Productivity Task Force. It was a great experience for me to be able to see every department in state government. There is a lot of room to perform better services, to redefine what types of businesses we, as state government, ought to be in the business of doing; and we need to continue that task. So, I look forward to, hopefully, some more budgets whereby we will continue to better define how we deliver services. Thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President. Good evening, Ladies and Gentlemen of the Senate. I am very proud to stand here today and tell you that for as long as the citizens of Senate District 23 have given me the honor of sitting in this seat, I am voting for my very first budget. I want to congratulate the Appropriations Committee, the Governor, this Senate, for the collegial way in which we have finally accomplished what I think we should have set out to do many months ago. But, that is behind us. I think we have restored the confidence of the public in our ability to prioritize. Those

priorities always have been, for me, taking care of the needs of our mentally ill and our retarded, our elderly, and our children in harm's way. We have done that with compassion. We have also done something even more important. We have kept a promise that some of us have made to repeal this unfair gross receipts tax. We can go home and tell the folks who are paying their own way in a nursing home that we have taken away this unfair burden that we have placed on them. More importantly, what we are saying to the folks who are just behind them in life's journey, that we recognize the value of you planning for your own long-term care needs, and we respect you and we are going to help you. I think we have done a tremendous job. Thank you.

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.

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

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 Clarify Definitions Under the Laws Concerning Games of Chance

S.P. 479 L.D. 1303
(C "A" S-517)

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

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

Senator **STEVENS:** Thank you, Mr. President, Men and Women of the Senate. I hope you will vote against the motion and vote to pass L.D. 1303. Thank you.

On motion by Senator **LAWRENCE** of York, 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 Somerset, Senator Mills.

Senator **MILLS:** Mr. President, Men and Women of the Senate. You may recall that this is the bill that makes a minor change in defining what a game of chance is within our regulatory statutes on games, gaming and gambling. It is an important but small change and I would urge you to vote against the pending motion. This is the same bill that we discussed several days ago. I am satisfied that the passage of this bill will not have any adverse impact on fraternal organizations, American Legion halls, and other groups, who have special licenses that authorize them to employ games of chance, no matter how you define the term. Under the old law, or under this new law, or any other way, they have licenses to do what they want to do; and passage of this law will in no way adversely impact how they behave, what goes on in the Elks lodge. This has no impact on them.

It also has no adverse impact on regular pinball type machines, those that are games of skill under any definition that you choose to adopt. The definition that the Maine State Police has brought forward in this bill, L.D. 1303, is very cleanly, very beautifully, drafted. It says that a game of chance is a game of chance if there is an element of chance injected by the machine as part of the rules of the game, whether it be mechanically or electronically defined. Although we, who might play pinball, would, in layman's terms, regard a pinball game as a game of chance combined with a game of skill, under the definition that this law provides, pinball is a game of skill. The reason is that there is no element of irrationality built into the machine itself. If you have the skill to put the ball in the same location with the same momentum on every single delivery of the ball against a particular pin, it will rebound in exactly the same way every time under the laws of physics. There is no little man, or little cog, or little spinning thing in the machine that throws you off. So there is no element of chance within the machine that is built into the machine as part of its own rules. Therefore, it falls over the law and is a game of skill and will not be adversely impacted by this law that we hope to pass. That's true of many other arcade games. I have had calls from arcade owners and distributors of these games who are concerned that this change in the law might, in some way, impact what they do for work and the services that they deliver to people. I am satisfied that it will not make that change. It will have an impact on one particular machine, a video poker machine that was the subject of some litigation, and received a decision in December of 1995. We have had considerable lobbying from those who have a direct financial interest in the use of this machine, its distribution. Presently, this machine would be unregulated because the judge in that case said, "Well, this machine is a close case. Skill predominates over chance." So he let it go under the archaic definition that we once had. If we pass this bill, it will tighten up the rules. It will forbid this particular game, yes; but it will not have an impact on the other games that you may have heard about, and some of your constituents may have been concerned about.

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

Senator **CAREY:** Thank you, Mr. President. I would like to pose a question. Is this the bill that we have been waiting for, which would basically outlaw the gray machines?

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. The gray machines, as I understand it, are currently illegal. They are illegal under our current law. They would be illegal under the new law. The problem with the gray machines is this, to prove a case you have to show that the game is being used for something other than fun. The machine puts out a little ticket. It keeps score for you while you are playing it. You can play it all night long. It will never deliver you any money. At the end of the night, if the bartender wants to pay you some money on the basis of what your little slip says, that gets done. Who's around to observe it? Who's

around to catch you at it? So, to catch somebody making use of a gray machine in an illegal way requires an investment of time and investigative work from the Maine State Police. Having gone to all that effort, under current law, you bring in the operator of the facility that has been using it illegally, you prosecute them, and he is found guilty of a Class D crime. The fine for a Class D crime is anywhere from zero to \$2,000. You could go to jail for up to a year; but, typically, the fine is going to be in the lower range. When you consider the amount of money that can be developed through use of these machines, paying a fine of few hundred dollars is really small change in comparison to what the profitability of these machines are. So, as a practical matter, under current law, it is difficult, but not impossible, to prosecute for the use of these machines. We are told that in one instance the machine was taken as evidence; brought into court full of money, \$1,000 or more; was used as evidence in the trial; the owner of the machine was convicted and paid a small fine; left; got the machine back with all the money in it; and the next time they went around to prosecute him it still had the same evidence sticker on it. Our current law is difficult to enforce; but these machines, as they are being used from time to time, are illegal.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. This bill is by no means a simple bill to simply outlaw one machine. This bill goes much further than anything you could imagine in that stroke. In fact, the number of games that will be included, if this bill passes, could stretch anybody's imagination. Let me give you a couple of examples. For example, the change in the current law says it must rely to a material degree on chance in order for you to win. That's how current games of chance are defined. That's the law in 28 states. It has been tested in court. It is a fairly settled law through those 28 states. This bill says "requires an event that is determined by chance". So you just have to have an event. Let me give you an example. Solitaire, if you play solitaire on a computer, the cards you get on the computer is a chance. It's a random selection by the computer. That's a game of chance. If you see the minesweeper game, where the mines are placed is chance. If you play a pinball game, and the pinball machine selects at random, by chance, which points are assigned to each bumper different times you play, that's chance. If there is an element of chance, it now becomes, under this definition, a game of chance.

When I was a kid, growing up in York Beach, I would go to a place called Fun-o-Rama down there, where they had a whole array of games. Part of the things you did at the Fun-o-Rama for your quarter was you got tickets back. With those tickets you went to the counter and selected a variety of prizes at the end of the day, depending on how well you did in the games. That's accepting something in return for a game of chance. That machine becomes illegal under this law. That's what we are doing. This has potential ramifications well beyond this one machine and this one court decision. I think it's dangerous when we try to make law based on one machine or one court decision, because we are casting a net that is going to bring in a tremendous number of games. Imagine if you were the owner of Fun-o-Rama, and you

now find that 60% to 70% of the machines you own are now illegal. The problem with this law is there is no standard really set out for a game of chance. This is all going to have to be litigated now. It's up to the discretion of the State Police. We don't need this law. It is not necessary. I would urge you to defeat it because it goes much further beyond than what has been described to you. Thank you.

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

Senator FERGUSON: Thank you, Mr. President. I stand in support of the pending motion. What I am concerned about, as a member of the American Legion and the Elks, that this, indeed, will go too far. If we support the pending motion we are going to be no worse off than we currently are. This would, to my knowledge, only affect one machine. That has been determined by the Superior Court. It is a legal machine. It is a game of skill. It is not affecting anyone. So, I stand in strong support of the pending motion, as veteran, as a member of the Eagles and all the people in my age group that support these clubs and the benevolent things that we do in this state. Thank you.

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

Senator MICHAUD: Thank you, Mr. President, Men and Women of the Senate. I, too, support the pending motion. This is substantive change. It changes the definition, as the good Senator from York had stated, there are 28 other states that use the definition of material degree. Above and beyond that, if you pass this bill, with technology changing every day, if I was in the gambling business, I would establish a gambling game that dealt with Beano and Bingo, because under this definition they are exempted. So, we are going to be in court because the court will have to decide, I'm sure, of these new games and how they are going to be affected. I hope that you will join me in supporting the pending motion. Thank you.

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

Senator STEVENS: Mr. President, Men and Women of the Senate. I am going to ask you to vote against the pending motion and we will pass L.D. 1303. Thank you.

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

Senator MILLS: Mr. President, Men and Women of the Senate. The new definition that is very carefully drafted by this bill adds another element to what the State must prove, and that makes for a protection against the widespread application of the law that has been alluded to by other speakers. It requires that the element of chance be based upon the rules of operation or the play of the game. For reasons that I think I have explained earlier, a game that is either pinball, or analogous to pinball, where the game functions the same way every time you play it, there is no element of chance that is injected by the rules of the game or the operation of the machine. What you have there is a crystal clear definition, not one that says does skill predominate over chance or is chance a part of the game to a material extent? The definition that we have been working with is vague. It is exactly that definition which generated the lawsuit that came to a conclusion in December 1995. Passage of this law will lend clarity, a bright line element of clarity, to the definition to distinguishing between games of skill

on the one hand, which are not regulated, and games of chance on the other, which will be and which are. It is in an effort to achieve clarity that this bill was drafted. It was in an effort to forestall litigation; and I have been assured that the Elks clubs, the Eagles clubs, and other fraternal organizations can operate a game of chance under an existing license procedure that they have with the Maine State Police, no matter how you define the word. Redefining chance is irrelevant to the impact on these organizations.

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

Senator FERGUSON: Thank you, Mr. President. I have the utmost regard for the Senator from Somerset, and I respect him highly, but let's not take any chances here. Let's support the pending motion and then we know that the Eagles clubs and the American Legions and the VFW's and the Elks will be protected. I urge you to support this motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator LAWRENCE of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, BEGLEY, BUSTIN, CAREY, CARPENTER, CIANCHETTE, FERGUSON, HANLEY, HATHAWAY, LAWRENCE, LORD, McCORMICK, MICHAUD, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN

NAYS: Senators: AMERO, BENOIT, BERUBE, CASSIDY, CLEVELAND, ESTY, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LONGLEY, MILLS, PARADIS, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT Senator: FAIRCLOTH

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

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator LAWRENCE of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

An Act to Authorize the Disposition of Property Interests at the Pineland Center

S.P. 749 L.D. 1859
(C "A" S-528)

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

Senate at Ease

Senate called to order by the President.

Senator FERGUSON of Oxford moved that L.D. 1303, An Act to Clarify Definitions Under the Laws Concerning Games of Chance, be sent forthwith for concurrence.

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

Senator **RUHLIN:** Thank you, Mr. President. I would like to ask the presiding officer, did we not, in fact, just recently indefinitely postpone L.D. 1303 and all of its accompanying papers?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **RUHLIN:** And we are now going to send that forthwith?

THE PRESIDENT: The Chair is going to confer with the Parliamentarian to see. The Chair would answer in the affirmative, if that is the vote of the body.

Senator **RUHLIN:** Thank you for your answers, Mr. President.

On motion by Senator **FERGUSON** of Oxford, under suspension of the Rules, L.D. 1303, An Act to Clarify Definitions Under the Laws Concerning Games of Chance, sent forthwith for concurrence.

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

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 6:00 o'clock this evening.

After Recess

Senate called to order by the President.

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 **BANKING AND INSURANCE** on Bill "An Act to Control Health Care Costs and Improve Access to Health Care"

H.P. 1277 L.D. 1753

Reported that the same **Ought Not 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" (H-859).**

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

GATES of Rockport

MAYO, III of Bath

SAXL of Portland

CHASE of China

THOMPSON of Naples

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-896).**

Which Reports were **READ.**

Senator **ABROMSON** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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

Senator **MCCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I urge you to vote against the pending motion. This is the one part of the Health Care Reform Commission process that has survived. It's a year and a half of work and yet this is all we have of it. It is a shadow of its former self. Basically, what L.D. 1753 proposes is that we save one portion of the Maine Health Care Reform Commission and one portion alone, and that is the healthy children portion, and that we cover all children, up to 133% of the poverty level, up to age eighteen. There are 36,000 children in Maine who do not have health insurance, and this is an absolutely essential part of any kind of welfare reform. It is the barrier that keeps women from taking jobs that don't have health insurance, and therefore, is considered to be an essential part of that. I know you all got this handout today, from the Maine Children's Alliance, that cites the Kids Count book that we all got about two weeks ago. I suggest that this is the time where we put our money where our mouth is. Look at bullet number five on this sheet. The number of children living in poverty is alarming in Maine and it is increasing. It is now one in five kids in Maine. The most important part is the second part there. From 1985 to 1992 the number of Maine children living in poverty increased more rapidly than in any other state except Louisiana. The kids in this state, the kids in the country, need help; and this is a modest way that we can ensure them a healthy start. A child who is not receiving health care is at much greater risk of developmental problems, unnecessary diseases, learning disabilities, than other children. Maine is the only state in New England that has not addressed this problem, that has not passed some kind of health insurance for kids under eighteen. We are a member of only sixteen states across the nation who have failed to develop such a program. I really urge you to defeat the pending motion and I ask for the yeas and nays. Thank you.

On motion by Senator **MCCORMICK** of Kennebec, 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 Waldo, Senator Longley.

Senator **LONGLEY**: Thank you, Mr. President, Colleagues in the Senate. As we all wait for the sugar in the cake and the caffeine to hit, I would like to rally us for this really important issue of making sure kids get access to health insurance. There is no better investment. It is only \$1.2 million, down from \$4 million. We are covering far fewer kids than before. Time and again I hear people say we have done enough for kids. Baloney, we can't do enough for kids. If it means keeping kids healthy, if it means helping parents afford health care for their kids, these parents are not getting their kids health care because they simply can't afford it. We have got to get it into our heads that we have not yet done enough for kids. Maine is doing poorly, relative to other states in the nation, in terms of making sure our kids stay healthy. A few cents up front to make sure our kids stay healthy saves us hundreds of dollars down the road. It's very simple math; and I would really appreciate everyone making this one last final gesture in this session to put our money where our mouth is, which is helping kids stay healthy. 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. Isn't it interesting how we always use kids for props when it is politically correct? There is no one in this chamber who would stand up and say that they don't stand for kids. For somebody who has spent 25 years of her professional life taking care of kids, I have to say I have to be opposed to this bill because what it does is put kids on welfare. I'm not interested in putting kids on welfare. Government programs, and government money and taxes to support these programs, for me, is not the way I want to help kids. This debate is all about health insurance for kids. I'm worried about health care for kids. So, let's talk about health care for kids. We already do a lot for children in the area of well care. Everybody likes to talk about public health, and doing the healthy, well thing for kids; but when I bring up the fact that we spend million of dollars in maternal and child health money, which isn't Medicaid money, this is maternal and child health money, paying for clinics throughout the state on any given day, there is a free clinic in this state for kids to get physicals and immunizations free. They cover kids from ages zero to six. So, I have a problem when I look at a piece of legislation that allows a family of four, who earns \$28,000 to have their kids covered, zero to six, on Medicaid. We already have free clinics for them if they really can't afford it, providing well child care for kids. That takes care of about 80% of their health care needs. So I don't feel that we are not doing anything for kids. We are doing that much for them. We just passed a budget that has \$4 million in child protective money. That isn't anything for kids? We also appropriated \$675,000 for respite care for kids who have serious, disabling, mental health or developmental problems. That's doing a lot for kids. We passed that in this session. We just did it a few hours ago. In my committee we passed unanimous ought to pass L.D. 1812, which extended transitional services for AFDC recipients who have gone back to work. We have extended their Medicaid coverage from one year to three years. Now that is doing something for kids and their mothers. What was nice about that

particular bill was that it was cost neutral, because recipients were able to pay into the premium to cover the cost at \$30 a month. We were able to offer them the Medicaid program. That's doing something for kids and their families. By the way, that picks up about 230 kids a year, so you multiply that by two years, we are taking care of 460 more kids with that bill, L.D. 1812, than we were before. That's doing something for kids. We are doing that in this session. We also talked a lot, in my committee this year, about charity care. Hospitals provide charity care. You know, if kids end up in the emergency room to get care, some people seem to think that is negative; but the fact of the matter is they get good care there. If they really can't afford to pay, then there is a process, through charity care, that gives them that care for free. Granted that is not, perhaps, the best way to be entering the health care system; but if somebody has a serious need and somebody needs to be seen, they will be seen. I guarantee you that kids in the state are receiving health care. If they are not receiving health care, it is because their parents are not getting them to the clinics or to the emergency rooms or to the physicians' offices. To cover somebody 185% above poverty level puts us in the tenth most generous states in this country for welfare. Men and Women of the Senate, we cannot afford to be in the top ten of the states in this country. We don't have those types of resources. I might remind you that putting kids on Medicaid doesn't guarantee them access. Perhaps it makes you feel good that they have health insurance, but I'm telling you it doesn't guarantee them that they are going to get access to health care, because the economic reality of medical providers, or health care providers, who provide health care to Medicaid people, have to limit their practice. It is economic reality, when 40% of your cost is covered, you have to limit your practice. We are not really being fair to the rural practitioners who, for the most part, as much as 50% of their practice are Medicaid patients. We have heard from a practitioner in Farmington, not so long ago, who is making all of \$35,000, working seven days a week and God knows how many hours, taking care of patients. That particular physician's salary is so low because the case load that she has to carry, because she is so rural and there are so many Medicaid people around, she has to see the Medicaid patients. We are not being fair by putting people who can earn \$28,000 a year on Medicaid, because those people can pay some of their health care bills. You are not being fair to those rural physicians because you are adding more to their burden. There is a culture, certainly, where I come from in Cumberland and York County, in the physician community and the health care provider community, that no matter how big your bill is that you owe, as long as you are paying something toward that bill, they will see you. It's the good faith effort that if you are paying something on your bill, you are totally welcome and you are not made to feel that you shouldn't be there. I have to say to you, people who earn \$28,000 can pay some part of their health care bills. For me, the issue is kids getting health care, not kids getting health insurance. Although this all sounds nice, and it is a good prop, and it sounds politically correct, I remind everybody in this body that we are already doing a lot for kids. We are not being fair to put people on a program that we know we are not going to be able to

afford the cost of that program because we have been through this before. We have been there. We have done it. We have had to pay people off. You know how difficult that is, to cut a program. So, I remind you, we should not get started in programs that we cannot afford. I'm telling you, the growth of this program will be something that we will not be able to continue to fund. So, I will be voting for the motion on the floor; and I remind you that we are already doing a lot for children; and you shouldn't feel guilty voting for the pending motion. Thank you.

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

Senator **PINGREE:** Thank you, Mr. President, Men and Women of the Senate. I would just like to go back and go over a few issues about children's health care. The first thing that occurred to me, when we were starting with this program, was to read the report of the Maine Health Care Reform Commission. Just to refresh our memories, this is the study we spent around \$400,000 of public and private money on and have enacted very few of the recommendations. Their recommendation was that we cover children up to 250% of the poverty level because they believe this was such an important issue. They told us that 36,000 children in Maine, or 11% of all Maine children, go without health insurance. If you look at some other statistics, you can see that between 1985 and 1992 the percentage of Maine children living at the poverty level grew more than any other state except Louisiana. I don't think that we are doing enough for children if that is what our child poverty rates are looking like today. The National Commission on Children tells us that most uninsured children see a health care provider only when the conditions become so severe that it must be treated immediately and at the most expensive cost, usually in a hospital setting. I believe many hospitals do provide charity care for children, but it is not the least expensive treatment. Well-baby clinics are there to give children immunizations and physicals, but that's for a well child. What if your child breaks their arm? What if your child has a disease? Do you wait until you have to seek the most expensive alternative, that is hospital emergency room? We are in the minority in the coverage that we provide. Two-thirds of the states in this country, or 34 states, have designed special programs to provide health insurance and health care to children beyond those who are eligible for general Medicaid coverage. As was said earlier, Maine is the only state in New England that has not developed a program to address significant numbers of uninsured children. We know that down the road this creates a cost shift and costs us more money in the health care system. Our funding for children's health is actually worse than New Hampshire, which is something that I think we should keep in the backs of our minds. When we looked at what the outcomes of other states' programs for children's health have been, they find significantly reduced health care costs, reduced AFDC case loads. I think this is different than our transitional Medicaid program because this covers the children of working families. Reduced enrollment in other cash assistance programs, and they also find that this provides an incentive for low income women to enter the workforce without the fear of losing health care for their children. Remember, this is an ongoing process. Our transitional Medicaid means you have to have been on

AFDC to receive it. This is for families who have never had to collect AFDC and this is an ongoing ability to access health care. Recently, someone did a telephone survey of a number of states with special children's health care programs similar to what we are talking about; and most of the parents, who are primarily mothers, or former enrollees, said that they no longer missed work to take care of sick children, and were able to obtain wage increases and promotions that both took them off, and kept them off, of welfare. I urge you to defeat the pending motion. I think we can talk about a program that will suit all of us, that will meet children's health care needs from zero to six up to 185% of poverty, where we know that some of the most important developmental stages are, when the most important health care needs are, that will allow us to include children from seven to eighteen at 133% of poverty, that I think can be done for a very reasonable cost. I think we can talk about a co-pay. We can talk about ways for people to help with the cost of health care, but not have such a tremendous burden that they can't afford it. So, my suggestion to you would be to defeat the pending motion and allow us to go on and talk about a program that really will help children in the State of Maine. Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. I would just like to quickly add, when you think about \$28,000 for a family of four, that means covering each individual for about \$7,000 a year. That does not strike me as incredibly wealthy. It strikes me, by Maine standards, as being very middle class, but not very wealthy. I reiterate that anything we can do to help them get the necessary health care for their children is helping the hospitals, is helping middle class families, and is helping all of us in Maine. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. Just to clear up some things. This proposal that we have before us, as amended by House Amendment H-896, covers all kids up to 133% of the poverty level and is not a Medicaid program. I think there might be some misinformation about that. Medicaid and Medicaid extensions deals only with people who are on AFDC; and that, believe me, is way below the poverty level. What we are talking about here are uninsured children of working parents who make below 133% of the poverty level, which is, for a family of three, about \$20,000. If you have costed out what it costs to live with a family of three at \$20,000, there is no money for health insurance, let me tell you. The other thing, my seatmates and I, we turned to each other when the good Senator from Cumberland, Senator Pendexter, talked about free clinics. We said, "Do you have a free clinic?" We don't have any free clinics over here. There may used to have been some free clinics, but there aren't any free clinics any more and I will remind us that we all know that there is not any Maine Health Program any more. There used to be a Maine Health Care Program for adults and children. Then, we eliminated adults, and now there is no Maine Health Care Program for children, so there is no health care for children, period. No health care program for children of the working poor, and no free

clinics. I have read about some free clinics, and I think it is down in York County. It is so unusual that it has made the news. So, what we have here, as I see it, and please correct me if I am wrong, is that if you are the parent of a child who gets sick and you do not have enough money to afford health insurance, then you have to throw yourself upon the benevolence of the hospital emergency room and you have to go in and be an indigent patient. I think you will all agree that that is hard to do. When you are working, when you are playing the rules, when you are doing everything you should to get by, and you still don't have enough money to pay for health insurance, and the love of your life, the gem of your family, your child, gets sick, and you have to go in and beg for health care, that's wrong. That's wrong in America and it's wrong in Maine. Yet, that is the situation that we have here. One way that we can make work pay is to extend health insurance to kids, modestly, up to 133% of the poverty level.

I want to reiterate what the good Senator from Knox, Senator Pingree, described. The conclusion of the year and a half process of the Maine Health Care Reform Commission, which I took part in, it took 500 people working, citizens from all over the country. We had the provider committee, and we had the consumer committee, and we had the hospital committee; and the demographics of that went for six months and then they all switched and became the benefits committee and the how-to-pay-for-it committee; and they concluded, agreed on, that what we need in Maine, to lift our kids out of poverty, is to insure all children under eighteen years old, up to 250% of poverty. What you see before you is a shadow of that proposal and it is the only real part of the Maine Health Care Reform Commission that has survived. I think that it is a shame if we don't pass it. It is a shame on us. It is a shame on Maine. Thank you.

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

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. Something for your information that I thought I would just share with all of you is as I have travelled through my district which, as you know, is a very large district, with 2,500 square miles, I hate to name towns because I will probably forget somebody, but in the Western part of the County we have regional health centers in Harrington, Lubec, Eastport, Princeton, Danforth and some others that I can't think of this second. Those are excellent facilities and, as you know, Washington County is probably not the richest county in our state. I think in other parts of the state, as well, there are some of these regional health centers. If I remember, the last time I visited some of those last year, they have sliding scales that are directly in proportion to folks' income. I think the maximum that a family would have to pay to visit one of those facilities is \$35. If I remember correctly, the minimum was \$5. This was based on a sliding income. I think that we are so fortunate to have that in my district; and I'm sure some of you have that in your districts, as well. When you compare that to visiting emergency rooms, and probably you may not even have time to get the care that you would get at one of those regional facilities, I think there may be one in Jonesport, as well. A visit to an emergency room these days could be anywhere from \$150 to \$300, just to see a physician and for the use of

the facility and those kinds of things. I do think that that is another resource that we have in the state. I'm not sure if you all have those, but I know we have those in my district. I think that meets a lot of the needs, with some of the federal grants that help to support those, and some of the state monies, as well. I think that really meets a need for the low income areas of our state. 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 just need to clarify some of the remarks made by the good Senator from Kennebec, Senator McCormick. This is a Medicaid program. AFDC recipients who leave the AFDC program and go to work have one year of transitional health care. In other words, they qualify for the Medicaid program for one year. Medicaid is Medicaid. This is the health care program within the Medicaid program. So, I don't understand what she is talking about when she said they have been on AFDC. Yes, they have been on AFDC; but women in the transitional program are working women, they are not on AFDC anymore. What we have done is we have extended, from one year to three years, the fact that if they qualify income wise, and it all depends on what they earn. These people are on any level, they can be at 125%, they can be at 133%, they can be at 185%, it doesn't matter. As long as they are in that transitional program, they can be made to pay 3% of their income towards their Medicaid coverage. So, this indeed takes care of a good portion of our working poor. I think we, in L.D. 1812, have significantly helped the problem. You know, the Health Care Reform Commission, for all the work they did, offered us programs that had to be funded with tax revenues to the point that if we did what they told us, we might as well shut the door in Kittery; because we would be so economically disadvantaged for the taxes that we would have to charge our citizens, to support these programs, that they just weren't real. I know they did a lot of work, but the point is, the answer to health care insurance is not to do it with tax dollars. The answer to health care reform is to have some programs that will make the health insurance premium affordable. I would remind the body that we are working on that. We have a bill before us that created purchasing pools for small businesses to be able to offer to their employees, hopefully, some affordable health care premiums. That is the solution. The solution is not putting more children on Medicaid. The solution is not making people who earn \$28,000 a year, and by the way, I would remind you, that the average salary in this state is around \$23,000. We are not a rich state. The solution is to help businesses give their employees affordable health insurance coverage, not a government program.

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

Senator **PINGREE:** Thank you, Mr. President, Men and Women of the Senate. There is something very simple. If you poll the public in the State of Maine, or in all of America, one of their top concerns, 75% of America will tell you, their biggest concern is security and affordability with health care. That's what the public tells us. So, we respond to their concerns. We say we have to have some changes in the health care system. We commission a \$400,000 study. The study comes back.

It says working poor people, middle class people, can't afford health insurance in the State of Maine. Do you know how you can make that easier? You can access federal dollars; you can participate in a huge pool of people that really bring the cost of health care down; and, for very little money, we can insure a tremendous number of people. The public expects us to study a problem and to act on the problem. If we vote for the pending motion, we are not acting on the problem that they have asked us to solve. I urge you to defeat the pending motion, so we can get on with talking about a way to solve the problems that are facing the children in the State of Maine, and their families.

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

Senator **KIEFFER:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I find this to be quite an interesting debate. I suppose, from a mathematical standpoint, I probably should be supporting this issue. \$23,000 in our area is a big salary, it may not be to some of you, but it certainly is in my area. We have twelve or fourteen employees; and we provide them with full health insurance coverage, including their dependents; but I will assure you that, if this bill passes, there won't be any dependent coverage for very long. I'm going to let the state pay for them. Think about that. Think about how that will work. You are going to take the dependent coverage off. You are going to buy a \$5,000 umbrella deductible. You are going to take the savings and hold it in an account and self-insure, and you are going to make a lot of money. There is going to be a whole lot of people out there without any health insurance at all, because of what you are trying to do under this bill. Before you vote on this, Ladies and Gentlemen, I hope you will think about that a little.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I didn't mean to imply by my remarks that I did not think that the transitional Medicaid benefits that the Human Resources Committee passed was not an excellent proposal, bill, and will be an excellent help to people who are trying to get off welfare. That is for people who are on AFDC, become employed, and it will help them take jobs that do not have health insurance. It's a great idea. I totally support it. As someone who has spent the last ten years helping women get off welfare, I can tell you, it's going to help alot. But, what we are talking about here is not people who are on AFDC. We are talking about people who have never been on AFDC. We are talking about people who are working, and people who are above the poverty level. I don't know where we are getting the figure of \$23,000 a year. The other point I wanted to clarify is the health care purchasing alliances and the work of these 500 Maine citizens who helped with the Maine Health Care Reform Commission, which we commissioned and spent \$400,000 of the people's money to help reform our health care system. The incremental reform bill, of which this is a part, that goes slowly, one step at a time, proposes this and it also proposes health care purchasing cooperatives; but, because of the way we have amended those health care purchasing cooperatives, the Commission feels they will not work. So, you have before you the meat, the only scant thing left, that we can pass of the Maine

Health Care Reform Commission's year and a half, trials and tribulations, and volunteer hours of 500 Maine citizens, the consensus report that said we should cover children up to 250% of the poverty level. What we have here is a modest proposal to cover children up to 133% of the poverty level. I urge us to defeat the pending motion, so that we can go on to pass the minority report. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. I have heard a lot of different debate about how well children are protected out there and what this bill would do and what this motion would do. A couple of days ago I received a call from a woman in Berwick who said that she had two adopted children. She worked for an auto parts company. Her oldest son, who is just under the age of eighteen, had recently been involved in an accident. She had no insurance to cover him. She had mounting hospital bills. She also has a younger son who already has a disability who she has mounting hospital bills for. I wonder if anybody in this body, if I may pose the question, I could find no solution for her, I was wondering if anyone in this body, absent passing this bill, can find a solution for her?

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. In response to the eighteen year old who, I am assuming, had a hospital bill, depending on her income and what the situations are, she certainly ought to apply for charitable care; because perhaps she would qualify; and her bill would be written off. As far as the disability, there are programs, and I don't know if this is a disability that the child was born with, if it was, we do have programs in our child health programs that cover kids born with disabilities and pay for their medical needs.

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. I have been asked to try to clarify exactly what the current standards are, and what these figures are that are in my hen scratching. I understand that under present law, if we do not change the law, babies that are under one year of age are covered in those families that make up to 185% of poverty. For a family of three, that would be a figure of roughly \$23,000. For a family of four, that is a figure of roughly \$29,000. For kids between the ages of one and six, in other words preschoolers, we currently cover them in families who make up to 133% of poverty, which equates roughly to \$17,000 for a family of three, and \$20,700 for a family of four. For kids that are in school, ages six through eighteen, we cover them presently at a level of 125% of poverty, which for a family of three is \$16,000 and a family of four is roughly \$19,500. Under the version passed by the other body, we are, in essence, talking about a rather small incremental change from 125% of poverty up to 133% of poverty for those who are in school, and up to 185% of poverty for those below school age. We are talking about people who, in Maine, make in the late teens and

early twenties in terms of their annual income. We are talking about people who are accustomed to participating, it seems to me, in the cost of their own essentials, including rent, food, transportation. I think it is appropriate that the people in this income category be required to contribute to their own health care in some significant way. I have no objection to making Medicaid-type coverage available to people at this income level. It's cheap coverage. It's well-managed coverage. It's the very kind of coverage that, perhaps, we should be extending to these people; but I think the income levels that are under discussion tonight, that we would be better off to consider a plan whereby these families should contribute, as they do contribute to rural health clinics. In my region, when they go to see them, there is a sliding scale that is published on the bulletin board; and you are required to pay \$6, or \$8, or \$10, or \$15, depending on your income scale. These are Medicaid-funded clinics. They are not available everywhere. They are only available in certain regions. My region is very fortunate to have several extremely fine clinics of this type, servicing some element of the rural population. My own sense is that the law that we have is suitable. When the day comes, or if the day comes, that we have a participating program that would require families at this income level to participate in the cost of this care, I might well favor it, but not this time.

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

Senator **PINGREE:** Thank you, Mr. President. I would just like to suggest to the good Senator from Somerset, Senator Mills, that if we were able to defeat the pending motion, we could discuss a program that would allow participation on the part of families.

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

Senator **BERUBE:** Thank you, Mr. President. I have been listening with a great deal of interest; and I don't often rise, particularly to spend money from my fellow citizens back home. But, in reviewing the budget, I have noticed that we have spent, in the supplemental budget, \$2 million for small business tax credits. We have given half a million dollars without batting an eye to tourism, over and above the large sums of money they have. That is all in your budget. Fire suppression, and on and on. In the current biennial budget we have allocated \$26.4 million for personal property tax relief on machinery and equipment; pulp and paper environmental investment funds, \$12 million; tax and match, et cetera. I think when it comes to children, if people don't have insurance, perhaps they should prioritize. Perhaps that should be the first thing they pay when they get their pay check, but many of them don't and the children suffer. I think that the investment of \$1.2 million, compared to the millions of dollars we spend elsewhere, is not much to ask.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **ABROMSON** of Cumberland that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS,** and the **PRESIDENT**, Senator **BUTLAND**

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

ABSENT: Senator: **FAIRCLOTH**
 18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ABROMSON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.
 Sent down for concurrence.

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 Reform Campaign Finance"
 I.B. 5 L.D. 1823
 (C "A" H-836)

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

In Senate, March 30, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-836)**, in **NON-CONCURRENCE**.

Comes from the House, that body having **INSISTED**.
 On motion by Senator **KIEFFER** of Aroostook, the Senate **ADHERED**.

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 following Tabled and Later Today Assigned (Friday, March 29, 1996) matter:

Bill "An Act to Promote Additional Health Insurance Reform"
 H.P. 1074 L.D. 1513
 (S "A" S-526 to C "A" H-820)

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

Pending - **FURTHER CONSIDERATION**.
 (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**.)

(In House, March 29, 1996, **INSISTED**.)
 On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Specially Assigned (Thursday, March 29, 1996) matter:

HOUSE REPORTS from the Committee on **JUDICIARY** on Bill "An Act Relating to Confidentiality of Records and the Prevention of Child Sexual Abuse"

H.P. 942 L.D. 1331

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee**

Amendment "A" (H-869) (3 members)

Tabled - March 28, 1996, by Senator **AMERO** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT.**

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

(In Senate, March 28, 1996, Reports **READ**.)

THE PRESIDENT moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, in concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned (Friday, March 29, 1996) matter:

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

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

Pending - the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860).

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

(In Senate, March 29, 1996, Senate Amendment "A" (S-548) to Committee Amendment "A" (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. Just to refresh your memory, I had offered an amendment that would take away the prescriptive writing privileges that are in the bill; but it would also allow them to have the authority to prescribe non-prescriptive privileges, which I understand is necessary. You know, as I have had time to review this a little more, my biggest concern about allowing these people, these naturopaths, to prescribe medication is basically based on their educational preparation. There has been some mischaracterization, I would say, regarding the school that they go to. It has been referred to as a medical school. It is not a medical school. It is not a federally accredited medical school. What it is is a post-doctorate program for their specialty, which is naturopathy. It's accredited by an agency known as the Council on Naturopathic Medical Education. That agency has been recognized by the U.S. Department of Education. Just the agency. The agency is made up of naturopaths, and it has been recognized by the Department of Education to be the accrediting body for its educational scenario. So, we need to get this right. It is not federally accredited and it is not a medical school. Having said that, I have a catalog for one of their colleges. Let's just talk about the area of pharmacology; because this is what we are talking about, should they be having prescriptive writing privileges. It's okay to look at courses that are in here, but we need to look and see who is teaching them. When you look at the faculty and the

administration, there is no mention of a pharmacist in here that teaches pharmacology. I guess that concerns me; because now we are getting outside of our naturopathic drugs, we are getting into the real things. Those, in my opinion, ought to be taught by a pharmacist. So, there is nobody with pharmacological background teaching these courses. I also observed, for me anyway, a doctorate program ought to have a faculty composed of members who have doctorates. Certainly, the school of optometry does, as the school of dentistry does. Those are two good examples. You look at the faculty members in those schools, all taught by doctorate-prepared faculty members and professors. The vast majority of the professors that teach in this college don't even have an undergraduate education. They don't even have four years of college. They have M.D. after their name, which means they have gone to a naturopathic program; and they are teaching a doctorate program. I don't understand it. We just had three or four hours of discussion today about standards in education; and we are ready, now, to give prescriptive-writing privileges to people who are going to a doctorate program, who are being taught by faculty members who don't even have four years of college. I don't know about you, but that concerns me. I have a catalog of one of their doctorate schools, Bastyr, sorry if I pronounce it wrong; but it is the one in Seattle, Washington. It says here "students who have completed professional programs may be considered for advance standing. In all cases, the equivalent of a minimum of one academic year of full-time enrollment is required to receive a degree from Bastyr University." One full-time, academic year. One year, not four, one. Do you know what else is in here? You can challenge courses and you don't even have to take the course if you pass the test. I have never heard of a doctorate program that did that, but they do. I have a student survey result, dated June 1992, from the National College of Naturopathic Medicine, which is the second college that is in this country, in Oregon. These are students who have attended the program. 32.9%, when asked the general rating of the college, said the rating was problematic, that there are many concerns. 30.4% had serious concerns in need of major reorganization, which bring the total to 63% of the students, who went to this college, had problems or very serious concerns about the curriculum they attended. Comments, "We need serious fundings to help relocate and professionalize and organize." "Too many jobs, too few people." "Need more teacher training for some doctors." That is, just being an M.D. doesn't mean you have skills enough to teach. They are complaining that their professors aren't adequately trained. Especially the library, they say, they don't have the books. Student concerns, 63.3% were very concerned about their clinical experience. "I feel the main problem with the NCNF is that we try to learn too much in classes." "Need a residency program." "Need to learn in practice." There is a comment on faculty selection, "There needs to be better professional conduct of staff." That is from the students who attend the program. A position paper, 1995, from the National Council against Health Fraud, says, "The misguided reform effort has focused upon eliminating degreeholders from practice. To help accomplish this the Council of Naturopathic Medical Education was founded and eventually organized with the U.S. Department of Education as

the official accreditation agency for naturopathic training. On the surface such an effort seems legitimate. The problem is that the accredited naturopathic schools teach invalid medical practices." That's from the National Council against Health Fraud, a consumer agency.

I asked one of the committee members to give me the folder on the bill. Here it is. During the debates today I read most of it. People who supported the majority report must not have read what's in here. I can't imagine that you would have brought us a bill that has prescriptive writing privileges if you had read what is in here. I am just highlighting the major things that stuck out at me. So, I bring this to your attention; because, and I will state again, I am not against naturopathic practices; and I think it is okay that we license them if that's what they want. But, this bill expands their scope of practice; and that, I am against. Giving prescriptive writing privileges, even for some minor drugs that you might hear about later, for me is still very problematic when I have looked at the education that they attend and at the concerns of the students that have attended. How much more objective can you be than hearing from the students who have gone through the program and seem to have the same concerns I have? I hope that you will vote against the motion on the floor to indefinitely postpone this bill. I don't understand what the hurry is. You know, there are a lot of other legislative sessions around. You know, I think if we want to license them, I guess maybe we will have to do that. I personally don't feel that we are ready to do that. This is too new a program. There are a lot of problems in states who have passed licensing of naturopaths. You look in New Hampshire. Two years ago, they are still fighting over the rules and regs because you know there are two philosophies. We are going to have the same problem here. We have totally written off one philosophy. I don't know why we are picking one against the other; because I think they are both valid, perhaps, although I do have a problem when naturopaths want to start practicing, what I consider, medicine. I don't think that is right. So, I hope that you can defend the motion on the floor so we can at least remove what is the most problematic in this bill, which is removing the prescriptive writing privileges. Thank you.

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

Senator CAREY: Mr. President. I have been glancing over the amendment S-548 and I really am questioning why the Senator from Cumberland, Senator Pendexter, even left paragraph 4 in there, because it says, "Prescription authority. A naturopathic doctor may recommend use of non-prescription drugs." I'm a land surveyor and I can do that. I hope we are not putting land surveyors in the same class as naturopathic doctors. Why was it even put into the amendment when you could have just done away with that section altogether? Thank you.

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 Cumberland, Senator Pendexter.

Senator PENDEXTER: We put it in there because we were told that it had to be in the language for them to be able to use those drugs.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. To further clarify the question of the good Senator from Kennebec, Senator Carey, yes, as a landscape surveyor, you can recommend to a friend or neighbor that they use a non-prescription medication. As a health care provider, were you to make that same recommendation to that same friend, you would be held liable for any untoward effects of that medication; because, due to your training, you should have known of those possibilities. So, that is the reason why we have this rather strange language allowing prescriptive authority for non-prescriptive medications. It is necessary.

I would like to address a few of the points made. I am sure, as the good Senator from Cumberland, Senator Pendexter, was trying to both listen to some of the interesting debates that took place today, and read the naturopathy file as well, that there are a few items that might have been missed. One of those is the report of the task force itself, which states, in one part, "consistent with the scope of practice recommended by the task force, there is a consensus that naturopathic doctors should have a limited scope of prescriptive authority. The emphasis is to be placed on the use of naturally occurring substances as is further defined by statute." In fact, the language regarding prescriptive authority written into the original bill, which is much looser than what we are considering in the current amendment, was language provided, as I understand it, by the physician member of that task force. The issue with prescriptive authority is that, although we tend to look at prescriptions as the kinds of things that we are used to getting from our doctors for anti-hypertensives and antibiotics, and so on, the prescriptive authority that we hope to provide for naturopaths merely reflects their current practice. In urging you to support the motion for indefinite postponement of the amendment before us now, I would only say that that will give an opportunity to consider another approach that would, I believe, satisfy the remaining anxieties of people about this prescriptive authority, and provide these practitioners simply with the substances that they have been using traditionally.

A few other points, one is, indeed, we reviewed very carefully, and remember this was a carry over bill, so the committee has been looking at this for eighteen months; and I have to say that it is difficult for me to say that we must not have read the information given to us. I assure you, the committee read that in great detail, discussed it at huge length, reviewed all the work of the task force; and, indeed, we are aware that there are some very negative testimony in that file. We reviewed that testimony very critically; and for reasons which I won't take the time to explain here, we were able to put that testimony behind us. The only specific practitioner that I can cite, in response to the level of training of the people who teach pharmacology to naturopaths, is that one of the instructors, in one of the colleges of naturopathy, also teaches at the Oregon Health Sciences University and has a PhD in pharmacology. So, I don't believe that these courses are being taught by ill-trained people. So, again, I would urge you to support the

pending motion to indefinitely postpone this amendment, so that we can put the final touches on this bill that will continue to garnish the support that it has already received in both chambers. Thank you.

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

Senator CIANCHETTE: Thank you, Mr. President. Very briefly, the two things that the bill says that I just hope you will listen to, and I will be very brief. "A naturopathic doctor may prescribe those non-controlled legend drugs that the doctor judges are consistent with the doctor's education and training. The board may further restrict naturopathic doctors' prescriptive authority regarding non-controlled legend drugs by rule. Prior to independently prescribing non-controlled legend drugs, a naturopathic doctor shall establish and complete a twelve-month collaborative relationship with a licensed allopathic or osteopathic physician to review the naturopathic doctor's prescribing practices. The board shall further define the terms of the collaborative relationship by rule." The committee amendment further restricts the prescription authorities of naturopathic doctors. Bottom line, I believe the amendment before us now, that I am asking to be indefinitely postponed, essentially guts the bill, after we have worked for months and months to put something together that will advance health care to Maine people. I would be happy to take a test on the packet of information the Senator showed us, because I think I know it quite well, and I am comfortable with it. After having said that, the amendment that I am going to support, if we defeat this one, is the amendment of Senator Goldthwait, which further restricts, and not quite guts the bill, but takes most of the steam out of it. But it does make a small step and I hope that you will follow through with that rationale. Thank you.

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

Senator HARRIMAN: Thank you, Mr. President. Good evening, Ladies and Gentlemen of the Senate. I think it is very important to draw the distinction regarding the testimony that my good friend from Cumberland, Senator Pendexter, gave us, regarding the qualifications and training. Indeed, there are two different philosophies of naturopathic medicine. There are two groups with very different qualifications. One has the philosophy that thinks that the minimal correspondence school diploma is enough to practice naturopathic medicine. The other philosophy are the doctors who have been trained in a four-year graduate school of naturopathic medicine and pass a competency-based exam. These are the folks that we want to give the privilege of calling themselves a naturopathic doctor to. That's what this bill is trying to accomplish. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CIANCHETTE of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860).

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.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator CIANCHETTE of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-548) to Committee Amendment "A" (H-860), **PREVAILED**.

On motion by Senator GOLDTHWAIT of Hancock, Senate Amendment "B" (S-554) to Committee Amendment "A" (H-860) **READ**.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment is fairly simple, I hope. What it does is it says that a naturopathic doctor may only prescribe non-controlled legend drugs from the following categories, and then it lists the series of categories that are generally within the traditional purview of the naturopath. In case this hasn't happened in previous debate, a legend drug is a drug that bears the legend that says this can't be dispensed without a prescription, so essentially a legend drug is a prescription drug. So, by statute, we are proposing to restrict prescriptive authority to only those categories, homeopathic remedies, vitamins and minerals, hormones, local anesthesia, and immunizations, nothing else. Now, the next step in the amendment is it says that within those categories, the sub-committee of the board that we have designated, which consists of two naturopaths, one either allopathic or osteopathic physician, and one pharmacologist, by rulemaking will say what, in those categories, may be written for. There must be a majority of that subcommittee to approve those rules. Therefore, there has to be at least three of those four people in agreement before a rule will be approved. That means that never do they write for anything outside of those categories, and within those categories it must be approved by the subcommittee of the board, and, obviously, that they be consistent with the naturopathic doctors' education and training. I would urge you to support the pending motion. 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 am pleased that we do have an opportunity to do some tightening of the prescription scenario; however, I am still very concerned that we are allowing them to write prescriptions at all. I guess I would just say one more thing. I think it's unfortunate that we have to be doing committee work on the floor of this body. This should have been done long before this bill hit the floor.

On motion by Senator GOLDTHWAIT of Hancock, Senate Amendment "B" (S-554) to Committee Amendment "A" (H-860) **ADOPTED**.

Committee Amendment "A" (H-860), as Amended by Senate Amendment "B" (S-554), thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have received very

heavy lobbying tonight from one of our members, the Senator from Kennebec, Senator Carey, who has urged me that I make a motion that is the prerogative of a woman Senator each year, as we get into the spring of the season, to move that the men of this body be allowed to remove their jackets while we are in session for the remainder of this session. I so make that motion.

Senator **AMERO** of Cumberland requested and received Leave of the Senate that elected members be allowed to remove their jackets for the remainder of the session.

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

HOUSE REPORT from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding Legislative Computer Information Systems (Emergency)

H.P. 1226 L.D. 1679

Report - Ought to Pass as Amended by Committee Amendment "A" (H-866).

Tabled - March 29, 1996, by Senator **AMERO** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT.**

(In House, March 29, 1996, the Resolve and Accompanying Papers **INDEFINITELY POSTPONED.**)

(In Senate, March 29, 1996, the Report **READ.**)

Senator **KIEFFER** of Aroostook moved that the Resolve and Accompanying Papers be **INDEFINITELY POSTPONED**, in concurrence.

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

Senator **KIEFFER:** Thank you, Mr. President. This item was tabled some time ago, due to the fact that it came through as a resolve. There was some dispute over whether it should have been a resolve or a bill. Earlier on a supplement today you saw this same item go through as a bill, so this resolve can now be indefinitely postponed. Thank you.

On motion by Senator **KIEFFER** of Aroostook, the Resolve and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

Off Record Remarks

On motion by Senator **HALL** of Piscataquis, **ADJOURNED** until Monday, April 1, 1996, at 9:00 o'clock in the morning.