

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 14, 1996 to April 3, 1996

SECOND CONFIRMATION SESSION

August 1, 1996

SECOND SPECIAL SESSION

House of Representatives

September 5, 1996 to September 7, 1996

Senate

September 5, 1996 to September 7, 1996

Index to 117th Legislative Record

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

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

In Senate Chamber
Tuesday
April 2, 1996

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

Prayer by the Honorable Rochelle M. Pingree of Knox.

SENATOR PINGREE: Shall we pray. As we prepare to finish our work and return to our homes and families and work lives, let us remember that in spite of the late hours, the frustrating battles, and the occasional disappointing defeats, it is good to be grateful for the opportunity that we have to be the servants of the public. Let us be grateful that for every hour of debate, and every vote taken, we are part of the system that has been the strength of our communities and provided resolution to our differences. Let us be grateful for the opportunity, through our example and through our work, to find benevolence and kindness where there is hatred and mean spirit, to find cooperation and respect where there is anger and division, and to find friendship and care where there is sadness and loneliness. Most importantly, as we leave this domed building and return to our homes, which we pray will happen soon, let us enjoy and appreciate the reunion with our family or friends, our communities and the outdoors, and be grateful for the support they provide each day, whether we are with them or not. As we pray, one suggestion to whoever is in charge, please, no more snow in April. In the name of God. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

COMMITTEE REPORT
House
Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund

H.P. 630 L.D. 855

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

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

KERR of Old Orchard Beach

POULIOT of Lewiston

DIPIETRO of South Portland

TOWNSEND of Portland

MORRISON of Bangor

JOSEPH of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by **Committee Amendment "B"** (H-913).

Signed:

Senators:

HANLEY of Oxford

BEGLEY of Lincoln

Representatives:

SIMONEAU of Thomaston

DONNELLY of Presque Isle

AIKMAN of Poland

OTT of York

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-913).

Which Reports were **READ**.

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

ENACTORS

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

An Act Regarding School Facilities and Debt Service Limits

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

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

Emergency

An Act Redefining the Community Services Structure of the Mental Health System

S.P. 654 L.D. 1704
(C "A" S-562)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 1 Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition

S.P. 668 L.D. 1730
(C "A" S-557)

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

Emergency

An Act to Promote Choice and Quality in Long-term Care

S.P. 707 L.D. 1806
(C "A" S-563)

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

ORDERS OF THE DAY

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

An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists

S.P. 622 L.D. 1630
(H "A" H-879 to C
"B" S-473)

Tabled - April 1, 1996, by Senator KIEFFER of Aroostook.
 Pending - **PASSAGE TO BE ENACTED.**
 (In House, April 1, 1996, **PASSED TO BE ENACTED.**)
 Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the first Tabled and Unassigned matter:
 An Act Relating to Payment of Tri-state Lotto Prizes

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

Tabled - March 29, 1996, by Senator KIEFFER of Aroostook.
 Pending - **PASSAGE TO BE ENACTED.**
 (In House, March 21, 1996, **PASSED TO BE ENACTED.**)
 Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY
 April 1, 1996

The Honorable Jeffrey H. Butland
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 117th Maine Legislature
 Augusta, Maine 04333
 Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	18
Unanimous reports	16
Ought to Pass	1
Ought to Pass as Amended	11
Ought Not to Pass	3
Re-Referred	1
Pursuant to Joint Order	2
Divided reports	0

Respectfully submitted,
 S/Vinton E. Cassidy Senate Chair
 S/Robert W. Spear House Chair
 S.C. 565

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON BANKING AND INSURANCE
 April 1, 1996

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

Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	22
Ought to Pass	0
Ought to Pass as Amended	12
Ought Not to Pass	10
Divided reports	10

Respectfully submitted,
 S/I. Joel Abromson Senate Chair
 S/Marc J. Vigue House Chair
 S.C. 566

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT

April 1, 1996

The Honorable Jeffrey H. Butland
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 117th Maine Legislature
 Augusta, Maine 04333
 Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	17
Unanimous reports	14
Ought to Pass	3
Ought to Pass as Amended	7
Ought Not to Pass	4
Divided reports	3

Respectfully submitted,
 S/Philip E. Harriman Senate Chair
 S/G. Steven Rowe House Chair
 S.C. 567

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
 April 1, 1996

The Honorable Jeffrey H. Butland
 President of the Senate
 The Honorable Dan A. Gwadosky
 Speaker of the House
 117th Maine Legislature
 Augusta, Maine 04333
 Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Criminal Justice during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON LABOR**
April 1, 1996

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	19
Unanimous reports	13
Ought to Pass	2
Ought to Pass as Amended	9
Ought Not to Pass	1
Re-Deferred	1
Divided reports	4
Pursuant to Resolves	2

Respectfully submitted,

S/Charles M. Begley S/Pamela H. Hatch
Senate Chair House Chair
S.C. 575

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON LEGAL AND VETERANS AFFAIRS**
April 1, 1996

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	21
Unanimous reports	13
Ought to Pass	0
Ought to Pass as Amended	7
Ought Not to Pass	6
Divided reports	8

Respectfully submitted,

S/Norman K. Ferguson, Jr. S/Harry G. True
Senate Chair House Chair
S.C. 576

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON MARINE RESOURCES**
April 1, 1996

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	12
Unanimous reports	12
Ought to Pass	1
Ought to Pass as Amended	6
Ought Not to Pass	5
Divided reports	0

Respectfully submitted,

S/Jeffrey H. Butland S/Theone F. Look
Senate Chair House Chair
S.C. 572

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**
April 1, 1996

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	22
Unanimous reports	15
Ought to Pass	7
Ought to Pass as Amended	11
Ought Not to Pass	3
Divided reports	7

Respectfully submitted,

S/Willis A. Lord S/Edward L. Dexter
Senate Chair House Chair
S.C. 573

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT**
April 1, 1996

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on State and Local

Government during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	24
Ought to Pass	3
Ought to Pass as Amended	15
Ought Not to Pass	6
Pursuant to Joint Order	5
Divided reports	3

Respectfully submitted,
 S/Jane A. Amero Senate Chair
 S/Beverly C. Daggett House Chair
 S.C. 577

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON TAXATION
 April 1, 1996

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

Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	39
Unanimous reports	31
Ought to Pass	2
Ought to Pass as Amended	18
Ought Not to Pass	10
Re-Deferred	1
Divided reports	8

Respectfully submitted,
 S/W. John Hathaway Senate Chair
 S/Gary W. Reed House Chair
 S.C. 578

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON TRANSPORTATION
 April 1, 1996

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

Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	20
Unanimous reports	17
Ought to Pass	1
Ought to Pass as Amended	13
Ought Not to Pass	3
Divided reports	3

Respectfully submitted,
 S/Albert G. Stevens, Jr. Senate Chair
 S/Donald A. Strout House Chair
 S.C. 579

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY
 April 1, 1996

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

Dear President Butland and Speaker Gwadosky:
 We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	23
Unanimous reports	19
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	7
Re-Deferred	1
Divided reports (1 Pursuant to Statute)	4

Respectfully submitted,
 S/David L. Carpenter Senate Chair
 S/Carol A. Kontos House Chair
 S.C. 580

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease
 Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator MILLS of Somerset, RECESSED until 10:30 o'clock this morning.

After Recess
 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
Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Expedite the Decision-making Process for Disability Retirement under the Maine State Retirement System," H.P. 1238, L.D. 1698, and all its accompanying papers, be recalled from the legislative files to the House.

H.P. 1385

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

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

The Chair ordered a Division.

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

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

24 Senators having voted in the affirmative and No Senator having voted in the negative, the Joint Order was **PASSED**, in concurrence.

Joint Order

Expression of Legislative Sentiment recognizing:

J.T. Rosborough, Incorporated, and the Rosborough family, recipients of the Ellsworth Area Chamber of Commerce Top Drawer Award in recognition of their outstanding efforts toward substantial growth, development and improvement of their community. We extend our congratulations on this occasion;

HLS 1103

Which was **READ**.

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

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Anthony Joseph Zulieve, of China, who received his M.A. from Johns Hopkins School of Advanced International Studies in Washington, D. C. He served in the South Pacific in the United States Navy in World War II and later worked for the United States Army Historical Division, helping to compile a history of the war. He transferred to the Defense Intelligence Agency where he became a senior civilian analyst at the Pentagon and Arlington Hall Station. He will be greatly missed by his family and friends;

HLS 1105

Which was **READ**.

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

Senator **BUSTIN**: Thank you, Mr. President, Men and Women of the Senate. I just have to pause for a few minutes to recognize this Resolution that we are passing right now. His widow and his son are sitting in the seats in back of me and I wanted to tell you a little bit about Tony. Tony was a grassroots person. Tony was a person who spoke to you right from the hip. What you heard from Tony was what you heard, he didn't mince any words telling you about it. So, obviously, I had a very good rapport with him. He was what I called my "China Connection". He was in the Democratic Party there. His wife, who happens to be a Republican, held teas for me every year that I ran. It was my opportunity to be able to sit in a home in China, Maine, and just be able to once again be able to sit down and get to the grassroots, which I thoroughly enjoyed. He was a

great citizen. He served our country well and we miss him very, very much. Thank you.

Off Record Remarks

Which was **ADOPTED**, in concurrence.

Off Record Remarks

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:

Emergency

An Act to Ensure the Continued Stability of Services for Persons with Mental Retardation

H.P. 1291 L.D. 1773
(S "A" S-566 to C
"A" H-906)

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

Emergency

An Act to Establish the Maine Health Data Organization

H.P. 1307 L.D. 1788
(C "A" H-909)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Major Improvements at State Park and Historic Site Facilities

S.P. 740 L.D. 1848
(C "B" S-568)

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

Bond Issue

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

H.P. 1371 L.D. 1879
(C "A" H-908)

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

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CARPENTER of York, RECESSED until 2:00 o'clock this afternoon.

After Recess

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter: JOINT ORDER - relative to recognizing J.T. Rosborough, Incorporated, and the Rosborough family. HLS 1103

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

Pending - PASSAGE. (In House, April 2, 1996, READ and PASSED.) Which was PASSED, in concurrence.

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

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

COMMUNICATION

The Following Communication: 117TH MAINE LEGISLATURE

April 2, 1996

Senator Vinton E. Cassidy Representative Robert W. Spear Chairpersons Joint Standing Committee on Agriculture, Conservation and Forestry 117th Legislature Augusta, Maine 04333

Dear Senator Cassidy and Representative Spear: Please be advised that Governor Angus S. King, Jr. has withdrawn his nomination of Meldon Gilmore of Kingfield for appointment as a member of the Land Use Regulation Commission.

Pursuant to Title 12 MRSA, Section 683, this nomination is currently pending before the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely, S/Jeffrey H. Butland President of the Senate S/Dan A. Gwadosky Speaker of the House S.P. 773

Which was READ and referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY. 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 Amend the Membership of Certain Boards and Commissions"

S.P. 640 L.D. 1675 (C "A" S-451)

In Senate, March 11, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451) AS AMENDED BY HOUSE AMENDMENT "B" (H-898) thereto, in NON-CONCURRENCE.

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

COMMUNICATION

The Following Communication:

April 2, 1996

Honorable May M. Ross Secretary of the Senate 117th Legislature Augusta, Maine 04333 Dear Madam Secretary:

The House voted today to insist on its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Education and Cultural Affairs was read and accepted on Bill "An Act to Establish a High School for the Visual and Performing Arts" (S.P. 687) (L.D. 1756)

Sincerely, S/Joseph W. Mayo Clerk of the House S.C. 581

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORT

House Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Abolish the Legislative Retirement System" H.P. 363 L.D. 483

Reported that the same Ought Not to Pass.

Signed:

Senator:

RAND of Cumberland

Representatives:

HATCH of Skowhegan

CHASE of China

LEMAIRE of Lewiston

PENDLETON, JR. of Scarborough

SAMSON of Jay

TUTTLE, JR. of Sanford

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-881).

Signed:

Senators:

BEGLEY of Lincoln

MILLS of Somerset

Representatives:

JOY of Crystal

JOYCE of Biddeford

STEDMAN of Hartland

WINSOR of Norway

Comes from the House with the Bill and Accompanying Papers INDEFINITELY POSTPONED. Which Reports were READ.

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

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

Senator RAND: Thank you, Mr. President, Men and Women of the Senate. I hope you will not go along with the Ought to Pass as Amended motion made by the good Senator, so that we can go on to accept the

Ought Not to Pass report. I believe that the effort to abolish the Legislative Retirement System was probably founded in good intentions; and if we could have moved from the Legislative Retirement System to social security, I think you would have had a unanimous Ought to Pass. The problem with that was it was too expensive for the state to pay the back shares, so it would have cost too much money. What we have here is a bill that was based on two premises. One, that because of term limits, the Legislative Retirement System was no longer needed. As we all know, the term limits question has not yet been decided by the courts, whether they are constitutional or not. The second point is that at least sixteen former members of the legislature are now running for election to one house or the other. So, I don't believe that term limits will necessarily guarantee that people will only serve eight years, and, therefore, not be allowed to be vested in the retirement system. The other reason that was presented by the sponsor of this legislation was that he felt we should do away with the retirement system because it would discourage people who would just run for the legislature just to get the pension. I thought that was a fairly insulting reason for putting in this bill. Nonetheless, the alternative is, of course, as employees of the state, while we are in office, it is a federal law that we do have to belong to a pension plan. That's the law. So, what has been offered up is that legislators must join either a 401A, deferred compensation plan, or a 457, defined contribution plan, or both. Presently, those plans, there are changes under consideration in Congress with those plans as we speak and we don't know how it is going to work out. The assets in these plans belong to the employer, in this instance the state, which means that the State of Maine, somewhere down the road, should they run into a little budget problem, would be able to use those monies. That's not something that we would hope would happen; but it is not something that I, personally, would guarantee would never happen in future legislatures. Also, under the current system, if you want to withdraw your portion of the retirement system and reinvest it in an IRA, there is no tax penalty. Under these two plans there would be. I would hope that you would reject the Ought to Pass so we can go on to kill this. 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. The concepts that are placed in this bill are exactly those that I have entertained for several years, and I think that this bill would be a wonderful improvement over the arcane and outdated system that we presently live under. It would treat everybody in the legislature, who participates in the plan, on a completely equitable basis. There would be 7.5% of our income withheld in an IRA type arrangement by the state. It would be there for each of us as an immediately vested sum of money, earning interest under the shelter of the Maine State Retirement System. If you choose to stay as part of our existing retirement system, because you are a teacher or because you were in the system before, that option is preserved. But, for most of us, to whom that would not apply, we would be able to participate in a system that we might actually see some benefits from in future years. Under the current system the state is required to set aside its

own share of benefits under the fiction that we may live someday to vest the ten years of service and may eventually collect the fixed contribution that is defined by law for those few of us who will actually serve ten years or more and live to the age of entitlement. The new system proposed by this bill makes no such requirement. It simply says that the money that is set aside out of your pay is there for you. The longer you serve, the more money that will be there. The longer you leave it in, the more interest it will earn. If you don't take it out until age 59.5, you may then withdraw it with paying only the taxes on it and there is no penalty for withdrawal at that juncture. On the other hand, if you should become disabled, or if you should die, the benefit is still there. It's vested. It's available for the benefit of your family and can be withdrawn without penalty, as you can with any IRA. This is a very simple, very rational, very well thought out little plan that will satisfy, I think, on a nice and evenhanded basis, some of the needs that we all have. I add that some kind of system is absolutely required by federal law. This system, as simple as it is, would meet the elements of the federal tax code.

One other thing that has been raised is whether we would also be entitled to the collateral benefits that are customarily afforded legislators. For instance, do we get disability coverage? The answer is yes. That is something that we would continue to participate in. The health coverage is something that we would continue to participate in separately. But, the retirement system would be dramatically simplified under this bill; and according to the fiscal note, it would save about \$87,000 or thereabouts per biennium. I know we all quarrel with fiscal notes. My own calculations were that it would save far more than that. I guess in the near term it will save at least that \$87,000. It's a real way of showing the people of Maine that we are serious about simplifying government and imposing some rational constraints on expenditures. Thank you.

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

Senator BEGLEY: Thank you, Mr. President. I would simply like to add my position insofar as ought to pass. I, too, agree that this is a much better policy than what the Legislature has today; and that if we adopt it, the portability alone should be an incentive to those of us who believe strongly in this being a citizen legislature. Therefore, I endorse this wholeheartedly and ask for a Roll Call.

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

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

Senator RAND: Thank you, Mr. President, Men and Women of the Senate. The good Senator is correct. There is portability here. There is also portability with the present retirement system, with no tax penalty, which is not what you would have if we went to the other system. Also, it is not as evenhanded as one might assume. If you read the entire amendment, there is an exception here. If someone had been serving in the legislature for eight years, they would not be considered vested. In fact, you would not be considered vested until ten years, December of 1996. But, there is an exception here. If you are 62 years of age and serving in the

legislature even one term, then you will be considered vested. So, it's not exactly so even-steven as we have been told. Remember, the portability goes along, the state can make those funds portable, also. I hope you will reject the pending motion.

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

Senator HARRIMAN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to support my good friends from Somerset and Lincoln counties, Senator Mills and Senator Begley. This is truly a win-win situation for the taxpayers of Maine, for the hardworking Senators in this Chamber, and for the Legislative Retirement System. When this bill passes it will, for the very first time, save the citizens of the State of Maine money that is currently spent on deposits to the Maine State Retirement System on behalf of legislators, of which very few going forward will likely qualify for. Second, it will give you the power of choice to decide to put 7.5% of your income into this account. You can decide where it goes, when to move it around. You can manage it appropriately and you can take it with you throughout the rest of your lifetime. Third, it will decrease the amount of administrative challenges, headaches, and time that the Maine State Retirement System currently has to endure to administer this system. I think this is a great bill for Senators, for the citizens of Maine, and for the system itself. I hope you will join me in supporting the pending report. Thank you.

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

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators: BERUBE, BUSTIN, CAREY, ESTY, FAIRCLOTH, MICHAUD, O'DEA, PARADIS, PINGREE, RAND

ABSENT: Senator: HATHAWAY

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator HARRIMAN of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (H-881) READ and ADOPTED, in NON-CONCURRENCE.

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

Under suspension of the Rules, sent forthwith for concurrence.

ENACTOR

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

Emergency

An Act to Implement Performance Budgeting in State Government

S.P. 700 L.D. 1790
(S "A" S-525 to C
"A" S-502)

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

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

ORDER

Joint Order

On motion by Senator MILLS of Somerset, the following Joint Order:

ORDERED, the House concurring, that Bill, "An Act Concerning Notice in Foreclosure Proceedings," H.P. 1315, L.D. 1799, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

S.P. 774

Which was READ and PASSED.

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:

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
(S "B" S-554 to C
"A" H-860)

Senator PENDEXTER of Cumberland moved that the Bill and Accompanying Papers be INDEFINITELY POSTPONED, in NON-CONCURRENCE.

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

Senator PENDEXTER: Thank you, Mr. President, Men and Women of the Senate. I won't go on and on; but I just need to make a few points on the Record, because the way this bill is headed, there is going to be a lawsuit against the State of Maine. So, I think it is important that we put certain thoughts on the Record so they at least know legislative intent. I still have a major problem with this piece of legislation. The prescriptive section has been fixed to a point; but the other problem that I have is that we are leaving a certain section of neuropaths, called purists, completely out of the picture. That is problematic for me; because it has always been, certainly, the rule around here that whenever we change how health professionals might practice, or what we might expect for standards of training or education, we always grandfather or make provisions for people who are presently practicing. We have done that for nurses, and I feel that we have totally left out of the picture the naturopaths who consider themselves purists. They are the ones who choose not to prescribe, who choose not to do minor surgery. They are the ones who are going to bring a lawsuit to the state; and I think they are perfectly justified; because they feel they have attended programs that are just as competent and just as good as the

accredited programs that we will only accept if this bill passes. I feel that is a problem. The bill spells out that you have to graduate from an accredited program. That really sounds wonderful, except in reality there are some real problems with the accredited programs in the naturopathic arena. The fact is that there is a council that has been recognized by the U.S. Department of Education. They have recognized the council. They have not recognized the schools. Therefore, the council is in the business of accrediting the schools that they feel meet certain standards which, by the way, haven't been nationally approved yet. They are in draft form. The problem is there are only two schools in the whole country that are accredited. The graduates of these two schools control the council. These two schools philosophically believe that they want the naturopaths to be licensing and doing minor surgery. There have been other schools who have tried to become accredited, but they can't become accredited because the council insists that they have to teach prescriptive and minor surgery procedures in their school. They, being purists, don't want to do that. So what we have here is we have naturopaths fighting nationally. We are being brought into the fight. There are very acceptable, appropriate, other programs. Nobody wants to recognize somebody who takes a correspondence course; but there, for example, is a school in Ohio that teaches naturopathic medicine. They will never be able to be accredited. As a matter of fact, the council that accredits these schools is based in Oregon and the State of Oregon is now investigating that whole agency. So, even though it sounds nice and wonderful on the surface, when you really look into it, and ask the questions, the accreditation is really not all that it is cracked up to be. As I put on the Record last time, and I remind you, there is an organization called the National Council Against Health Fraud who put out a position paper in 1995 on naturopathy. They say, in here, that the graduates of these two schools control the council, so you know it is suspect. They also say on the surface such an effort seems legitimate. The effort they are referring to is accreditation. Such an effort seems legitimate. The problem is that the accredited naturopathic schools teach invalid medical practices. That's in a position paper from a non-profit organization that comments on health practices.

The other problem is why are we licensing these people at all? Naturopaths, by nature, do no harm. If they want to prescribe herbs and they want to mix potions and they want to do acupuncture, and they want to do whatever, for me the only harm that they will cause is maybe to prevent someone from getting appropriate care. In the nature of their practice they do no harm, so why do we have to license them? This bill expands their scope of practice, which is the problem I have. It gives them prescriptive writing privileges. It allows them to do childbirth. You know, we have enough practitioners in the state. You know, if I wanted to seek naturopathic services, I don't need somebody who is going to write a prescription for me; because I have a physician. We have midwives. We have all kinds of practitioners around who can do childbirth. I don't know why we have to expand it to another arena that is suspect, at best. We just need to look at what other states have done. Other states have licensed

naturopaths and it has been nothing but problems. Look at New Hampshire. They passed legislation two years ago and they are still in the business of fighting over their rules and regs because the purists and the others who subscribe to more basic types of treatment continue to fight over the rules and regs. So, I say to you, you know it's all good and wonderful that some of you feel we need to license these people; but, if we don't expand their scope of practice, which I don't feel is necessary, then we don't need this bill. I feel that they need to solve their problems nationally; and when they have that all figured out, then they can come to us and we will gladly listen to them again; but this bill is on a fast track. It's moving too fast. It's not right. We really, really should be here, thinking of public safety and good health care practices. I just feel that this bill is not written properly. You know it leaves practitioners out. I don't think it's fair. I don't think it protects the public good. I hope that you can join me in the indefinite postponement motion. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wish this bill were on a fast track, because I think probably most of us have seen more than we care to of it at this point. I want to address a few specific points that were raised. The first, and probably the most important, is why are we bothering to license naturopaths in the State of Maine. I believe it represents the position of the committee to say that it was an effort to allow the people of Maine to differentiate between people who have had eight years of education and training and call themselves naturopaths, versus people who may have had significantly less education and training than that and who also call themselves naturopaths. So, this was an effort to ensure that someone who is calling themselves a naturopath could be safely assumed by the public to be a person who has had those eight years of education and training. As for the childbirth component, that is not within the scope of practice in this bill. It was in the proposed scope of practice. It was deleted by the committee. These people are not being licensed for the childbirth specialty in naturopathic training. It is not in there. It is not included in their scope of practice. As far as the purists, I'm not sure whether that refers to a group with a small p or a capital P. If it's a capital P, it's not a group that approached the committee in any official way in the course of the last eighteen months of reviewing this information. I'm not sure who that group is or who they represent, or why they have a problem with this particular bill; because no information came to us from that group during our debate. I certainly hope, having passed this bill several times by a comfortable margin in both houses, that you will continue to support it and vote against the motion to Indefinitely Postpone. Thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. If I may extend an apology to my friend from Cumberland, Senator Pendexter. I mentioned to her earlier that the childbirthing was part of the legislation. That, indeed, was the case at one time. As the good

Senator from Hancock, Senator Goldthwait, indicated, that was pulled out. I apologize for any error I may have caused you. I would like to say that it is not uncommon in the Business and Economic Development Committee, where at times it seems as though we are spending more time on regulating professions than we are on economic development. We often turn, when deciding level of licensure and scope of practice and the sorts of things we are duty bound to protect the consumer from, to look to professional accreditation for the guiding principles that professionals must aspire to in order to be licensed. In this case we found no reason to be critical or harsh towards the accrediting board and, quite frankly, don't see where the room is there for a lawsuit. I think the standard that we have established is consistent without the rest of the laws on licensure that we work under here in the State of Maine. I might add, if I could, dealing with the accreditation board, that one of the primary distinctions is that this accrediting board requires that a naturopathic doctor will perform 1500 hours of clinical training. That is one of the reasons why others have not yet been able to seek accreditation. The rules for the board are indeed in effect. They went into effect earlier this week. What we are doing here is we are simply saying that these people, who have risen to this level of professionalism, are entitled, in Maine, to call themselves a naturopathic doctor; and we very narrowly have determined their scope of practice, all in an effort to protect the consuming public. That is not to say that other people that the good Senator from Cumberland, Senator Pendexter, eludes to, can't continue to practice. They can. But, they are not allowed to call themselves a naturopathic doctor. We also had an amendment earlier this week sharpening and crystalizing our focus on the level of formularies. As you recall, we talked about unscheduled legend drugs to a schedule six, which is one of the lowest levels of prescription writing authority. Then, we amended this bill to narrow it to a specific group of things in that class.

Lastly, I would like to say, that the issues that are before you are as a result of a study, a task force that was convened. We had four medical professionals, allopathic doctors. The area in which the report did receive some criticism for people who abstained from voting, or voted in opposition, are the areas that we took out of the bill, namely childbirth. So I am confident that we have gotten the best information that we can at this point in time from people who have a vested interest in all sides of this issue. I am confident that the citizens of the State of Maine will be better served. We won't be putting anyone else out of business. For those reasons, I hope you will join me in defeating the pending motion. I also request a Division.

Senator HARRIMAN of Cumberland requested a Division.

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

Senator PARADIS: Thank you, Mr. President, Men and Women of the Senate. I do hope that you will not support the motion to postpone this legislation. Having attended the hearings on this, I had constituents from The County, who came down to express, very clearly, that one of the problems they were having was access. One case, in particular, the woman had to travel to Connecticut for her care. It

had worked very well and she is doing fine, but she came all the way down here to tell us that access was an issue and that all areas of the state are not treated equally. I think with all the attention that has been brought to this practice that we are hoping that someone will expand their practice to The County one of these days. In the meantime, I support this legislation. 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. The only issue here is who is going to be able to call themselves doctors. That is the only issue. What I am trying to say to you is that we have sided with a particular philosophy. There are people now, who call themselves M.D.'s, who won't be able to do that anymore, because they haven't gone to any of these two accredited colleges. That's the issue. I'm saying to you that there are other programs out there that are perfectly legit; but they are not accredited because they ascribe to the other philosophy, which is more of the purist philosophy, which is we don't want to prescribe and we don't want to do minor surgery. I would challenge the good Senator from Cumberland, why do you need 1500 hours of clinical practice if you are not going to do minor surgery or do prescriptions? The issue here is who is going to call themselves doctors. What I am saying is we are siding with one philosophy with this piece of legislation. Just one more thing, you are assuming that everybody is going to have eight years of college. That is wrong. There was not an accredited college in this country until 1990. As I said to you in a prior debate, I had one of the college catalogs in front of me, and you are allowed to challenge courses in this doctorate program. If you can pass the exam, you don't have to take the course. It specifically said in that catalog that you only really need to attend one year of this college. You don't have to go for four years. Do you know what else? You don't even need four years of college to get in there; because if you are now a practicing M.D., all you need to do is go to this college and attend at least one year. That was written, pure and simple, in writing, in one of the catalogs of one of these accredited colleges. So, if we are making an assumption that passing this legislation means that everybody now is going to call themselves doctor is going to add eight years of training, I'm saying to you that is misrepresentation. It is fraud at its worst. When the vote is taken, I request the yeas and nays.

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

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

Senator McCORMICK: Thank you, Mr. President, Men and Women of the Senate. I don't believe we are choosing one philosophy over another. We are choosing to impose standards on a profession, educational standards. I rise just for the sake of consistency. The good Senator from Cumberland laments the fact that we are not grandfathering people in this profession. In fact we are not, nor did we choose to grandfather nurses in advance practice who had been practicing advance practice nursing, unless, and we gave them a time period, they came up to the standards that we imposed last year

upon that level of practice. That's what we are imposing. We are not saying to any person who wants to call themself a naturopathic doctor that they cannot come and practice that, but they must come up to the standards that are expressed in this bill. Just for the sake of consistency, we may have, in the past, grandfathered members of a profession when we changed the rules of the profession; but that went out the door last year; and the good Senator from Cumberland was a proponent of no grandfathering, or grandmothering as we called it at that point, advance practice nurses. The die has been cast. Thank you.

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

Senator **PENDEXTER:** Thank you, Mr. President. I have to rise and clarify some mistatements here. The nurse practitioners were all grandfathered; because we are already all licensed; and as long as we are certified and meet certain standards, we were all grandfathered. We are not expected to go to school and get our masters, so that is not correct. The other point that I want to make is that we are, actually, picking a philosophy over another; because the accreditation only accepts programs that use prescription and minor surgery. So, those other naturopathic programs that don't want to do that will never get accredited because the council is controlled by people who hold the philosophy that you can prescribe and do minor surgery. So, what we are doing is we are picking a philosophy over another; and those purists, who call themselves M.D.'s, who are probably perfectly fine being called M.D.'s, because they have gone through an appropriate program, are not going to be grandfathered and will not be able to be called M.D.'s. That's the problem.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PENDEXTER** of Cumberland that the Senate **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, BERUBE, CARPENTER, CASSIDY, HALL, HANLEY, KIEFFER, MILLS, PENDEXTER,** and the **PRESIDENT, Senator BUTLAND**

NAYS: Senators: **AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS**

ABSENT Senator: **HATHAWAY**

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **PENDEXTER** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE, FAILED**.

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

Senator **LAWRENCE:** Thank you, Mr. President. Having voted on the prevailing side, I now move that we reconsider our action whereby this motion failed and would hope that you would vote against my motion. Thank you.

Senator **LAWRENCE** of York moved that the Senate **RECONSIDER** its action whereby it **FAILED INDEFINITE POSTPONEMENT** of the Bill and Accompanying Papers.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. May I pose a question? I confess that I do not understand the intent of the motion, nor what will happen if I vote either way. I would like to know that before I cast a vote.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. To answer the question. To reconsider the motion now, and have the motion be defeated would prevent anyone from reconsidering the motion in the future and, in essence, be the last vote on the bill, which is why I am urging people to vote no. Thank you.

Off Record Remarks

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

Senator **LAWRENCE** of York requested and received Leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Bill **FAILED INDEFINITE POSTPONEMENT**.

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

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund
H.P. 630 L.D. 855

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-913)** - (6 members)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, April 1, 1996, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-913)**.)

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

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

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. The bill before you will provide constitutional protection for our current Rainy Day Fund. What the bill would do is the nearly \$25 million that we currently have in the Rainy Day Fund that we all voted for in the supplemental budget, right now, if the legislature were to come back in a Special Session, they would be able to include that one word, notwithstanding, and take the money and use it for whatever purposes the legislature may wish. What this amendment would do is it would limit it to four purposes. As I had spoken with the Senator from Kennebec and the Senator

from Somerset last year, we discussed this issue, as far as what are the needs of the State of Maine such that we should hold these funds in a constitutionally-protected reserve account. The first item, which is the same as in the current Rainy Day Fund, is any shortfalls in revenues. We could access those monies in the reserve fund. So, as we just had this last year, a revenue reprojected of \$16.2 million down, we would have money in the Rainy Day Fund which would cover that and we would not have to cut programs. We would not have to go to entitlements or GPA as far as to look for cuts. We would not have to make cuts throughout state government, because the monies would be there in the Rainy Day Fund. Also, in our discussions last session, we had voiced concern about the unfunded liability of the retirement system, and how we continue to pay on that in incredible amounts of interest that, if we had money in the Rainy Day Fund, and if it was the will of the legislature, we could appropriate money from this reserve fund to go toward this unfunded liability. The third item which we would be able to do with this reserve account is to pay any outstanding bonded indebtedness of the state. So if we had, as has been the case in the past, been paying bonds at the rate of 8%, 9%, or 10%, that we would be able to dip into the Rainy Day Fund and say let's pay this off now, reduce our bond indebtedness and reduce the amount of interest that we have. The fourth and final item that the legislature could use for a legitimate purpose to access this reserve fund would be for capital construction projects of over \$1 million. Those are the only four items. With the constitutional protection language in there, the legislature would not be able to notwithstanding that and dip into the till for other purposes.

Just another item of interest in this is that this fund could not be more than 10% of all the general fund revenues from the preceding year. So, it's not like we would have a reserve account which would continue to build and build and build. It would be capped at 10% of the preceding general fund revenues from the last year. Finally, there are protections in here. It requires, in order to take the money out of this account, two-thirds vote of both houses, not a majority, two-thirds. I feel very strongly that the way the legislature has worked this year will be a model for future legislatures to follow, to work cooperatively, to work with a united purpose, to do what is best for the people of the State of Maine. I think the four items that could be funded from this reserve fund, shortfalls, unfunded liability in our retirement system, capital construction programs of over \$1 million, and to pay down our debt service, seems like an appropriate and prudent thing for us to do at this time. I request a division. Thank you.

Senator HANLEY of Oxford requested a Division.

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

Senator BERUBE: Thank you, Mr. President. I hope that you would vote against the motion. Whenever you set something in cement, i.e. the constitution, if an emergency should arise that the executive or the legislative bodies need to access, they couldn't do that. If we do not discipline ourselves enough to cut the dipping into the till, as was said, then the voters will certainly remember every two years and vote us out of office. I think

we have to learn to discipline ourselves, both sides of the aisle. Currently the Rainy Day Fund is funded with 50% of the surplus dollars. We have done very well this year and we have put in in excess of \$17 million; so that, hopefully, we will have, with other surpluses, a larger amount of money to dip into if an emergency arises. So, I don't think it's necessary. We have the present structure in place via a statute, and I don't think it's necessary to have it in the constitution. 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. Quite some time ago, it seems a lifetime ago now, I had a discussion with the good Senator from Oxford, Senator Hanley, in which he predicted the day would come when I was able to support this type of constitutional amendment. I have my moments when I think that he will be right in that prediction, but the moment has not arrived yet, although I am far more sympathetic and understanding of his feeling of this issue than I could have been a year ago. I have seen so many things happen in the last two years that I would have thought could never have happened, that I fear for putting something like this in the constitution, when circumstances may arise that there is no way we can predict or plan for at this point. I would have to agree with the good Senator Berube in that to cement this into the constitution could produce circumstances that would cause life for the people of Maine, to be very difficult in a way that we can't predict at this point. So, I would urge you to oppose the pending motion. Thank you.

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

Senator BEGLEY: Thank you, Mr. President. A reserve fund in the constitution, or otherwise, is probably one of the smartest economical things the State can do. Just in the short period of time that I have been here, I have been on a committee where we received a list of projects that should be funded just to keep buildings up. I'm sorry to say we always find another reason for the money. A reserve account that would take care of some construction, so that we have the money, we might start climbing that ladder to keep the state buildings in better condition than we are now. The only experience I have had, and it is very limited, and that is with county government that had reserve accounts. From those reserve accounts, which were put aside every year by the commissioners and budget committee, we were able to pay off almost all of the debts as they came due. Because of that experience, I found that the county that I represented is now the only county in the State that is debt free. No, there is two. Maybe because of the same reason, at least I hope so. So, I advocate strongly, I am not trying to tie our hands or anything else. You note that it is a two-thirds vote on this issue. If we don't start somewhere, setting aside some money that is very difficult not to spend, for the designated ideas here, we are going to be in deeper financial trouble.

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

Senator CAREY: Thank you, Mr. President. It is true that in the first session I was very concerned about putting money away and protecting it from the excesses of one body or the other. I still feel that way. 10% is a rather high figure because it would

allow us to get up, under the current budget, to about \$170 million. I don't think they will ever reach that goal because there will be needs that come up as we go along. I had preferred maybe 2%, but I am quite sure that we will never let it go up to 10% because we have unfunded liabilities. There will be construction projects where the state should own its own buildings rather than have to lease them continually, or the teachers' retirement fund and the retirement fund for the entire legislature, which is well out of whack right now, should be funded, the unfunded liability of that fund. So, I get very concerned when we put it in a Rainy Day Fund and it is just a matter of whipping it in and whipping it out, and then we don't have any more. It may very well also be helpful to us to know that we have this fund so that we won't have to have any more tax anticipation notes. If we have 10% of a full year's budget, we should be starting to get revenues in by the time that comes in. Those of you involved with municipal government know that we always have, except for those who carry a tremendously large surplus, which should really be used to reduce the taxes of their people, will go out for tax anticipation notes. So, I will be very supportive of this measure. Thank you.

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

Senator **KIEFFER:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. When I first started talking about running for the Senate, and looking into state government, I was just absolutely dumbfounded that the state had no provisions for reserves. There is absolutely no funding for depreciation. In a business you would have locked your doors and gone home. To me it is absolutely ridiculous that no provisions are made in state government, as they are in local government, to be fiscally responsible. I served on our City Council, as the good Senator from Kennebec has; and many years ago, I believe it was eleven years ago, we started setting aside reserves for all accounts, for fire engines and for new school construction and for a new highway garage; and we have now been seven or eight years that we have not borrowed one dollar in tax anticipation notes. We have been seven years through some very hard economic times without having a tax increase. This has been done, primarily, by some decent long-term planning, setting aside reserves so that when you have to buy a new police car you have the cash to do it. In all that time we are now generating around \$300,000 in a small city in interest built up from these reserves, because we have the money now set aside and we are financially sound and we pay for our expenditures as we go. It's a little different here in Augusta, because I suppose the minute you put a dollar aside the next legislature is going to come along behind you and steal it. I think that is wrong; and we must have a way, and we ought to be able to design a way, so that it can't be taken out, except for the specific purpose that it is put in. It may not make any sense to put it into a Rainy Day Fund because that is a two-way door; but maybe, if reserves were properly set up so that different depreciation functions, the financing of depreciation, was earmarked for these specific purposes long-term, it could be worked out. It isn't going to happen overnight. It's a long-term plan. If this is the first step in that direction, I certainly will be supporting it.

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

Senator **CIANCHETTE:** Thank you, Mr. President. I certainly appreciate what I am hearing, I think; and I have a question. It is my understanding that last year we did pass a bill here that said we were going to limit the amount of spending of our revenues, and at the same time we have built up a tremendous unfunded liability in the retirement account. If I remember correctly, we will be requiring our children and their children, over the next 32 years, to pay some \$2 billion in interest alone. I just think that we ought to be having a plan to pay down that serious debt that we are paying heavy interest on. I don't really understand that this bill sets out any priorities that we pay down that tremendous debt that we are putting off and putting off onto the future. It seems to me that we should be setting money aside every year and expediting the pay down of that unfunded liability. I don't quite understand, maybe someone here could draw the picture for me again and clear that up. 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. In an a humble attempt to address the question of the good Senator, I would state that the priorities would be that of the legislature currently sitting during that session. So, for next year and the year after, in the 118th Legislature, that legislature would see that they have this account in which they can prioritize. If they have, as the good Senator from Kennebec pointed out, significant revenues in in order to offset any shortfalls, or if they don't see any projected shortfalls, then maybe at that point in time it would be the priority of that 118th Legislature to say let's take \$30 million from this reserve account, pay down the unfunded liability; because, as the good Senator has pointed out, any dollar that we spend now to pay down the unfunded liability means less of a cost on our kids. I guess I am enough of a pragmatist to realize that each legislature comes in with a different vision as far as what the priorities of state government are, what their mandate is. I hope, the good Senator and myself won't be here next session, but I would hope they would have the same fervor to deal with the unfunded liability. This would not hamstring them. They would have four areas in which to spend; and I would hope that their priorities in that legislature, and the next legislature after them into the turn of the century, would focus on the unfunded liability. We have given them the tools that they can work with within that framework. We have limited it to four purposes. I think to limit it any more would be unsuccessful in passing it through both chambers and having the people enact it. I think these four areas are critical areas, and I think each legislature will individually prioritize them each session. Thank you.

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

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

S.P. 719 L.D. 1820
(S "A" S-508 to C
"A" S-486)

The Bill READ ONCE.
Committee Amendment "B" (H-913) READ and ADOPTED, in concurrence.

Has had the same under consideration and asks leave to report that it is Unable to Agree.

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

Signed on the part of the House:
Representative MITCHELL of Vassalboro
Representative KEANE of Old Town
Representative PERKINS of Penobscot

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

Signed on the part of the Senate:
Senator HALL of Piscataquis
Senator MICHAUD of Penobscot
Senator MILLS of Somerset

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

Comes from the House with the Report READ and ACCEPTED.

Which Report was READ and ACCEPTED, in concurrence.

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

ENACTOR

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

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
An Act to Reorganize and Redirect Aspects of the Site Location of Development Laws

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

H.P. 1238 L.D. 1698

(RECALLED from the Legislative Files pursuant to Joint Order H.P. 1385)

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

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899) AS AMENDED BY HOUSE AMENDMENT "B" (H-911) thereto, in NON-CONCURRENCE.

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

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

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

COMMUNICATION

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

The Following Communication:
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Senator BEGLEY: Thank you, Mr. President. I agree with the motion. This was a bill that was unanimously passed by the Labor Committee and considered very important. The amendment that we have been fighting has now been stripped from this and it is a bill that we think is important.

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

April 1, 1996

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

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	29
Unanimous reports	23
Ought to Pass	1
Ought to Pass as Amended	4
Ought Not to Pass	11
Re-Deferred	7
Divided reports	6
Pursuant to Joint Order	1

Respectfully submitted,
S/Dana C. Hanley Senate Chair
S/George J. Kerr House Chair
S.C. 582

On motion by Senator BEGLEY of Lincoln, RECESSED until 6:00 o'clock this evening.

Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

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**

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (Emergency)

Off Record Remarks

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

An Act to Implement Performance Budgeting in State Government (Emergency)

S.P. 700 L.D. 1790
(S "A" S-525 to C
"A" S-502)

Tabled - earlier in today's session by Senator KIEFFER of Aroostook.

Pending - ENACTMENT.

(In House, April 1, 1996, PASSED TO BE ENACTED.)

On motion by Senator AMERO of Cumberland, the Senate SUSPENDED THE RULES for the purpose of RECONSIDERATION.

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

On further motion by the same Senator, the Senate SUSPENDED THE RULES for the purpose of RECONSIDERATION.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-502), as Amended by Senate Amendment "A" (S-525), thereto.

On further motion by the same Senator, Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502) READ.

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

Senator AMERO: Thank you, Mr. President. This amendment removes the fiscal note to the bill.

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

Senator CAREY: Thank you, Mr. President. Would the good Senator from Cumberland, Senator Amero, tell us how we get to remove the fiscal note?

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. The fiscal note is to cover the cost of legislators and their committee, who would meet when we are not in session, for the purposes of discussing strategic plans with members of the different departments. The intent is that these committees would have to meet when we are in session for these reasons. Therefore, the fiscal note would be removed.

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

Senator BUSTIN: Thank you, Mr. President. Are we discussing Senate Amendment S-572?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator BUSTIN: Thank you, Mr. President. For many, many years I have protested this exact kind of language. So that the body is very clear on what this does, the summary is that the amendment "clarifies that legislators are not entitled to the legislative per diem, or any expenses for attendance at any meetings regarding performance based budgeting, if those meetings are held when the legislature is not in session." You know, we have a Fair Labor Standards Act that says when you work, you get paid. This amendment is an amendment that says when you work, you don't get paid. I ask for a Division. Thank you.

Senator BUSTIN of Kennebec requested a Division.

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. The expectation is that committees would not meet when we are not in session, so we would not expect the committees to meet and work for nothing and not have their expenses paid. The work would have to be done during the session.

Senator RUHLIN of Penobscot moved that the Senate INDEFINITELY POSTPONE Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502).

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

Senator RUHLIN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. It would be nice to live in a world where all the conduct of business was done while we were in session, and there was no need for us to come down here. I would really like that. I don't like to be here when we are not in session, anymore than absolutely necessary. But, the fact of the matter is, people's daily lives do go on, government does go on. From time to time it becomes the responsibility of members of the legislature to come down and either participate in a committee of overview, to oversee the departments, to participate in various work sessions that, from time to time, may happen. That being the case, those members of the legislature should receive, and I would expect them to receive, their per diem and their expenses. This amendment, very clearly, unless I am mistaken, it very clearly says that you will not be reimbursed for anything, regardless of the necessity of being here when the legislature is not in session. This is poor public policy. Thank you.

Senator KIEFFER of Aroostook requested a Division.

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

Senator LORD: Mr. President, may I pose a question? Do I understand that this amendment is to be for the cost of this L.D. 1790 alone, or is it for everything that is done?

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment applies only to L.D. 1790, for the purposes of performance based budgeting.

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

Senator RUHLIN: Thank you, Mr. President. I think it the only fair thing to admit to the Senate that I think I misread this. I interpreted it to mean all committee meetings on all topics. That being so, I was perhaps a little hasty on my opposition. I would, therefore, like to withdraw my motion to Indefinitely Postpone.

Senator RUHLIN of Penobscot requested Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502).

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

Senator ESTY: Thank you, Mr. President. I object. I would like to point out to the body, and particularly that person who might have originally made this proposal, that it now creates a double standard. Some will receive expenses and per diem for being here; and, if you pass this, some won't. I would suggest to you that you should be more concerned about it and not less concerned about it now.

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think one other issue that might help you is if you look at the text of L.D. 1790. A time schedule is set up for implementing performance based budgeting. The first meeting of the department which the committee works with would not be until January of 1997. So, there is really no need to have a fiscal note, at least for this year. If we want to change it in the coming years we could do that. This allows the performance based budgeting to get started without a fiscal note holding it up. Thank you.

Senate at Ease
Senate called to order by the President

THE PRESIDENT: The Senator from Penobscot, Senator Ruhlman, moved Indefinite Postponement of Senate Amendment "B" (S-572). He then requested to withdraw his motion to Indefinitely Postpone, which does not need unanimous consent, only the consent of the body. At that point, it was objected to by the Senator from Cumberland, Senator Esty. The pending question before the Senate is granting LEAVE OF THE SENATE to Senator RUHLIN of Penobscot to withdraw his motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502).

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.

18 Senators having voted in the affirmative and 6 Senators having voted in the negative, LEAVE OF THE SENATE was granted to Senator RUHLIN of Penobscot to withdraw his motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502).

THE PRESIDENT: The pending question before the Senate is the motion by Senator AMERO of Cumberland that the Senate ADOPT Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502).

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator AMERO of Cumberland, to ADOPT Senate Amendment "B" (S-572) to Committee Amendment "A" (S-502), PREVAILED.

Committee Amendment "A" (S-502), as Amended by Senate Amendments "A" (S-525) and "B" (S-572), thereto, ADOPTED, in NON-CONCURRENCE.

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

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

Off Record Remarks

Senate at Ease
Senate called to order by the President

Off Record Remarks

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

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

Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (Emergency)

H.P. 1240 L.D. 1700
(C "A" H-803)

In Senate, March 26, 1996, PASSED TO BE ENACTED. (RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1382.)

In House, April 1, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803) AND HOUSE AMENDMENT "B" (H-904), in NON-CONCURRENCE.

In Senate, April 1, 1996, ADHERED. Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803) AND HOUSE AMENDMENT "C" (H-916), in NON-CONCURRENCE.

Off Record Remarks

Senator RUHLIN of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

THE PRESIDENT moved to SUSPEND THE RULES for the purpose of further action.

Senator BUSTIN of Kennebec objected.

THE PRESIDENT: The pending question before the Senate is SUSPENSION OF THE RULES.

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 4 Senators having voted in the negative, SUSPENSION OF THE RULES, PREVAILED.

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

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

COMMUNICATION

The Following Communication:
**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002**

April 2, 1996

Honorable May M. Ross
Secretary of the Senate
117th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed the Bill and accompanying papers on Bill "An Act to Abolish the Legislative Retirement System" (H.P. 363) (L.D. 483)

Sincerely,
S/Joseph W. Mayo
Clerk of the House
S.C. 583

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

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

Senate at Ease
Senate called to order by the President

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

PAPER FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish Choices for Parents and Guardians in their Children's Education"

S.P. 36 L.D. 66
(C "A" S-545)

In Senate, April 1, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545)**.

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **ESTY** of Cumberland that the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

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

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

12 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **CASSIDY** of Washington, **ADJOURNED** until Wednesday, April 3, 1996, at 8:00 o'clock in the morning.