

# 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

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

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Wednesday  
April 3, 1996

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

Prayer by the Honorable I. Joel Abromson of Cumberland.

**SENATOR ABROMSON:** Thank you, Mr. President. Good morning Ladies and Gentlemen of the Maine Senate, my Learned Colleagues. If it pleases the Senate.

The Jewish holiday of Passover begins this evening at sundown. I am sure I share, with all of you, the fervent wish that we shall have finished our deliberations, sine die, by that time; however, if not, I want to take this opportunity to say something to those of you who have chosen not to return to the 118th Legislature, to those of you who the law has decided have served long enough in this Chamber, and to those of you, or us, who the voters will decide have served long enough. I want to say thank you for the privilege of having served with you.

And now, as we approach Passover and Holy Week, I offer an ancient prayer of the Jewish people, a prayer that is spoken only on very special occasions, such as the first time one enters Jerusalem, or as uttered by Rabbi Paul Cohen of Portland at the inauguration of our governor. It goes like this. Baruch ata Adonai, elohenu melech ha'olam, shehechyanu, v'kinimanu, v'higiyanu, lazeman ha'zeh.

I'm afraid the translation is rather sexist, so allow me a somewhat freer translation. Blessed art Thou, O Sovereign our God, Ruler of the universe, Who has sustained us and enabled us to live and to witness this day.

Reading of the Journal of Yesterday.

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

Bill "An Act to Create the Maine Health Care Reform Act of 1996"

S.P. 769 L.D. 1882  
(S "A" S-553; S "C" S-561)

In Senate, April 1, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-553) AND SENATE AMENDMENT "C" (S-561).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-553) AND "C" (S-561) AND HOUSE AMENDMENT "B" (H-917), in NON-CONCURRENCE.**

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

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. May I pose a question to anyone who might be able to answer? I understand that the amendment that was added in the House creates a catastrophic outpatient insurance package. I have never heard of one of those before. I wonder if it is something that

actually can be offered; and, if it can't be, what is the implication of putting something impossible to create into a mandate?

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

Senator **ABROMSON:** Thank you, Mr. President. Yes, it can be offered. It will take some creative doing to fashion such a policy, but it can be done. I have no idea what the cost will be. That is going to have to be determined by how many people are in the purchasing alliance and what kind of experience they have. I really have no idea.

Senator **GOLDTHWAIT** of Hancock requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **KIEFFER** of Aroostook that the Senate **RECEDE** and **CONCUR.**

A Division has been requested.

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

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

20 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **KIEFFER** of Aroostook to **RECEDE** and **CONCUR, PREVAILED.**

**Non-concurrent Matter**

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

S.P. 700 L.D. 1790  
(S "A" S-525; S "B" S-572 to C "A" S-502)

In House, April 2, 1996, **PASSED TO BE ENACTED**

In Senate, April 2, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-502) AS AMENDED BY SENATE AMENDMENT "A" (S-525) AND SENATE AMENDMENT "B" (S-572) thereto, in NON-CONCURRENCE.**

Comes from the House that Body having **ADHERED.**

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

**Joint Order**

The following Joint Order:

**ORDERED,** the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation concerning the Maine Rainy Day Fund.

H.P. 1386

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

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

**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 the Bill and accompanying papers were indefinitely postponed on Bill "An Act to Establish Choices for Parents and Guardians in their Children's Education" (S.P. 36) (L.D. 66)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S.C. 584

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

**COMMITTEE REPORT**  
**House**

**Ought to Pass As Amended**

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Facilitate Sewer and Water Main Extensions"

H.P. 1123 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**, in concurrence.

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

**ENACTORS**

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

An Act to Amend the Membership of Certain Boards and Commissions

S.P. 640 L.D. 1675  
(H "B" H-898 to C  
"A" S-451)

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

H.P. 1240 L.D. 1700  
(C "A" H-803; H "C"  
H-916)

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

An Act to Initiate Education Reform in Maine

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

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

**Emergency**

An Act to Make Changes to the Disability Plans Administered by the Maine State Retirement System and to Establish a Process for Further Improvements

H.P. 1238 L.D. 1698  
(H "B" H-911 to C  
"A" H-899)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Constitutional Amendment**

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund

H.P. 630 L.D. 855  
(C "B" H-913)

Comes from the House having **FAILED FINAL PASSAGE**.

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

**RECALLED FROM THE GOVERNOR'S DESK**

An Act Concerning Notice in Foreclosure Proceedings

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

(In House, March 25, 1996, **PASSED TO BE ENACTED**.)

(In Senate, March 26, 1996, **PASSED TO BE ENACTED**.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 774.)

On motion by Senator **MILLS** of Somerset, the Senate **SUSPENDED THE RULES** for the purpose of **RECONSIDERATION**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

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

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

On further motion by the same Senator, Senate Amendment "A" (S-571) **READ**.

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

Senator **MILLS**: Mr. President, Men and Women of the Senate. The purpose for recalling this bill and for amending it is to make a slight change in what we accomplished with the original bill. This bill has to do with giving notice to co-signers and co-mortgagors on secured loans. Our intent was to provide certain protections for people who join in consumer type loans. The thinking of some people who read the bill as it was passing through was that it might also have an adverse impact on certain forms of commercial lending where there is a home given as additional collateral. The amendment will cure the problem and will leave the commercial rules unchanged while affording the protection that we sought to achieve in the consumer sector. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-571) **ADOPTED**.

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify the Sales Tax Law Applicable to Packaging

S.P. 207 L.D. 550  
(C "B" S-427)

Tabled - March 5, 1996, by Senator BEGLEY of Lincoln

Pending - **PASSAGE TO BE ENACTED**

(In Senate, February 20, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-427).**)

(In House, February 29, 1996, **PASSED TO BE ENACTED.**)

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED 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 "B" (S-427).

On further motion by the same Senator, Senate Amendment "A" (S-573) to Committee Amendment "B" (S-427) **READ** and **ADOPTED.**

Committee Amendment "B" (S-427), as Amended by Senate Amendment "A" (S-573), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** 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)

Tabled - April 2, 1996, by Senator BEGLEY of Lincoln

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 30, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)**, thereto, in concurrence.)

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

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

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

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

On further motion by the same Senator, Senate Amendment "A" (S-574) to Committee Amendment "A" (H-882) **READ** and **ADOPTED.**

Committee Amendment "A" (H-882), as Amended by House Amendment "A" (H-888) and Senate Amendment "A" (S-574), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish Limited Liability Partnerships  
S.P. 499 L.D. 1358  
(C "A" S-450)

Tabled - March 20, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 11, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-450).**)

(In House, March 19, 1996, **PASSED TO BE ENACTED.**)

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED 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-450).

On further motion by the same Senator, Senate Amendment "A" (S-575) to Committee Amendment "A" (S-450) **READ** and **ADOPTED.**

Committee Amendment "A" (S-450), as Amended by Senate Amendment "A" (S-575), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Penobscot County Budget Committee

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

Tabled - March 30, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

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

(In House, March 30, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, the Senate **SUSEPENDED 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, Senate Amendment "A" (S-586) **READ AND ADOPTED**.

The Bill **PASSED TO BE ENGROSSED, As Amended** by Committee Amendment "A" (S-476) and Senate Amendment "A" (S-586), in **NON-CONCURRENCE**.

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Revise Certain Fish and Wildlife Laws (Emergency)

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

Tabled - March 26, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.)

(In House, March 21, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "B" (H-813)**, thereto, in **NON-CONCURRENCE**.)

(In Senate, March 21, 1996, **RECEDED and CONCURRED**.)

(In House, March 25, 1996, **PASSED TO BE ENACTED**.)

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

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

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-485).

On further motion by the same Senator, Senate Amendment "A" (S-576) to Committee Amendment "A" (S-485) **READ AND ADOPTED**.

Committee Amendment "A" (S-485), as Amended by House Amendment "B" (H-813) and Senate Amendment "A" (S-576), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure Proper Withholding of State Income Tax

H.P. 1249 L.D. 1711  
(C "A" H-735)

Tabled - March 28, 1996, by Senator BEGLEY of Lincoln

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 27, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**, in concurrence.)

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

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

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

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" (H-735).

On further motion by the same Senator, Senate Amendment "B" (S-577) to Committee Amendment "A" (H-735) **READ AND ADOPTED**.

Committee Amendment "A" (H-735), as Amended by Senate Amendment "B" (S-577), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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 (Emergency)

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

Tabled - April 2, 1996, by Senator BEGLEY of Lincoln

Pending - **PASSAGE TO BE ENACTED**

(In Senate, April 1, 1996 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557)**.)

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

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED 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-557).

On further motion by the same Senator, Senate Amendment "A" (S-578) to Committee Amendment "A" (S-557) **READ AND ADOPTED**.

Committee Amendment "A" (S-557), as Amended by Senate Amendment "A" (S-578), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** 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)

Tabled - March 30, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-799), in concurrence.)

(In House, March 30, 1996, **PASSED TO BE ENACTED.**)

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

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

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" (H-799), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-579) to Committee Amendment "A" (H-799) **READ and ADOPTED.**

Committee Amendment "A" (H-799), as Amended by Senate Amendment "A" (S-579), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching  
H.P. 1272 L.D. 1750  
(C "A" H-812)

Tabled - March 26, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-812), in concurrence.)

(In House, March 25, 1996, **PASSED TO BE ENACTED.**)

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

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

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" (H-812), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-580) to Committee Amendment "A" (H-812) **READ and ADOPTED.**

Committee Amendment "A" (H-812), as Amended by Senate Amendment "A" (S-580), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes  
H.P. 1279 L.D. 1758  
(C "A" H-751)

Tabled - March 20, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 14, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-751), in concurrence.)

(In House, March 19, 1996, **PASSED TO BE ENACTED.**)

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

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

On further motion by the same Senator, Senate Amendment "A" (S-581) **READ and ADOPTED.**

The Bill **PASSED TO BE ENGROSSED, As Amended** by Committee Amendment "A" (H-751) and Senate Amendment "A" (S-581), in **NON-CONCURRENCE.**

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services (Emergency)  
H.P. 1284 L.D. 1764  
(C "A" H-769)

Tabled - March 21, 1996, by Senator HANLEY of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-769), in concurrence.)

(In House, March 20, 1996, **PASSED TO BE ENACTED.**)

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

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

On further motion by the same Senator, Senate Amendment "A" (S-582) **READ and ADOPTED.**

The Bill **PASSED TO BE ENGROSSED, As Amended** by Committee Amendment "A" (H-769) and Senate Amendment "A" (S-582), in **NON-CONCURRENCE.**

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

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

Tabled - March 26, 1996, by Senator HANLEY of Oxford

Pending - FINAL PASSAGE

(In Senate, March 22, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806), in concurrence.)

(In House, March 25, 1996, FINALLY PASSED.)

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

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

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" (H-806), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-583) to Committee Amendment "A" (H-806) READ and ADOPTED.

Committee Amendment "A" (H-806), as Amended by Senate Amendment "A" (S-583), thereto, ADOPTED, in NON-CONCURRENCE.

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

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

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Combine Certain Reporting Requirements for Employees

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

Tabled - March 28, 1996, by Senator HANLEY of Oxford

Pending - PASSAGE TO BE ENACTED

(In Senate, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520).)

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

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

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED 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-520).

On further motion by the same Senator, Senate Amendment "A" (S-584) to Committee Amendment "A" (S-520) READ and ADOPTED.

Committee Amendment "A" (S-520), as Amended by Senate Amendment "A" (S-584), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

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

Tabled - March 30, 1996, by Senator HANLEY of Oxford

Pending - PASSAGE TO BE ENACTED

(In Senate, March 27, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-528).)

(In House, March 30, 1996, PASSED TO BE ENACTED.)

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

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED 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-528).

On further motion by the same Senator, Senate Amendment "A" (S-585) to Committee Amendment "A" (S-528) READ and ADOPTED.

Committee Amendment "A" (S-528), as Amended by Senate Amendment "A" (S-585), 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.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers

S.P. 79 L.D. 167  
(C "B" S-431)

Tabled - March 6, 1996, by Senator HANLEY of Oxford

Pending - PASSAGE TO BE ENACTED

(In Senate, February 22, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-431).)

(In House, March 5, 1996, PASSED TO BE ENACTED.)

On further motion by the same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:



Resolve, Establishing the Study Commission on Workers' Compensation Laws Relating to Small Business  
H.P. 664 L.D. 887  
(C "B" H-689)

Tabled - February 29, 1996, by Senator HANLEY of Oxford.

Pending - FINAL PASSAGE  
(In Senate, February 20, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-689), in concurrence.)

(In House, February 27, 1996, FINALLY PASSED.)  
On further motion by the same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax

H.P. 776 L.D. 1073  
(C "B" H-706)

Tabled - March 6, 1996, by Senator HANLEY of Oxford

Pending - PASSAGE TO BE ENACTED  
(In Senate, February 29, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-706), in concurrence.)

(In House, March 5, 1996, PASSED TO BE ENACTED.)  
On further motion by the same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program

H.P. 1050 L.D. 1469  
(C "A" H-749)

Tabled - March 20, 1996, by Senator HANLEY of Oxford

Pending - FINAL PASSAGE  
(In Senate, March 14, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749), in concurrence.)

(In House, March 19, 1996, FINALLY PASSED.)  
On further motion by the same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

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

Tabled - March 29, 1996, by Senator HANLEY of Oxford

Pending - FINAL PASSAGE

(In Senate, March 28, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861), in concurrence.)

(In House, March 29, 1996, FINALLY PASSED.)

On further motion by the same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Establish a Higher Education Tax Credit for Middle-class Families

H.P. 1171 L.D. 1603  
(C "B" H-772)

Tabled - March 27, 1996, by Senator BEGLEY of Lincoln

Pending - PASSAGE TO BE ENACTED  
(In Senate, March 22, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772), in NON-CONCURRENCE.)

(In House, March 25, 1996, RECEDED and CONCURRED.)  
(In House, March 26, 1996, PASSED TO BE ENACTED.)

On further motion by the same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

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

Tabled - March 29, 1996, by Senator HANLEY of Oxford

Pending - FINAL PASSAGE  
(In Senate, March 29, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870), in concurrence.)

(In House, March 29, 1996, FINALLY PASSED.)  
On further motion by the same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

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

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Reestablish the Tax Credit for Intrastate Airlines

S.P. 245 L.D. 642  
(C "B" S-428)

Tabled - March 6, 1996, by Senator HANLEY of Oxford

Pending - PASSAGE TO BE ENACTED  
(In Senate, February 20, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-428).)

(In House, March 5, 1996, PASSED TO BE ENACTED.)

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

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Chamber. I am speaking in favor of your voting not to postpone this legislation. I will tell you why. In 1968 Roland and Betty Martin founded Valley Airlines and, on a promise to expand, Bar Harbor Airlines acquired them. Unfortunately, two years later, we found out that the acquisition was to actually shut them down. Since 1987 Northern Maine has been without air service. Roland and Betty Martin took it personally that, in spite of their best intentions, the area had been abandoned; and in spite of the fact that they are in their sixties now, and could have chosen to leave and retire quietly, in 1995 they rallied local investors and family members and mortgaged everything they had and formed Pine State Airlines. Pine State Airlines employs sixteen people statewide. They have two flights a day, leaving from Frenchville, Presque Isle, Augusta, and Portland. In order to expand Pine State Airlines they needed to acquire an aircraft. This legislation is requesting a one-time State sales tax exemption on the purchase of this \$200,000 aircraft. We are talking \$12,000. The taxes generated by the individuals, the employees, the users of the service, and all that goes along with having this type of a business in town, is going to be in the state coffers in a blink of an eye. I am convinced of it. The people of Maine are being well served by these small services. In addition to commercial flights, the Martins went ahead and started providing a much needed air ambulance service at half the cost of the service from another state. The latest phone call I had gotten, before they went up, a woman from Fort Kent called, she needed to be medivaced out to Boston, the only place where they could handle her particular problem. Her husband showed up at the hospital and they said he had to get \$4,000 to \$5,000 because before they would even move her, they had to have the cash. He went home. They are changing their financial planning; because she handled all the funds; and he had to dig out the credit cards, the checkbook, borrow from friends. It was four hours before this plane would leave when they had the cash in hand. This is no longer the case. Crown ambulance, out of Presque Isle, is working with the Martins. If there is a prescription written that a person needs to be medivaced immediately, they are ready to roll. They have invested a lot of extra money to provide this service. I think the Martins have proved their sincerity in wanting to invest in the people and infrastructure of the State of Maine. This June will mark Pine State Airline's one year anniversary in providing air service to the people of Maine. It is a business still at risk and Mr. Martin is concerned that a negative decision on your part might be a blow that they can't recover from. He stated this emphatically to me yesterday morning. We have enough debris from good intentions gone awry that I take this very seriously. I believe him. We speak glowingly of empowering our people to provide jobs and support one another. This couple does just that, including using his elderly mother's trust fund. This is the level of their commitment and their belief in what they are doing. They know the

names of the people they serve and whose lives they save. County folk are a proud people. They are independent. They have that yankee spirit that won't quit. Their savoir-faire and sense of responsibility touches me and moves me profoundly. They will do without, and suffer the consequences, rather than plead, beg, and grovel; but I am doing it in their name. The world, as we know it, will not come to an end. We will pack our stuff, leave here and move on and not look back; but the alternatives for getting around the state are so meager. You have to fly to Boston and back in. This is impacting on our Fraser Papers, our little companies, our Loring Development Authority that need to get people in here. It has changed. It has really been an economic development tool for us and we can't let it go down. The philosophy I have always lived by in this body is doing the most appropriate, the least expensive, and the one that does the least harm. Our vote here this morning has the potential of doing irrevocable harm. It makes a lie of the political rhetoric that we send out that says, "Help yourselves and we will be there behind you. We will support you." This couple is truly altruistic. I have known them all my life. When I was in college five members of Mr. Martin's family died in a plane crash in Fort Kent. One time we were waiting in an airport somewhere and I said, "Why did you choose to go back up there?" He said, "The reason the plane crashed is because it was not fit for flight." He determined at that time that he would get the best training, the best equipment and nothing would happen. That has been one of the safest airlines that we have in the country. The County has 6,453 square miles. It has 80,000 people. That's thirteen people per mile, contrasted, for example, to Androscoggin that has 459 square miles with 230,000 persons. We use very little of the state's resources. We are very economical. I heard someone say last week, "I don't know how people survive up there." But we do and we do it because we look out for one another and take care of things. Historically, I think it was easy for legislative bodies to ignore the presence of The County. The Maine Development tours, the idea that we are more globally connected now, has caused many here to acknowledge the presence of The County and the daily struggles that they have to face. Very little can be done at this end about The County. They understand that. But, this is something that we can do, so I urge your vote against Indefinite Postponement of this; and I request the Yeas and Nays. Thank you.

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

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. With the utmost respect for the good Senator from Aroostook County, we did have to make some very difficult decisions. If you take a look at the sheet as far as items the Committee unanimously voted not to fund, this was a difficult decision for us to make. We did take into consideration the actions of the policy committee, voting this forward, and the acts of both bodies. But, in the final analysis, those items on number three and number four, were voted unanimously out of our Committee not to fund at this time. We would just ask that you support the motion to Indefinitely Postpone. Thank you.

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

Senator **PARADIS:** With all due respect to the good Senator Hanley from Oxford County, the Taxation Committee has overwhelmingly, unanimously, approved of this legislation for the past two years. We are not talking about any money now. If there is no airline, there will not be any tax paid. There is nothing that will destabilize the fund downstairs. The money is not there now. It's a one-time thing; and if it doesn't survive, it is going to be a moot point. So, I am not asking for any physical dollars. Thank you.

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

Senator **HANLEY:** Mr. President, Men and Women of the Senate. There is a fiscal note on this bill if it is enacted. A loss of revenues of \$16,842 in FY 96/97. In FY 98 that would be \$20,145. So there is a loss of revenue to the State fund.

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

Senator **CIANCHETTE:** Thank you, Mr. President, Members of the Senate. After listening to Senator Paradis, knowing the amount of effort she puts into her work and the feelings she has for her constituents, I think that we could find a way to accommodate the wishes of Senator Paradis. I think we should do it. The State's economy is not going to collapse if we allow this one-time thing to happen. Let's vote against Indefinite Postponement and support our colleague, Senator Paradis.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **HANLEY** of Oxford 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, AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, CLEVELAND, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, STEVENS,** and the **PRESIDENT, Senator BUTLAND**

**NAYS:** Senators: **BUSTIN, CAREY, CIANCHETTE, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

**ABSENT:** Senators: **ESTY, McCORMICK, SMALL**

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

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE, PREVAILED**.

Senator **HANLEY** of Oxford moved that the Senate **RECONSIDER** its action whereby it **INDEFINITELY POSTPONED** the Bill and Accompanying Papers, in **NON-CONCURRENCE**.

Senator **LAWRENCE** of York requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANLEY** of Oxford that

the Senate **RECONSIDER** its action whereby it **INDEFINITELY POSTPONED** the Bill and Accompanying Papers, in **NON-CONCURRENCE**.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **HANLEY** of Oxford to **RECONSIDER** whereby the Bill and Accompanying Papers were **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE, FAILED**.

Sent down for concurrence.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. If you will take a look on sheet four, as far as those items which I am now moving to Indefinitely Postpone, let me point out that, in fact, one of those items, L.D. 1458, the Jobs Tax Credit, which is strongly supported by members of both chambers, An Act to Exempt Farms from Sales Tax on Electricity, supported by members of both chambers; but this was a unanimous vote out of the Appropriations Committee. Although I do support some of these measures on here, and would like to fund them, I will stick by the vote in Appropriations and the agreements which have been reached downstairs and ask you to support the motion. Thank you.

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs

H.P. 540 L.D. 736  
(C "B" H-705)

Tabled - March 6, 1996, by Senator **HANLEY** of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, February 29, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-705)**, in concurrence.)

(In House, March 5, 1996, **PASSED TO BE ENACTED**.)

On further motion by the same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties

H.P. 715 L.D. 972  
(H "A" H-715 to C "B" H-703)

Tabled - March 6, 1996, by Senator **HANLEY** of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, February 29, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-703) AS AMENDED BY HOUSE AMENDMENT "A" (H-715)**, thereto, in concurrence.)

(In House, March 5, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide a New Jobs Tax Credit  
 H.P. 1039 L.D. 1458  
 (C "A" H-783; H "A" H-797)

Tabled – March 26, 1996, by Senator **HANLEY** of Oxford

Pending – **PASSAGE TO BE ENACTED**

(In Senate, March 21, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783) and HOUSE AMENDMENT "A" (H-797)**, in concurrence.)

(In House, March 25, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**, the following:

An Act to Exempt Farms from the Sales Tax on Electricity

H.P. 1293 L.D. 1775  
 (C "A" H-766)

Tabled – March 22, 1996, by Senator **HANLEY** of Oxford

Pending – **PASSAGE TO BE ENACTED**

(In Senate, March 20, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**, in concurrence.)

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

On further motion by the same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

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

Tabled – March 29, 1996, by Senator **HANLEY** of Oxford

Pending – **PASSAGE TO BE ENACTED**

(In Senate, March 28, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862)**, in concurrence.)

(In House, March 29, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Municipal Penalties for Late Filing under the Maine Tree Growth Tax Law  
 H.P. 1271 L.D. 1749  
 (C "A" H-764)

Tabled – March 28, 1996, by Senator **BEGLEY** of Lincoln

Pending – **PASSAGE TO BE ENACTED**

(In Senate, March 26, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)**, in concurrence.)

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

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

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. To me, this is injustice. I am speaking for one of my towns. I represent the Town of Limington, who was one day late getting their application in. I can't tell you whether they were a day late filing it or they didn't get it in the mail quick enough. There are 53 towns in the State that are going to lose their tree growth reimbursement. If they were getting 100%, it would be one thing; but we have never gotten 100%; and the amount of money they are losing is in the vicinity of over \$150,000. The small Town of Limington is going to lose \$9,661 for being one day late. It seems to me that one day isn't that bad. If they were two or three months late, I could see some sense to it. I don't know how many of the other towns were just a few days late. I realize I might as well whistle Dixie, but I at least have to show my opposition. Thank you.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that those towns that were late, that were proposed to have a grace period, that that does not, in fact, impact negatively on the general fund of the State of Maine. The \$2.1 million, which is really insufficient, but the fact is it is \$2.1 million set aside for the communities for tree growth reimbursement. What this does, it looks at those towns, especially those towns that have a volunteer type of town government, that have several state deadlines, and says that if you are late by a month, we will give you a grace period. You will not get the full 40% of tree growth reimbursement. You will get 75% of that tree growth reimbursement. It does not come out, and I think this is the major factor, it does not come out of any additional general fund monies. It does split the \$2.1 million pie a little differently. But look at the fact that we put a lot of deadlines on these very small communities. This recognizes the fact that when you do have a volunteer local government, that we should at least be understanding in considering some grace periods. So, I would ask you to follow the lead of the good Senator from York County, my colleague, Senator Lord. Thank you.

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

Senator **FERGUSON:** Thank you, Mr. President. I must remind the body that everyone had an ample opportunity to file their applications. Most of the small towns have volunteer boards of selectmen. As the good Senator from Penobscot said, this is not going to affect the pot in any manner. The \$2.1

million has been appropriated, but it will slice the pie a little differently. Those people that did comply with the law, and filed on time, if this is allowed in, are going to receive a little bit less. So, I would urge the Senate to defeat this motion.

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

The Chair ordered a Division.

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

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

24 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

Senator FERGUSON: Thank you, Mr. President. I think what I am going to do in the future is suggest that the wrong motion be followed because I had success with that in the past. I just wanted the body to note that. Thank you.

Off Record Remarks

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish an Electronic Benefit Transfer System for Programs Administered by State Government

H.P. 212 L.D. 271  
(C "A" H-842)

An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf

H.P. 370 L.D. 505  
(C "A" H-787)

An Act to Prohibit Home Repair Fraud

H.P. 918 L.D. 1294  
(C "A" H-731)

An Act to Amend the Law Regarding the Lease of Submerged Lands

H.P. 993 L.D. 1404  
(C "A" H-728)

An Act to Discourage the Spread of "Crack" Cocaine

H.P. 1038 L.D. 1457  
(C "A" H-696)

An Act to Increase the Penalty for Criminal Restraint of a Young Child

H.P. 1211 L.D. 1661  
(C "A" H-700)

An Act to Include Sexual Contact in the Definition of Prostitution

H.P. 1216 L.D. 1666  
(C "A" H-712)

An Act Concerning Juveniles Who Have Been Adjudicated to Have Committed the Juvenile Crime of Gross Sexual Assault

H.P. 1234 L.D. 1694  
(C "A" H-752)

An Act to Amend the Tax Laws Regarding Retail Business Registration and Penalty Relief to Taxpayers with Extensions

H.P. 1251 L.D. 1713  
(C "A" H-798)

An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals

S.P. 660 L.D. 1720  
(H "A" H-823 to C "A" S-489)

An Act to Prohibit Stalking

H.P. 1286 L.D. 1766  
(C "B" H-829)

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

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

An Act to Improve and Expand the Functions of the Department of Audit

H.P. 1292 L.D. 1774  
(C "A" H-745)

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)

An Act to Create the Small Enterprise Growth Program

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

An Act to Distribute the Assets of the Maine Sardine Council to Council Members upon Dissolution of the Council by the Legislature

H.P. 1346 L.D. 1841

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs

S.P. 323 L.D. 904  
(C "A" S-477)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

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

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

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Correct a Technical Error Relating to the Research Expense Tax Credit

H.P. 1212 L.D. 1662  
(C "A" H-727)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Clarify the Distribution of Funding for the Maine School of Science and Mathematics

H.P. 1255 L.D. 1724

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife

S.P. 666 L.D. 1726  
(C "A" S-465)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** 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)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Establish the Maine Health Data Organization

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

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Extend the Electric Rate Stabilization Projects

S.P. 704 L.D. 1793  
(C "A" S-458)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Facilitate the Lawful Detention of Juveniles

H.P. 1312 L.D. 1796  
(C "A" H-776)

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act to Consolidate and Improve Delivery of International Trade Services in Maine

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

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

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

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

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

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

An Act Regarding the State Government Computer System

H.P. 1377 L.D. 1885

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve, to Improve Tribal and State Relations

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

Which was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency**

Resolve, to Validate the Reform Party Petition

S.P. 772 L.D. 1889

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions

H.P. 1187 L.D. 1628  
(C "A" H-714)

This being a Constitutional Amendment and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 being more than two-thirds of the Membership present and voting was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Secretary of State.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**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)

This being a Bond Authorization Act and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Bond Issue**

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

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

This being a Bond Authorization Act and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**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)

This being a Bond Authorization Act and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Mandate**

An Act to Create a Process for Identifying New Owners for Dams or Releasing Current Owners from Water Level Maintenance Obligations

S.P. 249 L.D. 646  
(C "A" S-484)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Mandate**

An Act to Make Comprehensive Changes to the Sex Offender Laws

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Mandate**

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

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator STEVENS of Androscoggin, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Improve the Local Road Assistant Program

H.P. 345 L.D. 465

(C "A" H-684)

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

On motion by Senator STEVENS of Androscoggin, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

**Emergency**

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; H "B" H-854 and H "C" H-895 to C "A" H-847)

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

On motion by Senator STEVENS of Androscoggin, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

**Emergency**

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

H.P. 1336 L.D. 1830

(C "A" H-848)

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

Senate at Ease  
Senate called to order by the President



Off Record Remarks

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

Off Record Remarks

On motion by Senator **ABROMSON** of Cumberland, **RECESSED** until 1:30 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

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Authorize Video Gaming"

H.P. 296 L.D. 400

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

Signed:

Senators:

**FERGUSON, JR.** of Oxford  
**MICHAUD** of Penobscot  
**STEVENS, JR.** of Androscoggin

Representatives:

**CHIZMAR** of Lisbon  
**CARR** of Hermon  
**FISHER** of Brewer  
**NADEAU** of Saco  
**LEMONT** of Kittery  
**BUCK** of Yarmouth  
**LABRECQUE** of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-874)**.

Signed:

Representatives:

**TRUE** of Fryeburg  
**GAMACHE** of Lewiston  
**MURPHY** of Berwick

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

Which Reports were **READ**.

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

**ENACTOR**

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

An Act to Repeal the Gross Receipts Tax  
H.P. 1025 L.D. 1440  
C "A" (H-837)

On motion by Senator **BERUBE** of Androscoggin, 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**, in concurrence.

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" (H-837), in concurrence.

On further motion by the same Senator, Senate Amendment "B" (S-570) to Committee Amendment "A" (H-837) **READ**.

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

Senator **BERUBE:** Thank you, Mr. President, Ladies and Gentlemen of this chamber. This amendment simply puts into statutory language, with the gross receipts tax repeal bill, the statement that the private pay, and other patients in the nursing homes, will no longer be assessed 7% sales tax. Thank you.

On further motion by the same Senator, Senate Amendment "B" (S-570) to Committee Amendment "A" (H-837) **ADOPTED**.

Committee Amendment "A" (H-837), as Amended by Senate Amendment "B" (S-570), 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.

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 Control Health Care Costs and Improve Access to Health Care"

H.P. 1277 L.D. 1753

In House, March 30, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-896)**.

In Senate, March 30, 1996, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED**.

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE**.

Senator **McCORMICK** of Kennebec moved that the Senate **RECEDE** and **CONCUR**.

Senator **KIEFFER** of Aroostook requested a Division. 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 pending question before the Senate is the motion of Senator **McCORMICK** of Kennebec that the Senate **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

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**

|              |           |                    |                    |                        |
|--------------|-----------|--------------------|--------------------|------------------------|
| <b>YEAS:</b> | Senators: | <b>BERUBE,</b>     | <b>BUSTIN,</b>     | <b>CAREY,</b>          |
|              |           | <b>CIANCHETTE,</b> | <b>CLEVELAND,</b>  | <b>ESTY,</b>           |
|              |           | <b>FAIRCLOTH,</b>  | <b>GOLDTHWAIT,</b> | <b>LAWRENCE,</b>       |
|              |           | <b>LONGLEY,</b>    | <b>McCORMICK,</b>  | <b>PARADIS,</b>        |
|              |           | <b>PINGREE,</b>    | <b>RAND,</b>       |                        |
| <b>NAYS:</b> | Senators: | <b>ABROMSON,</b>   | <b>AMERO,</b>      | <b>BEGLEY,</b>         |
|              |           | <b>BENOIT,</b>     | <b>CARPENTER,</b>  | <b>CASSIDY,</b>        |
|              |           | <b>FERGUSON,</b>   | <b>HALL,</b>       | <b>HANLEY,</b>         |
|              |           | <b>HARRIMAN,</b>   | <b>HATHAWAY,</b>   | <b>KIEFFER,</b>        |
|              |           | <b>LORD,</b>       | <b>MICHAUD,</b>    | <b>MILLS,</b>          |
|              |           | <b>PENDEXTER,</b>  | <b>SMALL,</b>      | <b>STEVENS,</b>        |
|              |           | and the            | <b>PRESIDENT,</b>  | Senator <b>BUTLAND</b> |

ABSENT: Senator: O'DEA

Senator PARADIS of Aroostook requested and received Leave of the Senate to change her vote from NAY to YEA.

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

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator McCORMICK of Kennebec to RECEDE and CONCUR, FAILED.

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

**ENACTORS**

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

An Act to Facilitate Sewer and Water Main Extensions

H.P. 1123 L.D. 1567  
(C "A" H-796)

An Act Concerning Notice in Foreclosure Proceedings

H.P. 1315 L.D. 1799  
(C "A" H-793; S "A" S-571)

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

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

**PAPER FROM THE HOUSE**

**Joint Order**

The following Joint Order:

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation concerning the Bureau of Employment Services within the Department of Labor.

H.P. 1387

Comes from the House READ and PASSED.

Which was READ.

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

Senator LAWRENCE of York requested a Division.

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

Senator CAREY: Thank you, Mr. President. We have had two people stand up. One of them moved for Indefinite Postponement, and the other one wants a Division. Could somebody tell me what this order does?

**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 Lincoln, Senator Begley.

Senator BEGLEY: Thank you, Mr. President. The position taken by the Committee on Labor was not to change what the Productivity Task Force asked for through this. This is also a position that the Appropriations Committee took, not to change. This Joint Order is trying to change that.

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

Senator LORD: Mr. President. Under this order they will be closing one of the county offices in York County. I'm going to have to vote against this order.

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

Senator BEGLEY: The order, if so, and I can't tell you exactly what the situation is, but I know they are talking about the organization, and the organization will cover all of the offices that are currently open in a fashion that nobody will lose service.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator BEGLEY of Lincoln that the Senate INDEFINITELY POSTPONE the Joint Order, in NON-CONCURRENCE.

A Division has been requested.

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

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

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator BEGLEY of Lincoln to INDEFINITELY POSTPONE the Joint Order, in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

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

**Senate at Ease**

Senate called to order by the President

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund

H.P. 630 L.D. 855  
(C "B" H-913)

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

Pending - FINAL PASSAGE

(In House, April 2, 1996, FAILED FINAL PASSAGE.)

On motion by Senator CAREY of Kennebec, the Senate RECONSIDERED its action whereby the Resolution was PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "B" (H-913), in concurrence.

On further motion by the same Senator, Senate Amendment "A" (S-590) to Committee Amendment "B" (H-913) READ.

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

Senator CAREY: Thank you, Mr. President. In an attempt to reach a compromise in this matter, we have reduced the amount of money from the estimated revenues going to the Rainy Day Fund from 75% to 50%. Fearing that all future governors, and we don't touch the Constitution too often, fearing that all future governors may not be as fair minded as the gentleman that we have downstairs, we have also tried to make sure that the governor's office does not, in fact, inflate the estimates just before we get to the end of the year, so that they would have a bundle of money to play with. Therefore, what we have done is we have put in a little paragraph which points out that the accepted general fund revenue estimates are going to be those that were adopted by both the governor and the legislature.

**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 just to endorse the amendment put forward by the Senator from Kennebec, Senator Carey. I believe it is a prudent move and one in the right direction. I think it addresses some of the concerns that the Senator from Penobscot and the Senator from Somerset had as well. I think this will be a prudent move for the people of the State of Maine and to restore some fiscal integrity in our state revenue process.

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

Senator KIEFFER: Thank you, Mr. President. May I pose a question through the Chair? Would this be a one-time adjustment on a biennial basis, or would it be done annually?

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. To answer the good Senator from Aroostook's question, currently the administration has, through the Revenue Forecasting Commission and the Bureau of the Budget, the ability to put forth revenue estimates at any point in time during the biennial budget. What the amendment proposed by the Senator from Kennebec would do, as far as not allow them that flexibility right at the end of the year, in order to create an artificial amount to be put into the Rainy Day Fund. So, whatever numbers they are working with initially, as far as what the legislature has been presented with, those would be the figures that would be utilized in determining how much money would go into the Rainy Day Fund.

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

Senator CAREY: I think the gentleman from Aroostook, Senator Kieffer, still looks as though his question has not been totally answered. I would say that what this does is it protects the legislature from having a particular governor, in any future year, by himself and with his forecasting committee, make an adjustment that would not be approved by the legislature. Any time there is an adjustment made the legislature would be involved in seeing to it that those are reasonable figures.

Senator LAWRENCE of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CAREY of Kennebec that the Senate ADOPT Senate Amendment "A" (S-590) to Committee Amendment "B" (H-913).

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.

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator CAREY of Kennebec, to ADOPT Senate Amendment "A" (S-590) to Committee Amendment "B" (H-913), PREVAILED.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "B" (H-913), as Amended by Senate Amendment "A" (S-590), thereto, in NON-CONCURRENCE.

Senator GOLDTHWAIT of Hancock requested 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.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, Committee Amendment "B" (H-913), as Amended by Senate Amendment "A" (S-590), 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.

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 the Sales Tax Law Applicable to Packaging

S.P. 207 L.D. 550  
(S "A" S-573 to C  
"B" S-427)

An Act to Establish Limited Liability Partnerships

S.P. 499 L.D. 1358  
(S "A" S-575 to C  
"A" S-450)

An Act to Establish the Penobscot County Budget Committee

S.P. 613 L.D. 1617  
(C "A" S-476; S "A"  
S-586)

An Act to Ensure Proper Withholding of State Income Tax

H.P. 1249 L.D. 1711  
(S "B" S-577 to C  
"A" H-735)

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  
(S "A" S-579 to C  
"A" H-799)

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

H.P. 1272 L.D. 1750  
(S "A" S-580 to C  
"A" H-812)

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes

H.P. 1279 L.D. 1758  
(C "A" H-751; S "A"  
S-581)

An Act to Combine Certain Reporting Requirements for Employees

S.P. 738 L.D. 1846  
(S "A" S-584 to C  
"A" S-520)

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

S.P. 749 L.D. 1859  
(S "A" S-585 to C  
"A" S-528)

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 to Revise Certain Fish and Wildlife Laws  
 S.P. 637 L.D. 1645  
 (H "B" H-813; S "A"  
 S-576 to C "A" S-485)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senator having voted in the negative, and 30 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  
 (S "A" S-578 to C  
 "A" S-557)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senator having voted in the negative, and 30 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 Ensure the Proper and Humane Care of Persons Requiring Mental Health Services

H.P. 1284 L.D. 1764  
 (C "A" H-769; S "A"  
 S-582)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations

H.P. 1329 L.D. 1821  
 (S "A" S-583 to C  
 "A" H-806)

Which was **FINALLY PASSED** 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:

**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; S "A"  
 S-574 to C "A" H-882)

Which 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 Encourage Enterprises Engaged in Agriculture and Aquaculture in Maine and to Amend the Maine Seed Capital Tax Credit Program

S.P. 734 L.D. 1843  
 (C "A" S-542)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senator having voted in the negative, and 30 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.

**Bond Issue**

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

H.P. 1330 L.D. 1822  
 (C "A" H-834)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to start off this debate about the legislative careers of those people who are going to be leaving us. I have chosen to talk to you about my very good friend and colleague, Senator Georgette Berube. I do so wish that I could say it in the French way that our good Senator from Aroostook, Senator Paradis, says it, because it is beautiful. I want to first say that Senator Berube is an accomplished linguist; and I don't think that anybody in this room, or in this legislature, or who has ever heard Senator Berube speak the French language that has not felt the melody of that language as delivered by that soft-spoken legislator, Senator Berube. She has been called the Dean of the Senate. I must tell you, she is not the Dean of the Senate. I am the Dean of the Senate. However, at this moment, I am gladly giving her that title, and suggesting a new title for this legislature. Georgette has served for six terms in the House and six terms in the Senate. I, on the other hand, have served a mere eight terms in the Senate. By any figuring, anybody in this room, as poor a mathematician as I am, can tell that Senator Berube has served twenty-four years in this legislature, and I have only served sixteen. So, the

new title that I suggest for Senator Berube is Dean of the Maine Legislature. I think that is an appropriate title. More than titles, Georgette, to me, is a friend. You would not think this in any way, but what you don't know is that, in many ways, we are also co-conspirators. We didn't know each other very well in my first years, but I got to know Georgette very well when I served with her on the State and Local Government Committee. I had known her as a very conservative Democrat from Lewiston, and she had known me as a very liberal Democrat from Augusta. You wouldn't think that we would get along, or that we would agree on too many things, but come to find out, as Georgette was fond of saying, she would look at me when I had supported her in a vote, or she had surprisingly supported me in a vote, she would say, "My Beverly, you have changed." Well, as a matter of fact, what we think, in the Democratic Caucus, since Georgette had her unfortunate accident and she came back and had informed us that she had taken her liberal pills. We kept making sure that we kept those liberal pills available. Georgette, don't ever forget about the donut holes. Joy wanted to make sure that I asked you not to forget about those. The more liberal you get, the more donut holes you get.

More than all of that is that Georgette is probably one of the most respected people in this Senate, and in this Legislature. She has a different way of doing things than I do. "Thank God," I'm sure everybody is saying. She said that to me just this morning. It's sort of like, "Beverly, you can catch more flies with honey than you can with vinegar." She's right. She just accomplished that a few minutes ago in this Legislature. She caught the flies with her honey. One of the other favorite sayings she says is, "Tomorrow is another day." For Georgette it always is another day. She was talking to me this morning about what she was going to do afterwards, after she got out of here, and I have no doubt but she will continue doing her French radio program, that she will find many things to do, either on a volunteer or on a paid basis, in her life, and that she will have much more time, as I hope I will, to join her family in some really nice pursuits, as we leave here. I don't want you to think that because Georgette does things differently than I do, and accomplishes things that I may not have been able to accomplish, that she is any less of a tenacious and passionate person about her issues and what she thinks needs to be done. I want you to all know that I have enjoyed tremendously serving with her in this Legislature. Thank you, Georgette.

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Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **PARADIS**: Merci Monsieur le President. Intelligent, affable, a pragmatic consensus builder is how I view Senator Chuck Cianchette, my seatmate. Husband, father, aviator, employer, legislator, mediator, troubleshooter, friend, Chuck has a just heart and a sensitive soul. He has the gift of always getting to the core of a matter by always asking the appropriate question and then listening. He runs options quickly through his computer-like mind and comes up with several possible solutions that meet the needs and the concerns of the people before him. He is never overbearing, elitist, argumentative or hypocritical. He says what he means

and means what he says. He has little tolerance for game playing, partisanship, and intractable closed minds. He's always willing to place himself in other people's shoes and has little patience with people who judge others or aren't serious about problem solving. Because he has a logical mind, he responds well to logic and is a team player. Chuck loves legislative service. He believes in this institution that he has served so long and so well. It's his responsibilities with his family and work that are calling him home. Chuck, your strong, principled voice will be missed. Your pleasant personality and genuineness warmed many a cold day. You're never more to be here in this body. However, the standard you set and the legacy you left will forever more reverberate in this chamber. A la prochain, mon ami.

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Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **CIANCHETTE**: From the lessons I have learned here, I'll continue to borrow, as I go about my life, starting tomorrow. I hold the highest regard for this institution, the privilege to serve with you a tremendous contribution. Please believe that my parting is with such sweet sorrow.

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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. When I was first elected to the Maine Senate during the 116th Legislature, Senator David Carpenter served as the Assistant Republican Leader. I would personally like to thank Senator Carpenter for his leadership and guidance during my first term. He has been a leader and a guide to so many of us coming into the Senate. Senator Carpenter is, indeed, the Dean of the Republican Caucus. He is serving his fourth term in the Maine Senate. In many ways Dave Carpenter has been a model legislator. He has a well-deserved reputation as someone willing to really listen to all sides of issues. Dave understands that in politics, as in life, sometimes you win and sometimes you lose. I can never recall a time when he carried a heated debate outside of the Senate Chamber. I think that is a great lesson for all of us to learn. You know, we all know, that that is not an easy thing to do. I think we sometimes forget what a marvelous quality that is in elected officials. Dave Carpenter was a great help to me on the State and Local Government Committee this year. I have often appreciated his simple explanations of many of the complex issues he has handled so well as both a member of that committee, but also, even more importantly, as Senate Chair of the Utilities Committee, a committee which deals with nothing but complex and technical issues. I think Senator Carpenter has had a very calming influence over what often tends to be a very hectic place, the Maine Legislature. I believe he is a tower of reason. He knows how to keep things in the proper perspective. He doesn't take this place, or himself, too seriously. I think he has, in his quiet way, been a real leader in the Maine Senate. I also like to count him as a very good, personal, friend. I know that Dave Carpenter will take with him, as he goes to

the other body next session, his wisdom, his gentility, and his basic common sense. Good luck, Dave.

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

Senator CAREY: Mr. President. The person who was to make the speech for the next retiree has decided to step away from the microphone, so I have asked to fill in in the meantime. The gentleman that I am going to refer to has been the Majority Leader in this body. He has served eight years in this body. He was not prepared to come to the Senate, because he never trained in the House, like many of us did. He served on most of the committees in the legislature. He rarely makes an appearance here, as many of you know, without mentioning his name; because it costs him about \$200 a day when he has to seek a replacement for himself, and has, therefore, found it extremely difficult to raise his family and yet forfeit \$200 a day. He has been very attentive more recently, as the hotter issues have come along. He hasn't always voted the right way, however. He has, at least, been here. He has made an appearance. He has spoken on several occasions and he has been on committees that have decided extremely important bills in this legislature. With that I would say that I am personally going to miss my seatmate, although I wish he would have gotten a silencer when he first came in, so that I could understand what the President is saying when he is up there, or what May is saying. I will truly miss you, Don Esty. Thank you.

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#### Off Record Remarks

Senator O'DEA of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator O'DEA: Thank you. It's with pleasure that I ask the Senate to look at the accomplishments of Senator Faircloth. Senator Faircloth was in the House for a term; moved over to the Senate for a term; and then decided, I guess, that this Senate wasn't big enough and that he had to go all the way next term. It's been a pleasure watching Sean in Bangor. Sean was one of these representatives who made everybody else look bad, because Sean could never get enough. A lot of us would joke around that no government business should be transacted after noontime on Friday, and certainly not on weekends. Sean would be at every advocacy group and coalition and every kind of ad hoc meeting that you could imagine, and then he would be in the next morning with a half a dozen new bills, and each one had about 800 sponsors on it. It was really something else. If Sean Faircloth has left a legacy, it is one of hard work and taking care of all of the groups in the greater Bangor area, dealing with mentally ill and labor and displaced homemakers and you name it, he has been there. So, it is with mixed feelings that we send him on his way. There is something good that has come out of it, though. As much as I hate to see him go, as somebody who lives in Penobscot, I can tell you that it is a really good thing that Sean is running for the United States Senate. It's good for Sean. It's good for the state. It is also good for everybody who drives I-95. I saw Sean one day, I

think it was the first day or very shortly after he was elected. He has a Subaru station wagon, and I saw the car, with House plates on it, and he was driving down the highway in the breakdown lane at about 25 miles an hour. I guess we were in Pittsfield. I thought he was having car trouble and I pulled up beside him. He was sitting there like this, in a novel or a biography, probably a biography about some member of Herbert Hoover's cabinet who nobody, including his family, remembers. I can tell you, in the intervening years as I have passed Sean, and every other member of the Penobscot County delegation, every time I go by the red Subaru I see the book propped up on the steering wheel. Some days, if it's an involved book, or Time Magazine, he'll be doing the speed limit. Other days he will be deeply engrossed and he will be parked on the side of the road. Other days he is all over the road. It really is a sight. It's a sign that the gods are smiling on all of us, and Sean, that he has made it back and forth, unmolested, for the past four years. Those of you from up North know what I am talking about, it's a very serious concern. Seriously, Sean, we will hate to see you go. The roads will be somewhat safer. Good luck on your trip to Washington.

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

Senator PINGREE: Thank you, Mr. President, Men and Women of the Senate. I have the great privilege to say a few words about our Assistant Minority Leader, Beverly Miner Bustin. I was thinking about the fact that Beverly has been sitting, as I understand, in one of these chairs for sixteen years. As Beverly always reminds us, that makes her the Dean of the Senate, our most experienced colleague in this room. I think, as all of us know, Beverly's greatest characteristic, among all the things that we know about Beverly is that if you give her half a chance she is your mother. She mothers you. She keeps her eye on you. She would like to be everybody's mother in the whole chamber. This is kind of my image of Beverly first thing in the morning. Beverly breezes in the room, it's like this big cyclone coming in. She picks up one phone, picks up another phone, says, "Marcia, come in here! Someone call my husband and tell him to bring me lunch." It's like a storm moving through everytime you see her. Or we start up the Caucus and there's Beverly, holding a meeting, reading a book, on the phone, and Mark says, "Come on, Beverly." And then we get going. I thought a lot about all the skills that Beverly has and all the things she brings to bear for all the work she does. If there is one thing that I have learned while watching Beverly, it is to have tenacity. Just not to give up. I was watching her work an issue the other day, something that she really cared about. The meetings on this went on for hours. They moved from one part of the building to another part of the building and Beverly would bring up a suggestion. At first, nobody was paying any attention. Nobody was listening to what Beverly was saying. Then she would repeat it again and no one would pay too much attention. Then it would come up again and no matter what issue you brought up, Beverly managed to sort of move in what she was concerned about, into the very issue we were talking about. It didn't matter if it was the weather. Beverly would say, "Yeah, wouldn't the

weather be better if you just cared about what I care about here." It didn't matter. By the time the night ended, of course, Beverly had won. Beverly just got a hold of us, wouldn't let go and the deal was done. That's all there was to it. I have learned from Beverly to just never give up when there is something that you really want. I think the other thing we know about Beverly is that she says whatever she thinks. Beverly will always be straight with you, whether it is on the floor and she tells us things we thought we never would learn. She tells us things about her family, about growing up, about the history of things that have gone on here. Beverly says whatever she thinks and she is always straight with you. You know where she is coming from. Probably the most important thing we all know about Beverly is no matter what she has to give, she will fight for those people that she cares about. Whether it is people with mental illness, teenagers who might be sent to jail when they shouldn't be, or, probably most close to her heart, the people who do all of the work for us here in the State of Maine, our state employees. Beverly is always there when their concerns are in front of us. Beverly also cares deeply about her family. I think we have all seen members of her family here and know how important that is to her and her life outside of the Senate. She cares about her constituents and all the people she represents and has represented for all these years, and I think she cares deeply about all of us. You can have a disagreement with Beverly, it doesn't matter what, she will get in there and fight with you, but the next time you walk through the door she will look at the look on your face and say, "How are you doing? Are you okay today?" She cares about all of us, no matter what we disagree on or how we feel about each other. Beverly, as your friend, and as your colleague, and one who has learned a tremendous amount from you in the last four years, I want to thank you, for the kindness that you have showed to all of us, for all of the history that you have shared with me and with all of us here, for the issues and the people that you have defended, and the tremendous sacrifices you have made to be a public servant. Thank you very much.

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Senator CLEVELAND of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator CLEVELAND: Thank you, Mr. President, Men and Women of the Senate. It is a pleasure for me this afternoon to take a few minutes and recall that only some six short years ago, in 1990, I had the opportunity to be elected to this body. It was particularly an honor because there was another young freshman, Senator Dale McCormick, who was elected in that same class. It seems such a short time ago, but as we as young freshmen in 1990 set out to represent our constituents, as most freshmen, we were eager and earnest and wished to do good things and serve our constituency and our state. I had the opportunity to meet with Dale and talk about some of her dreams and her hopes, what she would like to do with this honor that she had been given. Like all of us, she wanted to create greater job opportunities for the people of this state so they might have a little better opportunity for themselves and for their children. She wanted desperately to create more access to health care for people, so they would not have to live with the fear of disease and illness and have an

opportunity to take care of their families and themselves. She wanted people to have more opportunity for more education and for people to have a diversity of opportunities, perhaps a job opportunity that might not have been a traditional job opportunity, particularly for women, and open those up. She wanted to preserve the quality of the environment. In that short time Dale has achieved that and much more. She has really become a leader in health care reform. Many of the reforms that we have and that Congress is dealing with now, and that have been successful here, are the result of Dale's leadership. We have been a forerunner of improving health care access. She has also been instrumental in creating a new public health insurance plan for workers' compensation, so that small businesses can really afford workers' comp insurance for their employees. She has helped to protect the environment. She has been a leader in encouraging economic growth and development. She has been a tireless worker for her constituents. I have always been amazed at the little calendar books, with the little blue slips falling out all over the place, her purse full of them, that she calls every single person back, she answers every single letter. There is no concern, no issue, or no need of her constituent that is too small for her to give her full attention and energy to. There could not have been a person who could have better represented her district more tirelessly and who worked for every single one of them, regardless of their background, opinion, or point of view, to make sure that they had a voice in this Senate. As a matter of fact, she did her job so well, that, as a freshman, she was one of only three or four individuals named by the Portland Press Herald as a rising star of this institution. Perhaps because of that, she has seen the star rising over Washington, to bring her services there as well. She brings her skill as a builder and a carpenter to build coalitions and to get the job done. These occasions are always mixed for me. On the one hand I am quite sad that we are going to be losing Dale's voice and energy and tireless spirit and willingness to get the job done, and personally sad for me because a good friend, and the last member, other than myself, of the class of 1990 will be leaving and I will be here, looking to make new friends within this chamber. I am happy, as well, because I know that the kind of energy and spirit and vision and service to the public she is looking to take to serve them at a different institution at the federal level. So, I hope that you will think of us fondly. We will think of you fondly, always, here, and remember what you have done for the people back home and your constituents will always remember the great service that you provided to them. I will be particularly glad when Dale is in Congress, because I will finally know, with certainty, that all those joint resolutions memorializing Congress are going to be read by somebody; and Dale might send me a note saying, "Thank you for that great memorialization."

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Off Record Remarks

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

Senator KIEFFER: Thank you, Mr. President, Ladies and Gentlemen of the Senate. Obviously,



Senator Amero and I have decided to divide and conquer the bittersweet task of saying goodbye to four members of the Senate Republican Caucus that we know, for sure, will not be back in the 118th Legislature. First, I want to thank Senator Chuck Begley for his outstanding service and his work as a Senator for the entire State of Maine. Chuck Begley served with many of us in the 116th Legislature, and is now serving his second term. In the 116th Legislature he served as a member of the Audit and Program Review Committee, as well as on the Labor Committee. This session Chuck co-chaired the Labor Committee, and he should be especially proud, I feel, of his work on the Appropriations Committee. If you look back at the predictions of much of the Maine press corps at the start of the session, I think many of them thought that the work of the Appropriations Committee was going to be just a perpetual cat and dog fight. Yet, for the first time in a long time, longer than some folks care to recall, the budget committee produced two unanimous ought to pass budgets and left Maine government in much better financial condition than it has been in some time, leaving about \$5 million in the Circuit Breaker Program and almost \$30 million in the Rainy Day Fund. Senator Begley has always been a gentleman, on and off the Senate floor. I am proud to call him my friend and sincerely hope our friendship will continue for many years in the future. I think it's fitting of Chuck Begley, who has always been a class act, that he chose to leave the Senate stage leaving us all wanting more. Chuck has been our caucus' time clock. I think he has completely ignored Eastern Standard Time; and, for some reason, he had the audacity to challenge legislative time. He's one of the few individuals, I feel, who have done this and I hope in the future he will be able to set his own time clock and spend as much time as he can, in retirement, on the tennis court. Thank you.

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

Senator **AMERO**: Thank you, Mr. President. Back in 1992 Senator Dana Hanley and I came to the Senate as freshmen. Senator Hanley had already had three terms' experience in the House. I don't know if it's true or not, but I have heard said that Senator Dana Hanley is responsible for the former House Speaker's hair turning white. Actually, I look back over Dana Hanley's service in the Maine House and Senate and I see a rocky road for a man with tremendous vision. Today, in Maine, Republicans and Democrats alike are discussing the consolidation of Maine's University system, boot camp style prisons for first time non-violent youthful offenders, tax cuts for Maine citizens, term limits, using non-violent prisoners to help our towns and cities with restitution work. All of these were ideas spearheaded by Dana Hanley, many of these ideas for which he was given a hard time by his colleagues and the media. It's typical of Dana Hanley that years later most of those who criticized him are now championing his ideas. Along those same lines, I think it was the common consensus among state political pundits that Dana Hanley was going to be the fire-breathing dragon of the Appropriations Committee. Some people even questioned Senate President Butland's choice of Senator Hanley to chair that committee. I think many people are now saying Senator Butland showed brilliant leadership in this

decision. True to form, Dana rose to the task. He worked remarkably well with all members of the Appropriations Committee, and he helped lead them to some of the most outstanding state budgets we have seen in a long, long time. I must say, I remember, two years ago, when the 117th was first convened, Dana saying in our caucus, "Republicans are in control of the Senate for the first time in a long time. I have been in the minority for eight years. I always said, when I was in the minority, if I ever had a chance to be in a leadership position, I would never abuse that power. I would be fair to everybody." I think Dana Hanley has shown that he is truly a man of his word. When I think of Dana, I think of a young man who has become a statesman in a very short period of time. He has brought back respect to the legislative process, and particularly to the appropriations process; because of the fair manner in which he treated every person who came before that committee. He is the epitome of fairness. I think he is a man of great integrity, as well as great intensity; and I know he has a brilliant future ahead of him. Thank you, Dana.

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

Senator **RUHLIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to take a few moments to share some thoughts on a particular red-headed Senator with you. However, I want to caution you, he is my roommate. I cannot give the praise to him that he probably deserves because I do have to live with him. I don't want to go home to a swollen head. To our good Senator John O'Dea, who served two terms in the House with me, and then came to the Senate two terms ago, I remember the first time I saw John. He came into the House; and he is one of those people who, I guess at a certain age they say, "He wears his age well." I think at that age he looked a little bit younger than perhaps he really was. My inclination was to send him on errands. That's what the pages are supposed to be there for. It was only after he had been there for about a week that I realized that he was not a page. He was one of us, a member of the body. I watched him grow into that position and it was really a pleasure to watch one of our younger people take on the maturity. I watched him come over to the Senate and guess what? He was my Senator. He wasn't a page anymore, but we happened to come from the same part of the state and at that time Orono and Brewer were in the same senatorial district, so not only was he not the page, he was my State Senator. We had a chance to work together a lot. His depth of information, his ability to grasp quickly and incisively the information that he needed to as Chair of the Education Committee at that point really made an impression on me. I came to really value his judgement, to listen to him. Normally you would think, since I am almost a generation older than John, you would think that I would be the one telling him to shut up and listen to me, but it has kind of been the other way around and it's because he is pragmatic in his approach and very incisive and, I think, very well balanced. But, that's all I'm going to say. That's enough. I can almost hear his head swelling back there now. I guess I just want to say that I'm sorry that he is leaving. I think we need people like that to be here, people of that



generation. But, I recognize there is the need to go out there and do some other things in life, so I do have that bit of understanding. I am also going to miss our morning discussions. As roommates, while one is in the shower and the other is waiting to get in the shower, we would banter back and forth and already have most of the day's business talked over by the time we come in here. I am going to miss that, too, John. I wish you well in your future and hope that someday you will remember your service here and continue that service. Thank you.

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

Senator **KIEFFER**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to say a brief word about my good friend, John Hathaway. John is taking a big jump and he is jumping from the frying pan into the fire. He is going from a Maine Senator to a candidate for the United States Senate. Taking the easy way out, the path of least resistance, certainly has never been John Hathaway's style. I believe this state house will long remember John Hathaway, not only for his work as the Senate Chair of Taxation, and as a member of the Natural Resources Committee, but for his forceful and thoughtful remarks during Senate debate. Someone here recently said that one of Ed Muskie's favorite lines was, "Don't speak if you can't improve upon the silence." I think Senator Hathaway has always improved upon the silence. I think he improved on about anything that was happening in the Senate just before he spoke. During the last three or four weeks I have been asked by people around the state exactly how many trucks he has on the road. When I tell them one, it's hard for them to believe. John is certainly one of the hardest workers that I have ever known. John Hathaway will be remembered as a staunch advocate for all Maine people, for fighting hard to give everyone the opportunity to pursue their own dreams, and again, I am very proud to call John Hathaway my friend. I wish him great success in the future, and on behalf of all the members of the Maine Senate, I thank John Hathaway, and I wish him well on all of his future endeavors.

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Senator **HATHAWAY** of York was granted unanimous consent to address the Senate on the Record.

Senator **HATHAWAY**: Thank you, Mr. President, Ladies and Gentlemen of this wonderful chamber. I have not been here for a long time, but it certainly has been a great time. I thank Leo for those words, I don't believe that I have been here long enough to be remembered but I certainly have been here long enough to never forget the wonderful people. I appreciate, more than ever, what you shared with me and what you do for the people of this state. It has been an honor to serve with you and I just want to recall the people, and that includes the staff, the press, May Ross, the lobby, and certainly the legislators. I just want to say that the people of Maine are very fortunate to have you do what you do and I want to thank you very much for all of the great memories.

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Senator **BERUBE** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **BERUBE**: Thank you, Mr. President, Ladies and Gentlemen of this chamber. There is a French saying, "Partir c'est mourir un peu, to leave is to die a little." I leave, however, with fond memories, the satisfaction of having accomplished what I promised my constituents when I first ran, eons ago, that I would serve them here with they dignity they deserved. I leave with friendships made, some enduring. On the day of the election of my last campaign, I was always apprehensive, as usual, even when you run unopposed you never know. It's a game of chance. But, I received some flowers from my son, who knew how I felt, and there was a card that simply said II Timothy 4. I'm not well versed in the Bible, but I looked it up. I would like to leave with you what I read. "I have fought the good fight. I have finished the race. I have kept the faith." Thank you.

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

Senator **LONGLEY**: Thank you, Mr. President, Ladies and Gentlemen in the Senate. I would like to follow up Senator Berube's remarks by saying that I have known her since I was a little kid. We went to the same church and there were many Sundays when I would look over and see the not-yet-Senator Berube. I have seen her keeping the faith from those very first days. When I was in high school she represented me in the Maine House. When I needed help on a lot of issues, when she was in the Senate, she was always a very willing ear. She said things on the floor that would make any person who ever wanted to be her daughter very proud. For that I thank you. Then, when I got elected this year, to know that I would have the opportunity to serve with a wonderful mentor, I can't thank you enough. Thank you.

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. It is with great privilege that I rise before you, for perhaps the last time, as a representative of the people of Maine. The last sixteen years have, for me, been filled with hard-fought victories, and bittersweet defeats. As I prepare to end one journey and begin another, I find it appropriate to reflect on the lessons of my time in this chamber. The one tough question I think we all ask ourselves at some point in our time here is, why do we do it? This question is, of course, easy to answer, when we see one of our pieces of legislation become law, or we see the appreciation in a constituent's face when we are able to cut through bureaucratic red tape and really help them. But, what is the answer when we are here at two in the morning, trying to solve a budget impasse, away from our family, and caught in the clamor and noise of so much activity? The answer, for me, is simple. We do it because we believe we can make a difference. We do it because we believe that our best days as a society are still yet to come. We do it because we want to be a part of the solution, and not part of the problem. Most importantly, we do it because public service is still respectable and we wish to give back to a community that has given so much to us. My time here is done, and the time for a

new generation of leaders to carry the torch forward has arrived. My challenge to those who come after me, you see I can't resist being a mother, and my other colleagues who are leaving this chamber, is to embrace change, to fight for what you believe in, to question the status quo, and most importantly, to never stop thinking you can help Maine be a better place to live. As we head into a new century, these challenges will not be easy. At a time when we are asked to make government do more with less, and we see our national politics so bitterly divisive, it is my sincere hope that we, here in Maine, can prove that this great state of ours has something special, that in Maine we come together to support basic, old fashioned values. It is always easy to come to this building and say "no" to things. Let's give each other something to say "yes" to and, despite all that happens in the years to follow, that we meet a few basic tests. Let's ensure that we don't become the first generation to force Maine's elderly to choose between selling their home and finding affordable health care. Let's ensure that our children receive the best we have to offer, whether it be a good education, quality health care, or protection from abuse and neglect. Let's ensure that our children never have to be told that they can't play outside, or drink the water from their homes, because we failed to honor Maine's proud tradition of protecting our environment. Let's make sure that we don't become the first generation to let corporate greed overrun our worker's needs to support a family. Four of Maine's greatest leaders have left us in the past two years. I believe we can all learn from their example. To Senator Bill Cohen and Senator George Mitchell, who have chosen to take a break from politics, a hearty thank you. You taught us that we can come together to do what is right for the people of this state, despite our differences, despite our party, despite a time of growing insecurity. To Senator Edmund Muskie and Senator Margaret Chase Smith, who I pray are watching over us and helping to guide us. You have made us awfully proud of you. You are a testament to the good we can do as human beings and that politics is needed, and is, indeed, an honorable thing to do. President Clinton said, two years ago, that none of us can change our yesterdays, we can only change our tomorrows. I wouldn't change one thing about my sixteen years in this chamber. I hope each and every one of you finds the courage to go forth from this chamber and keep on changing our tomorrows for the good of all Maine people. Articulate your dreams, and then build the foundations to support them. I promise you that I will keep doing my part, but in a smaller, less visible way. Good luck and Godspeed and thank you for allowing me to serve with you.

Senator CARPENTER of York was granted unanimous consent to address the Senate on the Record.

Senator CARPENTER: Thank you, Mr. President, Women and Men of the Maine Senate. Sitting here, reminiscing, it has been a real short eight years. The first speech got me thinking, it was honoring Senator Berube. It might be a good example as to how far politics, or non-politics, getting along with all the parties, has come in the short eight years. Georgette was chair of State and Local. Dana Hanley was on there for a while, also, until he got kicked off by the presiding officer of the House; because he

had an awful lot of good, conservative, Republican bills being put in. It was about the most partisan committee there ever was, really, everything seemed to be Republican versus Democrat. That has changed an awful lot. I was on it again this year, after an absence; and this year it moved pretty smoothly, and it wasn't that partisan. It wasn't Georgette's fault that it was partisan; because when I was on it, after a little while she said, "Oh, thank you, Dave, for not being very political and helping me along." She is a great Senator. Thank you.

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Off Record Remarks

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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 Create the Maine Health Care Reform Act of 1996

S.P. 769 L.D. 1882  
(S "A" S-553; S "C"  
S-561; H "B" H-917)

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

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Senate at Ease

Senate called to order by the President

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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 Authorize Video Gaming"

H.P. 296 L.D. 400

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-874)** (3 members)

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

Pending - **ACCEPTANCE** of Either Report.

(In House, April 2, 1996, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

Senator **RAND** of Cumberland requested a Roll Call.

Senator **RAND** of Cumberland requested and received Leave of the Senate to withdraw her request for a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, the Senate **ACCEPTED** the Minority **UGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-874) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-569) **READ**.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. I hope you will adopt Senate Amendment "A". The Legal and Veterans Affairs

Committee had dealt with two bills last year, one with off-track betting, and we forgot to include section 275J in that particular bill, which this amendment takes care of. The other bill that we dealt with dealt with non-profits being able to get a liquor license. At that time, what the committee had done, we said if any non-profit was federally recognized, they would not have to wait two years. However, one of the items we forgot to do is to include beano in that. So, the second part of this amendment would say to any non-profits, who are federally recognized, they would not have to wait the two years before they can apply for a beano license. They can apply at the State Police and get their license. I have talked to the State Police and they have no problem with this amendment dealing with beano. Thank you.

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

Senator **FERGUSON:** Thank you, Mr. President. I would concur with my good friend, and seatmate, Senator Michaud from Penobscot, and urge adoption of Senate Amendment "A". Thank you.

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Senate at Ease  
Senate called to order by the President

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On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569) **READ.**

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. If I may speak to this motion. I apologize for the peculiar format. It came as somewhat of a surprise to me, as well, but the substance is familiar. Without going into any detail about what may have transpired in the other body, or in the committee, there was consideration in another bill dealing with video gambling of imposing a solution to the so-called gray machine problem that was dealt with by the Legal and Veterans Affairs Committee, and has been considered on the floors of both chambers. Briefly, the problem is this: There are certain kinds of machines, which everyone would agree are games of chance under any definition you might choose to employ. The ones we are concerned about, specifically, and the amendment would deal with it in a more general way, are the machines that display poker games on a video screen which are intended, primarily, as games of amusement. The machine has a means by which you can keep score. It is a game that is designed, primarily, for self-amusement and not for gambling. However, the machines also have, within them, the means of tracking the overall score of the machine, both on a timed basis and on a player basis, so that it is possible for the machine to be used as an aid to gambling. My understanding of the method by which it is used is that the participant puts money into the machine, plays the game for some extended period of time, and having achieved a certain score may, at that juncture, go to the bartender, or the person in attendance, they will mutually look at the score and then there will be a payoff, based on what the score of the machine discloses. At the end of a certain period of time, perhaps a week, the distributor of the machine, who has the key to it, comes around,

unlocks the machine, looks at the internal scoring mechanism of the machine, determines how many payoffs the owner of the establishment could have legitimately made, and then removes from the till of the machine that sum of money necessary to reimburse the owner of the establishment. Then, between the two of them, they split the net profit that the machine has generated.

The Maine State Police have prosecuted for the use of these machines in that fashion on a number of occasions, and have taken these machines, and their contents, into custody and used them as evidence in trial proceedings, and have gotten convictions. The crime that is involved when you use the machine for that purpose is a Class D crime. It is a misdemeanor crime that has a penalty of anywhere from \$100 to \$2,000 and up to a year in jail. The problem is that when you are done with the machine as evidence, under current law, the Maine State Police have the obligation of simply returning the machine to the possessor of it, and all of its contents. Even the money must go back to the person who has been convicted of making use of the machine in an illegal way. There has been generated, a week or two ago, an amendment to other legislation that passed through these halls which was called, by some people, the Buck Amendment, because of the author. It dealt with this process by allowing the Maine State Police to simply keep these machines, and their contents, in the event that they were successful at prosecution. The amendment that I have made reference to, however, went much further and, I think, was objectionable, quite frankly. It made the user of the machine, the bar owner, guilty of a Class C felony. It made it automatic that he would lose his liquor license for six months, and it made it automatic that there would be a fine imposed of at least \$1,000. I thought that that was a draconian measure. I thought that the punishment did not fit the crime. We are dealing, fundamentally, with an economic crime that ought to have an economic sanction; and it ought to be tailor-made to fit the situation. This amendment that you now have before you is the product of that thinking. I refer to it as "Buck-lite", because it is stripped of the very heavy handed measures that were in the original amendment that would have opposed felony convictions, and the like, on the participants. The only thing this amendment does, and I am told by Colonel Skolfield of the Maine State Police that it is exactly what he would like to have, and he does not feel that he needs anything more to enforce the existing laws that we have here in Maine. In spite of the length of this amendment, the only thing that it does is allow the Maine State Police to retain, as forfeited property, the machine and its contents. That's it. It does not enhance the crime. It leaves it as a Class D misdemeanor. It has no minimum penalties. It has no minimum fines. It doesn't require the lifting of a liquor license or anything of that sort. It's a simple measure to permit the Maine State Police to hang on to the goods that they have already seized legitimately for evidentiary purposes. The only reason this is so long, really, is that when we take people's property in this fashion, we are very careful to give them due process rights to get it back. It is in protection of those property rights that the procedures spelled out in here are as lengthy as they are. But, the concept is extraordinarily simple. I can't, for the life of me,

understand why anyone would refuse the State of Maine the right to retain these products of illegal activity in the event that the effort were made to prove the crime and that effort were successful. Thank you.

Senator **FERGUSON** of Oxford moved that the Senate **INDEFINITELY POSTPONE** Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569).

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

Senator **FERGUSON:** Thank you, Mr. President. This is quite a long amendment, and although I haven't had an opportunity to look through all of it, this is an extension of what we were debating the other day. I would urge that you vote favorably on the pending motion. Thank you.

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

Senator **MICHAUD:** Thank you, Mr. President. I would request a Roll Call when the vote is taken. I hope you will vote for Indefinite Postponement. This language, just by quickly reviewing it, is similar to the language that the Governor's staff had proposed in the Governor's bill that will be coming to this body shortly. I would imagine the reason why the Governor did not put it in the Governor's bill is because he did not want Augusta, having American Legions, the Elks, and other non-profit organizations, coming down to Augusta to oppose his bill. That's why I assume it was out of his bill. I think this is a bad amendment; and if the good Senator wishes to offer it to the Governor's bill when it comes down this way, hopefully, he will offer it at that time. I hope that this body will vote to Indefinitely Postpone this amendment. Thank you.

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

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. Let me explain something. This deals with a different subject matter than the bill that you will later see that is coming from the Governor's office. I may also say that this draft language stemmed from the video gaming bill that was rejected by the House and Senate about two or three days ago. In other words, the video gaming bill that went through these two chambers had these forfeiture provisions in them. We have pulled those forfeiture provisions out and stripped away some of the severe penalties that I found objectionable, frankly, and has left you with the extraordinarily simple notion that the machines, and the contents of those machines, simply should be retained by the State Police; and the contents turned over to the general fund in the event that they are successful in going to the trouble of getting a prosecution for the illegal use of the machine. The machine itself is not illegal. It's just for the use of the machine in an illegal way that is proven in court. The subject matter is different from the later bill. It is an entirely different remedy. This particular amendment is absolutely critical for the Maine State Police to deal, in any effective way, with the so-called gray machine proliferation. Without it, it is extremely difficult for them to control the use of these machines, even though they are used illegally. With it, you have done nothing more than the absolute minimum that the Maine State Police need or require to get this important job done. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. I would like to pose a parliamentary inquiry. The Senator from Somerset, Senator Mills, said that this comes out of a bill that has been defeated by both bodies. Can it, therefore, be properly brought before us under the guise of an amendment to another bill?

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Senate at Ease  
Senate called to order by the President

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**THE PRESIDENT:** In response to the good Senator from Kennebec, Senator Carey's, parliamentary question as to whether Senate Amendment "A" (S-592) is properly before the body. The Chair would rule that it is and would refer to section 726 of Mason's Legislative Manual, part 5. "When a bill has been rejected at any stage in the House in which it originated, it may not be reintroduced in the same House; but a new bill, presenting the same question or the same question in a modified form, or a bill presenting substantially the same question, may be introduced."

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

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Off Record Remarks

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

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Off Record Remarks

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

Senator **FERGUSON:** Thank you, Mr. President. I would like to continue the debate on this. I have before me an order that has been prepared for the Governor. His people have informed me that what they would like to do is convene a group to study, an advisory committee on gambling. This is an order to establish an advisory committee on gambling. Maybe with this important amendment before us, and other legislation dealing with gambling, maybe we should act favorably on the pending motion, which is to Indefinitely Postpone. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President, Women and Men of the Senate. I rise today to support the amendment from the good Senator from Somerset, Senator Mills. This is a very simple and direct amendment and it is very much needed for the benefit of the people of this state. Plainly stated, this amendment only makes it available to forfeit the machine and its monetary contents if an individual is convicted of conducting illegal gambling with those machines. Please remember, these machines are

currently illegal. These machines are currently the same machines, when an individual is taken to court, on which they are being convicted now. The problem is that the fine, or the penalty, is so small, generally a few hundred dollars, that it becomes a cost of doing business. It's not a deterrent to the illegal use of these machines. This particular amendment doesn't change the law in regards to what is legal or illegal. It simply says those machines that are illegal now, if an individual is convicted, through due process, of using those machines in a way that is gambling, then the penalty will include the forfeiture of the machine and its contents. Remember, the bill also includes all kinds of due process, both for the individual charged, and the individual who may own the machine. So they can get their full hearing, full day in court, to assure that no punishment will be imposed without it being clear that they have violated the law. In my particular area of Lewiston and Auburn, there are a number of machines that are illegal machines, I am told. What this does is make an unlevel playing field between those distributors, and those companies, which provide entertainment and gaming machines and games of skill for entertainment and amusement only, with those individuals who are also providing machines that are being used for gambling. It becomes very difficult for those business people who wish to conduct business in a legal way, who wish to provide machines to be used for legitimate entertainment, with those companies that are clearly providing those machines for commercial profit and illegal activity. The result is they lose business because the other vendor, who is willing to blink their eyes at the law, and willing to pay fines of a nominal amount to do that business, continue to do so. This just levels the playing field and simply says what is illegal activity today will continue to be illegal; and the penalty will be, if you are convicted through a due process of the law, that you will lose your machine. That seems to be a reasonable way, if we really want to enforce the law, we really want to attack the issue of people having illegal machines to do this, no one intends, in any way, to undermine those individuals who are doing and operating machines in a legal way. We are only looking to those individuals who currently are conducting illegal activities and are doing so with only a minor penalty.

**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 Cleveland makes a strong point. I wish to speak in the same manner. I will be supporting the amendment and voting against the motion of Indefinite Postponement for this simple reason. This amendment seeks to do away with the principle of law which I find very disgusting and never could support, the principle of unjust enrichment. I find it almost unbelievable to hear objection to a piece of legislation that intends to do away with people who violate the law; end up in court with a slap on the wrist, if you will, in the form of a light fine; and, moreover, can take away the machine and its contents and laugh all the way to the bank. Unjust enrichment, let's do away with it. We have a chance now.

**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. This issue before us has been perhaps, at least to me anyway, one of the most contentious and divisive issues that has been before the Senate in this session. What I learned throughout this debate was that there was an industry in Maine, namely the harness racing industry, that was going to essentially die if we did not allow the video gambling industry to take life here in Maine. It's interesting to note that under that proposal, only 10% of the money, and I understand there is substantial money, was going to go to support the industry that was going to die if this bill didn't pass. But that's for another time and another day. What I did learn is that there are thousands of machines operating in Maine that are operating in an illegal fashion. As the good Senator from Franklin, Senator Benoit, has pointed out, this is an opportunity to fix that. Ladies and Gentlemen of the Senate, it is also an opportunity to make sure that justice has been done for those who passionately believe that in helping the harness racing industry the video gambling bill should have passed. Because if we don't, we are going to leave here and say to that industry that we don't care, and to the industry that is operating these so-called gray machines, continue doing what you are doing, we are going to look the other way. That's wrong. That's not fair. We have an opportunity to fix it. I think it's also important to note that to suggest that the Governor, or any other legislator, did not want to attach this amendment to a bill that is supposedly on its way to us, on the basis that it would upset fraternal organizations, is tantamount to saying that gambling in Maine is illegal everywhere but in those establishments. That is a direct contradiction to the vote of this chamber, and the other chamber, on the idea of bringing video gambling to Maine. This is fair to everyone. This is consistent with the stand that this legislature has taken, and our Governor, and I hope that you will join me in voting against 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. I guess I am a little surprised that there has been a motion to Indefinitely Postpone this amendment for this reason, that some forms of gambling are illegal in the State of Maine. We are a gambling state. You could probably count the people in this room on one hand that has not participated in one form or another. I will predict here and now that these machines will be legal in the State of Maine within four years. It's coming. We'll have a casino. We'll have slot machines. We will make some money off them, like them or not. But, they are not here yet, and until they are I will not place my vote to enable something illegal. I hope I never do. In order for this to go on there has to be a conspiracy between whoever is allowing the machines and the distributors and the people who are servicing these machines. It is illegal. We know that. For us to vote against this is enabling this to continue. Now it's a known fact that once in a while I like to throw a quarter in a slot machine. I will be doing it very shortly, but it will not be in the State of Maine, because the people and the representatives here in Augusta have

vowed that it is not legal and it is not going to be this year, apparently. That is all well and fine, but please, let's not be a part of enabling a conspiracy to something that is illegal. That does not fare well. I will urge each and everyone of you to vote against the pending motion of Indefinite Postponement. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **FERGUSON** of Oxford that the Senate **INDEFINITELY POSTPONE** Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569).

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: **BUSTIN, CAREY, CARPENTER, CIANCHETTE, FAIRCLOTH, FERGUSON, HANLEY, MICHAUD, O'DEA, RUHLIN**

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

**ABSENT:** Senators: **ABROMSON, McCORMICK**

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

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **FERGUSON** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569), **FAILED**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569) **ADOPTED**.

Senate Amendment "A" (S-569), as Amended by Senate Amendment "A" (S-592), thereto, **ADOPTED**.

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

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

Senate at Ease  
Senate called to order by the President

Off Record Remarks

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

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

On motion by Senator **BUSTIN** of Kennebec, **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:

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

Bill "An Act to Reinstate the Maine Meat Inspection Act"

H.P. 1050 L.D. 1469

In Senate, April 3, 1996, the Bill and Accompanying Papers **INDEFINITELY POSTPONED, in NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749) AS AMENDED BY HOUSE AMENDMENT "A" (H-918)** thereto, in **NON-CONCURRENCE**.

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

Senator **CASSIDY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a series of motions here that I would like to make in a minute; but before I do, I thought it would be easier if I explained to you what is going on with this particular bill, L.D. 1469. This bill, as you can see, is in non-concurrence; and the reason we all decided to do that is because it is one of those issues that was on the Appropriations Table this morning that we decided not to fund. It had a \$20,000 fiscal note. Since that time, this went over to the House and had House Amendment "A" put on which, in a way, thought they were taking the \$20,000 fiscal note off; but if you read that House amendment, what it really said is that they were going to do that; but they would add it back on again next year, so it really didn't accomplish what needed to be done. So, looking this over, I spoke with May and some of the other people to see how we could rewrite this thing so that we could actually take the fiscal note off this bill. You have that amendment in front of you under filing number S-593. What we intend to do with this, this went through our committee last year, it was held over and there was a study done. The intent of this is to, at some time, implement the Maine Meat Act again, where we can have small processors be able to raise animals and have them slaughtered here in the State of Maine, and perhaps have a pilot program with the federal government, and just help the economy. So, this bill, what we are asking here is to pass this. The funds would be absorbed within the Department with no additional revenues. That's what we are trying to do.

On motion by Senator **CASSIDY** of Washington, the Senate **RECEDED** from its action whereby it **INDEFINITELY POSTPONED** the Bill and Accompanying Papers, in **NON-CONCURRENCE**.

On further motion by the same Senator, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by the same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-749), in concurrence.

House Amendment "A" (H-918) to Committee Amendment "A" (H-749) **READ**.

On further motion by the same Senator, House Amendment "A" (H-918) to Committee Amendment "A" (H-749) **INDEFINITELY POSTPONED, in NON-CONCURRENCE**.

On further motion by the same Senator, Senate Amendment "A" (S-593) to Committee Amendment "A" (H-749) **READ and ADOPTED**.

Committee Amendment "A" (H-749), as Amended by Senate Amendment "A" (S-593), 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.

Senate at Ease  
Senate called to order by the President

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 Repeal the Gross Receipts Tax  
H.P. 1025 L.D. 1440  
(S "B" S-570 to C "A" H-837)

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

**Constitutional Amendment**

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund

H.P. 630 L.D. 855  
(S "A" S-590 to C "B" H-913)

Comes from the House having **FAILED OF FINAL PASSAGE**.

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 20 Members of the Senate, with 7 Senators having voted in the negative, and 20 being more than two-thirds of the Members present and voting, was **FINALLY PASSED**, in **NON-CONCURRENCE**.

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

Senate at Ease  
Senate called to order by the President

On motion by Senator **HANLEY** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify the Process for Referendum Recount

H.P. 1350 L.D. 1851

Tabled - March 20, 1996, by Senator **HANLEY** of Oxford

Pending - **PASSAGE TO BE ENACTED**

(In Senate, March 14, 1996, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 19, 1996, **PASSED TO BE ENACTED**.)

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

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

On further motion by the same Senator, Senate Amendment "B" (S-588) **READ** and **ADOPTED**.

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

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

Senate at Ease  
Senate called to order by the President

Off Record Remarks

On motion by Senator **MILLS** of Somerset, **RECESSED** until the sound of the bell.

After Recess  
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 Authorize Video Gaming"

H.P. 296 L.D. 400  
(C "A" H-874; S "A" S-592 to S "A" S-569)

In Senate, April 3, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874) AND SENATE AMENDMENT "A" (S-569) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-569) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

**COMMITTEE REPORT**  
**House**

**Ought to Pass**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning the Maine Rainy Day Fund" (Emergency)

H.P. 1388 L.D. 1890

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1386.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-919)**.

Which Report was **READ**.

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

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

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

Senator **CAREY**: Thank you, Mr. President, Members of the Senate. Before we leave, I would like to discuss with you, for a few minutes, clearcutting, wind power, and the Natural Resources Council of Maine's support or opposition, which seems to be up for sale. On the front page of the March 24 edition



of the Sunday Sentinel was a colored photo by John McKee showing clear cut areas in the Kibby Mountain area. An enlarged photo would show, however, that there are rows upon rows of newly reforested areas. Four days after this was shown, in the paper the Natural Resources Council decided to be in support of the clearcutting ban. I have been following the Kenetech application for the wind turbine since inception. I have a copy of the 1994 agreement between Kenetech and the consolidated intervenors, which are the Appalachian Club, the Conservative Law Foundation, the Natural Resources Council, the Maine Audubon Society; and I found something extremely interesting, at least it was to me. The area around Kibby Mountain is the same area that Kenetech power, which is a Delaware corporation, headquartered in San Francisco, wants to put up 639 wind turbines. While cutting trees above the 2,500 foot elevation is heavily restricted as far as timber cutters are concerned, Kenetech proposes that its wind turbines would be at mountain ridge elevations ranging between 2,400 and 3,600 feet. Their 21.5 miles of turbine stringed corridors would be within land which is designated mountain area protected sub-district. The application to LURC states that "vegetation greater in height than the maximum allowed would likely be removed in its entirety, rather than cut off at the maximum height" that is suggested within their application. We are talking about a strip of land which, in this case, is 25.7 miles long, and is going to be 300 feet wide. It comes to over 900 acres that will be clearcut, and they are complaining about 250 acre clearcuts. These clearcuts are extremely dangerous that they are proposing, because they are on the mountain tops. That's something that the paper companies, or the landowners, simply cannot do; but apparently LURC has decided that Kenetech can do this. Maine's Soil and Water Conservation Commission's soil scientist, David Rocci, stated that the MSWCC recommended that no roads be constructed above the 2,700 foot level because of unique and fragile soils. Kenetech will build 40 miles of road above 2,700 feet. Disturbed soils above 2,700 feet will not revegetate. The temperature is simply too low, and the disturbance of the soil will cause slumping and erosion. Mr. President, I could go on because I have so much more material. I have a book about four inches thick on this situation, but my point is a very simple one. The Natural Resources Council objects to clearcutting and supports the ban on clearcutting which, by the way, goes way beyond just clearcutting. But that very same Council, however, supports the rape of mountain ridges which will never be allowed to regrow. I believe it is because of an agreement NRC and the other intervenors signed with Kenetech in 1994, wherein they were bought off by Kenetech for \$300,000. It's in the record. Their credibility has been suspect in the past, but this goes a long way towards destroying what little credibility they had left. Thank you.

Off Record Remarks

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

Senate at Ease  
Senate called to order by the President

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

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

Bill "An Act to Clarify the Process for Referendum Recount"

H.P. 1350 L.D. 1851  
(S "B" S-588)

In House March 19, 1996, **PASSED TO BE ENACTED.**

In Senate, April 3, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-588), in NON-CONCURRENCE**

Comes from the House, that Body having **INSISTED.**

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

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

Senator **KIEFFER** of Aroostook moved, pursuant to Senate Rule 25, that the Senate **SUSPEND THE RULES** for the purpose of **EXTENDING** until 10:00 o'clock this evening.

The Chair ordered a Division.

20 Senators having voted in the affirmative and 6 Senators having voted in the negative, and 20 being more than two-thirds of the membership present and voting, the **RULES WERE SUSPENDED.**

Senate at Ease  
Senate called to order by the President

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

On motion by Senator **AMERO** of Cumberland, **RECESSED** until 9:30 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:

**COMMUNICATION**

The Following Communication:

**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**AUGUSTA 04333-0002**

April 3, 1996

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

The House today failed to recede and concur 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).



Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S.C. 585

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

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

An Act to Initiate Education Reform in Maine  
S.P. 701 L.D. 1791  
(C "A" S-549)

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

Pending - **ENACTMENT**.

(In House, April 2, 1996, **PASSED TO BE ENACTED**.)

On motion by Senator **KIEFFER** of Aroostook, 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-549).

On further motion by the same Senator, Senate Amendment "C" (S-589) to Committee Amendment "A" (S-549) **READ**.

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

Senator **KIEFFER**: Thank you. This amendment delays the implementation of the professional development plan by one year, to July 1, 1997. It also eliminates the general fund appropriation. Thank you.

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

Senator **ESTY**: Thank you, Mr. President, Men and Women of the Maine Senate. I would ask you to oppose this motion and let me explain to you why. The heart and soul of improving education in the State of Maine rests with our teachers. If we are not able to train our teachers to become better at what they do, then education won't substantially change. This bill allows the learning results to go along without the kind of training necessary to be effective. This amendment makes learning results nothing but hollow rhetoric, nothing else. We can't send this kind of a message to the schools and to the towns of our state, saying here we go, you need to do these kinds of things, you must get going in this area but we are not going to help you get trained to do it. Please, oppose this amendment.

**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 wonder if I might pose a question through the Chair. I'm curious to know how we would go forward with the funding vehicle to train our teachers to fulfill the broad outline of the bill, when the standards that we hope that they will be able to teach have not yet been adopted. I don't understand how we would implement a program to fulfill a mission that we haven't yet adopted.

**THE PRESIDENT**: The Senator from Cumberland, Senator Harriman, has posed a question through the

Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY**: Thank you, Mr. President. The standards are only part of what is important for training. The training, from my perspective, and I think from all of our perspective, involves two broad areas. One is training and assessment and better assessment and offering assessment methods. Regardless of the specific standards that take place, this kind of improvement in assessment training methods is critical, I believe, number one, to move us forward. Number two, methodology, being able to teach a number of methods and a number of different styles to our students of today, to make them better learners is more important. Each of us in this room learn in different ways. Many of the teachers in our state are very effective in teaching us the many different ways; but for us to move forward with learning results, to achieve the high standards we are all looking for, we need to improve those methods even more, so that the different styles in which we all learn can be complimented and kids can learn to the best of their ability. Those are only two of the important areas that I believe that the entire Education Committee, and all of us who have stood tall in approving learning standards in this state, want to see be accomplished with the money this year. Thank you.

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

Senator **BEGLEY**: Thank you, Mr. President. I hope that you will support this amendment. I have tried to stay out of the discussion as much as I could; however, I find it necessary to make statements that the education that is proposed by 1791 is a long-range proposal. Good or bad, it is long-range and it is going to take time. It's not going to take six months and it is not going to take a year. You have the language. You have the idea that some aspect of what you consider important planning is already there. We are hinging ourselves, almost exclusively now, on the funding. Earlier today we had an amendment to that, which the Appropriations Committee had swept off the table, and defeated that amendment; because we felt that what the Appropriations Committee had done unanimously was the right way, at this time, to act. This is another situation whereby I believe strongly that it would be correct to pass this amendment; because it would, too, give to the Education Committee the wording and simply say to them the funding will come. There is no doubt in my mind that it will come. I am afraid that if we don't eliminate the funding, against the recommendation of the unanimous report of the Appropriations Committee, you will find yourself in a flood of all kinds of things. My suggestion to you, and I am an educator, and I am as interested in teaching and teachers as anybody in this room, but I am telling you this is your best bet tonight. Take your words and your money will come. I highly recommend you pass this amendment. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **KIEFFER** of Aroostook that the Senate **ADOPT** Senate Amendment "C" (S-589) to 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.

20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator KIEFFER of Aroostook to **ADOPT** Senate Amendment "C" (S-589) to Committee Amendment "A" (S-549), **PREVAILED**.

Committee Amendment "A" (S-549), as Amended by Senate Amendment "C" (S-589) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED**.

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: AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the **PRESIDENT**, Senator BUTLAND

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

**ABSENT:** Senators: ABROMSON, FAIRCLOTH, McCORMICK

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the Bill was **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**.

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

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

**HOUSE REPORT** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning the Maine Rainy Day Fund"

H.P. 1388 L.D. 1890

Report - Ought to Pass, pursuant to Joint Order H.P. 1386.

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

Pending - **ACCEPTANCE** of the Report.

(In House, April 3, 1996, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-919)**.)

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

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

The Bill **READ ONCE**.

House Amendment "A" (H-919) **READ**.

Senator HANLEY of Oxford moved that House Amendment "A" (H-919) be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

Senator ESTY: Thank you, Mr. President. I would urge the Senate to defeat this motion so that House Amendment "A" may be added on to L.D. 1890. To briefly summarize what this does, by adding this amendment, it eliminates the \$1,800,000 deappropriation from general purpose aid for local

schools. General purpose aid is offered up by the Department to help fund learning results. It was grabbed to hopefully go to the Rainy Day Account. It should have been used to fund learning results. It is not, according to the amendment that we have just put on, needed to fund learning results. It was inappropriate anyway. It should be returned back to general purpose aid. If you support this motion to Indefinitely Postpone, what you are supporting is a raid on general purpose aid to put the money in the Rainy Day Account. I find that unacceptable and I hope all of you find that raid on general purpose aid unacceptable, as well.

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. I guess I would differ with my good friend and colleague from Cumberland, Senator Esty, that this is a raid on general purpose aid to education. Let me restate to you what was stated to the members of the Appropriations Committee down in Room 228 back in the early part of February, when we were going through the process of reviewing the supplemental budget. We took a look at the allotment reserves, as we are want to do in the Appropriations Committee to see if there are departments which are carrying monies forward from quarter to quarter. At that point in time there was \$2,480,000 in the second quarter allotment reserve. At that point in time the question was posited to the Department, why is there so much money in the allotment reserve? At that point in time the response given to all members of the committee was that it was a question of timing, that it was for debt service. Only because of the snapshot in time did we find that nearly \$2.5 million in the allotment reserve. Members of our committee, we give people the accord that they deserve, and we trusted them with that response, that, in fact, it was just a question of timing, an issue of a snapshot in time when we took a look at the allotment reserve. That was all well and good until just a few weeks ago when we had finished up the third quarter and the allotment reserve came in for the third quarter. Wouldn't you know it, \$2,460,000 in the third quarter allotment reserve, and still the \$2.48 in the second quarter. At that point in time we asked how they explained this. Is it a question of timing for debt service, and yet the second quarter allotment reserve is still there? The tune changed. Now they don't need all of that. Of the \$4.9 million they currently had in the second and third quarter allotment reserves, they only needed \$3.1 million, so that \$1.8 million, as the good Senator from Cumberland pointed out, could be used for the learning standards. So the committee, after debate amongst ourselves, voted that money, after the response that we had been given before, and to have \$4.9 million there and to be told that \$1.8 million of that was never going to go to general purpose aid to education, they were never going to use that money. It was going to go into lapsed balance, so they would use that \$1.8 million. We had been hearing all of the concerns about leaving a structural gap for the Governor and for the next legislature, so we thought it was appropriate to meet the challenge of the Governor, as far as to find areas, as far as monies that weren't going to be used, and place that in the Rainy Day Fund. That is the action we took. There were members of the committee who wanted to take the entire \$4.9

million. We dissuaded them from that and to go with the \$1.8 million. This is not a raid on general purpose aid to education. You have 2.5 in the second quarter, 2.5 in the third quarter, and it is projected that you will have 2.5 in the fourth quarter. There will be monies there. This 1.8 was highlighted by the executive branch, by the Governor and his administration. We, in prioritizing, found that this money was best placed in the Rainy Day Fund to protect the state from the structural gap which had been highly debated amongst the floors of the state house and in the press by the Governor. This was a unanimous support of the Appropriations Committee after having asked once, back in the first part of February, in the second quarter, and then again in March, after the third quarter. This is not a raid. This is money that the administration was going to take anyway. Let's put it in a reserve account; and then, if this legislature feels it is appropriate, or the next legislature feels it is appropriate, to raid that Rainy Day Fund for general purpose aid to education, that money will be there. But the money will be there in the Rainy Day Fund. So, I hope you will support the pending motion.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator HANLEY of Oxford that the Senate **INDEFINITELY POSTPONE** House Amendment "A" (H-919).

Senator KIEFFER of Aroostook moved that, pursuant to Senate Rule 25, the Senate **SUSPEND THE RULES** for the purpose of **EXTENDING** until 11:00 o'clock.

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

Senator ESTY: Is this motion debatable?

**THE PRESIDENT:** The Chair would answer in the negative. We are moving to suspend the rules.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator KIEFFER of Aroostook that the **RULES BE SUSPENDED** for the purpose of **EXTENDING** to 11:00 o'clock.

A vote of Yes will be in favor of **SUSPENDING THE RULES**.

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: AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BERUBE, CIANCHETTE, ESTY, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senators: ABROMSON, FAIRCLOTH, McCORMICK  
Senator LAWRENCE of York requested and received Leave of the Senate to change his vote from **NAY** to **YEA**.

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

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

Senator CAREY: I would like to know why it took them half an hour to make up their mind?

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 3 Senators being absent, and 22 being more than two-thirds of the membership present and voting, the **RULES WERE SUSPENDED**.

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

Bill "An Act Concerning the Maine Rainy Day Fund" H.P. 1388 L.D. 1890

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

Pending - the motion by Senator HANLEY of Oxford that House Amendment "A" (H-919) be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

(In House, April 2, 1996, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-919)**.)

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

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

Senator ESTY: Thank you, Mr. President. I would urge the body not to support this motion. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator HANLEY of Oxford that the Senate **INDEFINITELY POSTPONE** House Amendment "A" (H-919), 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: AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, CIANCHETTE, CLEVELAND, ESTY, LAWRENCE, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senators: ABROMSON, FAIRCLOTH, McCORMICK  
20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator HANLEY of Oxford to **INDEFINITELY POSTPONE** House Amendment "A" (H-919), in **NON-CONCURRENCE**, **PREVAILED**.

Senate at Ease

Senate called to order by the President

Off Record Remarks

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

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 Clarify the Laws Relating to Gaming and Harness Racing

H.P. 296 L.D. 400  
(S "A" S-592 to S  
"A" S-569)

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

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

**Resolve**

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program

H.P. 1050 L.D. 1469  
(S "A" S-593 to C  
"A" H-749)

Which was **FINALLY PASSED** 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

Senator LAWRENCE of York moved that, pursuant to Senate Rule 25, the **RULES BE SUSPENDED** for the purpose of **EXTENDING** until 12:00 midnight.

The Chair ordered a Division.

25 Senators having voted in the affirmative and No Senator having voted in the negative, and 25 being more than two-thirds of the membership present and voting, the **RULES WERE SUSPENDED**.

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

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

On motion by Senator KIEFFER of Aroostook, **RECESSED** until the sound of the bell.

**After Recess**

Senate called to order by the President

The following proceedings were conducted after 12:01 a.m., Thursday, April 4, 1996.

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 Initiate Education Reform in Maine"

S.P. 701 L.D. 1791  
(S "C" S-589 to C  
"A" S-549)

In House, April 2, 1996, **PASSED TO BE ENACTED**.

In Senate, April 3, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-549) AS AMENDED BY SENATE AMENDMENT "C" (S-589)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body having **ADHERED**.

On motion by Senator SMALL of Sagadahoc, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

On further motion by the same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-549), as Amended by Senate Amendment "C" (S-589), thereto, in **NON-CONCURRENCE**.

On further motion by the same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Senate Amendment "C" (S-589) to Committee Amendment "A" (S-549).

On further motion by the same Senator, Senate Amendment "C" (S-589) to Committee Amendment "A" (S-549) **INDEFINITELY POSTPONED**.

On further motion by the same Senator, Senate Amendment "D" (S-594) to Committee Amendment "A" (S-549) **READ**.

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

Senator **SMALL:** Thank you, Mr. President. This amendment authorizes the transfer of up to \$2 million from the unappropriated surplus of the general fund, after all other required deductions. This would be on a one-time basis at the end of the fiscal year of 95/96, in order to support the professional renewal and development portion of the learning results bill that we enacted but failed to fund. I would request a Roll Call.

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 Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you, Mr. President. I would simply make the statement that I hope you will vote against this amendment.

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

Senator **ESTY:** Thank you, Mr. President. I would like the Chamber to know that I will support this amendment. I think it's a reasonable compromise approach in which to fund this very important bill.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **SMALL** of Sagadahoc that the Senate **ADOPT** Senate Amendment "D" (S-594) to Committee Amendment "A" (S-549).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators: AMERO, BUSTIN, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, MCCORMICK, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL

**NAYS: Senators:** BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MICHAUD, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND

**ABSENT: Senator:** ABROMSON

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator SMALL of Sagadahoc to **ADOPT** Senate Amendment "D" (S-594) to Committee Amendment "A" (S-549), **FAILED**.

On motion by Senator AMERO of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-549).

Senator ESTY of Cumberland requested a Division. **THE PRESIDENT:** The pending question before the Senate is the motion by Senator HANLEY of Oxford that the Senate **ADOPT** Senate Amendment "B" (S-598).

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.

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator HANLEY of Oxford to **ADOPT** Senate Amendment "B" (S-598), **PREVAILED**.

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

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

**COMMUNICATION**

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002**

April 3, 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 on An Act to Clarify the Process for Referendum Recount (H.P. 1350) (L.D. 1851)

Sincerely,  
S/ Joseph W. Mayo  
Clerk of the House  
S.C. 586

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

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

Bill "An Act Concerning the Maine Rainy Day Fund"  
H.P. 1388 L.D. 1890

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

(In House, earlier in the day, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-919)**.)

(In Senate, earlier in the day, Report **READ** and **ACCEPTED**, House Amendment "A" (H-919) **INDEFINITELY POSTPONED, in NON-CONCURRENCE**.)

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator HANLEY of Oxford, Senate Amendment "B" (S-598) **READ**.

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. In the spirit of compromise on 1890, the bill that we stripped an amendment from the other chamber, from which would have taken 1.8 from the allotment reserves for general purpose aid to education. What this amendment would do is it would not take that money from GPA at this time, that would be saved for us when we come back into the special session to deal with. What this bill would do is have any lapsed balances, throughout state government, go directly into the Rainy Day Fund, which should more than offset that 1.8 and should, in fact, put the state in a position where we would have over \$30 million in the Rainy Day Fund at the end of fiscal year 96. I hope you support the amendment.

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  
House Papers**

Bill "An Act to Clarify the Gambling Laws of Maine"

H.P. 1389 L.D. 1891

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

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

On motion by Senator MILLS of Somerset, 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. This bill has language in it that you may have seen in another form. It has been redrafted to do several things that I think you will find interesting. The first paragraph of the bill is now in such a form that it makes it very clear that there are three separate elements that need to be proven in order to establish that a game of chance is, indeed, a game of chance under the law. The new element, we have talked about this before on the floor of this chamber, but the new element that is added by the law, which makes the definition very clear, is that there must be the element of chance that defines the game as chance, must be one that is injected by rule of the game. It has so often been asked, "What if I hold a hole-in-one tournament at a golf course? Is that a game of skill or is that a game of chance? Everybody knows you haven't got a ghost of a chance of getting a hole-in-one, unless you shoot a million balls." The answer is, it's a game of skill, and the reason is that there is nothing that moves the little hole, even though the wind blows, it is not a rule of the game that wind must blow. It's not a rule of golf. There is no rule in golf that injects an irrational element into the play of the ball. For

that reason it is crystal clear that a golf game, a hole-in-one game, is a game of skill, the same is true of darts, of pinball, of all the arcade games that we see in such places as we are all familiar with, as Funtown. The additional element in this bill, that will make it interesting, is that it has a directive to the Maine State Police that if any game owner, or distributor, is in any doubt about whether his machine falls on one side or the other of this newly defined and brighter line, all he has to do is ask and he can get a letter ruling from the Maine Department of Public Safety certifying that this particular game is a game of skill, and he has all the protection that we will need. We have been assured by the people who run this program that they are thoroughly familiar with the games that are of concern to people at different arcades, that they have no reason to believe that this will change the existing enforcement practices in those arcades, and that, indeed, the bill provides for an additional measure of security in that they can get a letter ruling, which is analogous to an I.R.S. letter ruling when you have a tax law that you may have a question about. It's a good bill. It lends clarity to our law. It plugs a loophole that should not be allowed to exist in a civilized society.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. I will not prolong this debate. We have debated a similar item and defeated it a couple of times already. Each and every one of us knows what this bill is all about, so I hope that you will go along with me in supporting the good Senator from Oxford, Senator Ferguson's, motion to Indefinitely Postpone this bill and all of its accompanying papers. I might also add that the Governor is putting together a commission to look at the whole gaming issue. I think we ought to wait until that study is done, and then we can make decisions on where the State of Maine should be going. I hope you will join me in voting for Indefinite Postponement. 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. This is an idea we have debated long; but just to speak briefly to the changes the Governor has made, I still have many of the same concerns with this bill. The definition, which is the pivotal reason for my opposing this bill and the previous bill, the definition has not changed. It still contains the same flaw it did before in trying to define what a game of chance is. It also, in this bill, gives the discretion to the State Police to make that determination on any game. So, you still face the constitutional challenge of having a vague determination of what is a game of chance, and a delegation to the State Police to determine what a game of chance is. Very few people are going to be enforcing that. That makes this bill constitutionally suspect. Also, we still have the same flaw where a game of chance, if you have a game and it has an element of chance in it, it can be determined to be a game of chance. I disagree with the good Senator from Somerset on the pinball game. If the pinball game interjects any random selection, changing of bumpers, changing of score values, it becomes, under this definition, a game of chance. If the only thing you get back is something of value,

and the law defines something of value as "a privilege of playing a game or scheme without charge", so if the pinball game gives you an extra game, that is essentially gambling. I trust the State Police is not going to come down and seize that game and rule it as a game of chance, but I also trust that anybody would be able to challenge that as unconstitutionally vague and arbitrary in how the State Police enforces it. I don't think we have cured the problem until we cure the definition. I would urge you to oppose this bill.

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. Fortunately, because of other actions taken by the other body, the risk of seizure is no longer a problem, if that is what you are concerned about. I might say that who would want to play a pinball game if there was some element in the machine where they were constantly discombobulating the rules of the game and remanufacturing the rules in the system as you are playing? I never played a pinball machine that did that. I can't imagine wanting to play one where the result was predetermined to be irrational. The vagueness is in the current law. The difficulty of enforcement is in the current law. This law is crystal clear. The proposed law is as clear as human words can make it, so that people will have crystal clear guidance by which to decide where these games fall. I beg to differ on the delegation issue. The only thing that is being delegated to the Maine State Police is the right to give a safe harbor letter, a ruling that says, "don't worry, we are not going to prosecute you. That machine is a game of skill." We are not going the other way. If the State Police say this is an illegal machine, that's just an opinion. If anybody disagrees with it, they can go to court and have his remedy. So, it's a one-way safeguard for the owner and the operator, an added feature of the bill that will give security to those who are in this industry. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to take a moment to remind us how we got where we are. How did we get here? We have not gotten here because the State Police, state government, or anyone else, has come in here because they want to change some definitions and rules, because they want to go out and get pinball machines and skee ball machines at Fun-O-Rama. Those games have been going on for decades. Nobody has ever challenged them. They have never been seized. Let's be clear. There hasn't been a concern about that for thirty years, there isn't going to be a concern after this. There are those who would like to raise it as a red herring, but it has no basis in fact that anyone is trying to do that. Further, this L.D. provides a safe harbor. If anyone has those games, or wishes to purchase those games, is in any way, in any doubt, whether those games are in jeopardy, that is, whether those games are games of skill or chance, they simply have to request a letter and they will be given that letter, which will determine that they are games of skill. No one is going to come after them. They can, in all good conscience, keep those games and use them for what they have always been doing. We are here because of a judicial procedure, which is the same safeguard that's available in this bill. It is

not the State Police that is the final determinant. It wasn't in this case. It will not be when this bill is passed. The State Police simply issue an opinion on whether a game meets the criteria of being a game of chance. Remember, there are three tests, not one, three tests on whether it is a game of skill. Anyone who disagrees with that has the same opportunity and rights that they have now to appeal it to a higher jurisdiction of the courts. That's what they did in this case. The courts ruled, because of the definition currently on the books, acutally not a definition, the means by which you determine whether it is chance or skill. They changed that bar and they made it so high that most any kind of game now can be considered to be games of skill, even though any of us in here would recognize them as gambling games. This simply pulls it back to where it was. Again, it is not the State Police who will be the final determinant. They will simply be asked for an opinion. If anyone disagrees with that opinion, based on what the law says, they have the same rights that they exercised recently in this particular case. This simply puts us back where we were, where games of chance, where people wage money and receive back something of value is inherent in the game, elements of chance, that those are games of chance. That's all that does.

Let me add a few more words about what we are doing here. This bill has received a lot of discussion, and I have heard a lot of comments from individuals that they are concerned because of an action on some other bill. They are concerned because someone didn't support something else they didn't like, that this is a means of sending a message to someone, that this is a way of teaching a lesson. Very rarely have I heard what are the merits of this bill. All I ask you to do is think what your constituents want. Do your constituents want widespread gambling as a result of allowing this loophole? If that's what you think they want, then you ought to vote to kill this bill, because that is what they will get. But, if you don't think that your constituents really want gambling to be established because of a loophole in the definition of the way this was interpreted by the courts, then you want to vote for this bill. Don't send a message to the wrong people. The people who will ultimately get hurt and pay the price is not someone you feel has offended you, or not supported you on some other issue. It's the people back home who have to live by what we do. Those are the ones who always pay. They are the ones who wind up getting the message. They are the ones whose families may be affected, whose businesses may be affected, whose lives may be destroyed by this. A momentary feeling of retribution or revenge, or sending a message, is not an appropriate way to make a decision on this bill. I know it is difficult. I know that there are some people who have very strong feelings in that regard. When you think about it, just ask what your constituents want. If you believe they want widespread gambling, vote for the bill. If you believe they don't want widespread gambling, vote the way you think your constituents want you to vote on this.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. There is a principle involved here that I will not advance, and it is one that we

all know, and it's this. Bad cases make bad law. I am talking about the case that is mentioned in the statement of fact, the York County Superior Court case of Sylvester versus the State of Maine. I don't think there is much doubt about the error that we are trying to correct. Bad cases do make bad law. We have a chance to correct this bad law now. The good Senator Cleveland makes a point. What message are we going to send? A couple of days ago I told you the message I got when I go to Atlantic City, that happiness, for me, is Atlantic City in my rearview mirror. Don't ask me now, with this opportunity to correct an error, to regret that Old Orchard Beach will be happiness in my rearview mirror. No way. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **FERGUSON** of Oxford 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: **AMERO, BUSTIN, CAREY, CARPENTER, CIANCHETTE, FERGUSON, HANLEY, HATHAWAY, LAWRENCE, MICHAUD, O'DEA, PENDEXTER**

**NAYS:** Senators: **BEGLEY, BENOIT, BERUBE, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LONGLEY, LORD, McCORMICK, MILLS, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

**ABSENT:** Senator: **ABROMSON**

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **FERGUSON** of Oxford to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, in **NON-CONCURRENCE, FAILED**.

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

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

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

Bill "An Act to Initiate Education Reform in Maine"

S.P. 701 L.D. 1791

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

Pending - **ADOPTION** of Committee Amendment "A" (S-549).

(In House, April 2, 1996, **PASSED TO BE ENACTED**.)

(In Senate, earlier in the day, Senate Amendment "D" (S-594) to Committee Amendment "A" (S-549) **FAILED OF ADOPTION**.)

On motion by Senator **AMERO** of Cumberland, Senate Amendment "F" (S-599) to Committee Amendment "A" (S-549) **READ**.

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

Senator **AMERO:** Thank you, Mr. President. This amendment delays the implementation of the



professional development plan piece of L.D. 1791 by one year, to July 7, 1997. It also eliminates the general fund appropriation for the coming fiscal year.

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

Senator **ESTY:** Thank you, Mr. President. I would respectfully request that this amendment be defeated and let me tell you why. It does the same thing that Senator Kieffer's amendment earlier tried to do. There is no sense in passing the learning results bill without the funding to support it. To pass this amendment would send a message that we would like to tell you what to do, but we have no intention of standing behind what we support by helping you to get the job done. Don't pass learning results without the training money. It's a wasted effort.

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

Senator **AMERO:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, would have preferred to have some money appropriated for this coming fiscal year. However, that is not possible. It doesn't mean that we can't begin working on learning standards, to begin the process, and in the next fiscal year make the appropriate appropriation. I think it's very important, at this time, that we at least begin the process. I don't think that we will be too far behind. Remember, this is a six-year process we are talking about.

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

Senator **LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. I feel like we are playing a game of charades at this point. It sounds like education. It smells like skunk. I cannot support us deciding to go forward with this symbolism of being for education, when in reality we are just making a fake gesture. I say if we are going to begin, and we mean business, and we mean what we say, then we put as much effort into it as we can. For that reason I say let's quit the charades. I'm also very suspicious of the same people who voted against learning results the first time through who are now voting for the defunded version. I'm suspicious. Again, I think its charades. Let's put our money where our mouth is and vote in favor of raising the learning standards of the students out there, so that the taxpayers can have a better guarantee that their dollar goes towards quality education of Maine students. Thank you.

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

Senator **CASSIDY:** Thank you, Mr. President. Good morning, Men and Women of the Senate. Obviously we have had a long couple of days. We have had a long couple of weeks, actually. I remember standing here, last Saturday, debating this issue. I'm not going to go into all those issues that we have all heard and talked about, with each other, on the floor, and in the corridors, and every place else; but I think one thing I have learned here during my first session is, obviously, this place is a compromise. That is the name of the game here. I have seen us vote back and forth on a lot of amendments. I just have this feeling that if we do not implement this, at least without the funds right now, and let the funds come, and you know that they will come from some place, we always seem to come up with money when we need it here in this building, I would rather see us adopt this amendment, get this back in the position we had

it in earlier this evening, have the State of Maine have an opportunity to start to work the bugs out of this whole new process for the state. I think if you see this amendment defeated, you are going to see this whole process defeated. That's only my opinion and I am going to be supporting the motion.

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

Senator **HARRIMAN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. With all due respect to my good friend from Waldo, Senator Longley, the last thing I do to come up here on behalf of my constituents is play charades. The fact is, Ladies and Gentlemen of the Senate, what is before us is where we started several days ago, when the people who we empower to put our state budget together, came out with a unanimous report that this was the direction that we should go in and we supported them. Yes, indeed, Ladies and Gentlemen, I did not support learning results; but the bill has passed; and it is my responsibility, representing my constituents and upholding the constitution, to work to implement this law. I think it makes a lot of sense that the people who are going to be empowered to develop standards and work out the details, who are going to go back to the Education Committee to get them approved, to bring them back before the legislature, and then talk to me about how we are going to implement these plans in our professional development schemes. That makes a lot of sense to me. The money necessary to do it, if that's the will of the people of this state, ought to be there. To suggest that because the money isn't coming first, to create professional staff development initiatives, to implement something that hasn't been yet developed and approved, doesn't make sense to me. Thank you.

On motion by Senator **HATHAWAY** 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 pending question before the Senate is the motion of Senator **AMERO** of Cumberland that the Senate **ADOPT** Senate Amendment "F" (S-599) to Committee Amendment "A" (S-549).

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators: **AMERO, BEGLEY, BERUBE, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, HANLEY, HARRIMAN, KIEFFER, LORD, MILLS, O'DEA, PENDEXTER, SMALL, and the PRESIDENT, Senator BUTLAND**

**NAYS:** Senators: **BENOIT, BUSTIN, CAREY, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, HALL, HATHAWAY, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, PARADIS, PINGREE, RAND, RUHLIN, STEVENS**

**ABSENT:** Senator: **ABROMSON**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "F" (S-599) to Committee Amendment "A" (S-549), **FAILED**.

Committee Amendment "A" (S-549) **ADOPTED**, in concurrence.



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

Senate at Ease  
Senate called to order by the President

Off Record Remarks

Senator **KIEFFER** of Aroostook moved to Table until Later in Today's Session, pending **ENACTMENT**.

Senator **LAWRENCE** of York requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **KIEFFER** of Aroostook to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending **ENACTMENT**.

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.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **KIEFFER** of Aroostook to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending **ENACTMENT**, **PREVAILED**.

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

"An Act to Authorize Video Gaming"  
H.P. 296 L.D. 400  
(S "A" S-592 to S  
"A" S-569)

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

Pending - **ENACTMENT**.

(In House, earlier in the day, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

On motion by Senator **MICHAUD** of Penobscot, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-569), as Amended by Senate Amendment "A" (S-592), thereto, in concurrence.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569).

On further motion by the same Senator, Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senate Amendment "A" (S-569) **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.

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

An Act to Initiate Education Reform in Maine  
S.P. 701 L.D. 1791  
(C "A" S-549)

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

Pending - **ENACTMENT**

(In House, earlier in the day, **PASSED TO BE ENACTED**.)

(In Senate, earlier in the day, **PASSED TO BE ENGROSSED, AS AMENDED**, in concurrence.)

On motion by Senator **AMERO** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED**, in concurrence.

Senator **AMERO** of Cumberland moved that the Senate **RECONSIDER** its action whereby it **ADOPTED** Committee Amendment "A" (S-549), in concurrence.

Senator **ESTY** requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **AMERO** of Cumberland that the Senate **RECONSIDER** its action whereby it **ADOPTED** Committee Amendment "A" (S-549), 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.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECONSIDER ADOPTION** of Committee Amendment "A" (S-549), **PREVAILED**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "G" (S-600) to Committee Amendment "A" (S-549) **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President. I request a ruling from the Chair on whether this amendment is properly before the body under section 180 of Mason's Manual.

Senate at Ease  
Senate called to order by the President

**THE PRESIDENT:** The Senator from York, Senator Lawrence, has requested a ruling from the Chair as to whether this amendment is properly before the body, and he cited section 180 of Mason's Manual of Legislative Procedure, which refers to dilatory motions. The Chair would rule that the amendment is properly before the body and that this is not a dilatory motion.

The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** May I pose a question? Is there one iota of difference between Senate Amendment 599 and Senate Amendment 600? They look to be the exact same to me.

**THE PRESIDENT:** The Senator from Waldo, Senator Longley, 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:** The one difference is the date on each amendment.

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

Senator **LONGLEY:** Is what you are ruling that the decision to change it from July 3, 1997 to July 7, 1997, is not dilatory? Is that correct?

**THE PRESIDENT:** The motion is properly before the body in that it had not been finally rejected. It has been changed, however so slightly. The question that was posed by the Senator from York, Senator Lawrence, was this a dilatory motion, a stalling tactic by the minority to prevent the business from being transacted; and the Chair ruled that it was not

a dilatory motion. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you, Mr. President. As everyone may now be aware, Senate Amendment "G" is identical to Senate Amendment "F", except for the change of the date, a four-day change in 1997. We defeated Senate Amendment "F" because we didn't think it was appropriate for this bill. I hope that we take the identical action on this almost identical amendment. We shouldn't be doing this.

THE PRESIDENT: The pending question before the Senate is the motion by Senator AMERO of Cumberland that the Senate ADOPT Senate Amendment "G" (S-600) to 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.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator AMERO of Cumberland to ADOPT Senate Amendment "G" (S-600) to Committee Amendment "A" (S-549), PREVAILED.

Committee Amendment "A" (S-549), as Amended by Senate Amendment "G" (S-600), 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.

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 Concerning the Maine Rainy Day Fund" (Emergency)

H.P. 1388 L.D. 1890  
(H "B" H-920)

In House, April 3, 1996, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-919).

In Senate, April 3, 1996, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-598), in NON-CONCURRENCE.

Comes from the House, that Body having ADHERED.

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. I'm sad here at ten to three on Thursday morning that the compromise position that this Senate had taken to try and work with the other chamber has been so summarily dismissed. It disturbs me that the other chamber does not want to participate in any activities which will help to foster camaraderie between the chambers and to look as far as to differences that can be changed, differences that can be reconciled. The amendment that this chamber put on would have restored the \$1.8 million into the GPA account that the good Senator from Cumberland was so concerned about. It would have also insured this State, and this Legislature would have had over \$30 million in the Rainy Day Fund to deal with any structural gaps that may arise in the next biennium. So, it is with

regret that I rise here this morning and move that this Senate Adhere to its action.

On motion by Senator HANLEY of Oxford, the Senate ADHERED.

**ENACTOR**

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

An Act to Clarify the Gambling Laws of Maine  
H.P. 1389 L.D. 1891

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:

**ENACTOR**

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

An Act to Initiate Education Reform in Maine  
S.P. 701 L.D. 1791  
(S "G" S-600 to C  
"A" S-549)

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

Senator AMERO of Cumberland requested a Division.

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

Senator ESTY: Thank you, Mr. President. It hurts me greatly to make this motion. The reason that I do make this motion, though, is quite simple. By passing this bill as we have amended it, I truly believe it will have a negative impact on education in the state. For us to have had the positive impact we needed to show leadership and commitment to the learning results. That leadership and commitment hasn't been shown this evening. By not funding professional development that was so crucial to change, what we will do instead is create skepticism and cynicism about the state's role in education and what we want to see accomplished. I am terribly disappointed to stand here and have to say this, but we need to step back and look at the commitment we have as a State to this issue, and to making the changes we think are necessary that can be meaningfully implemented in the schools. By taking this action and enacting this, we will set back the efforts that so many people in this room have worked so hard to accomplish. That's why I make this motion; and I hope that you will be able to support it, so that after we have indefinitely postponed this, we can regroup so that we can make forward progress again that will be meaningful and useful for all the kids in our state. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTY of Cumberland that the Senate INDEFINITELY POSTPONE the Bill and Accompanying Papers, in NON-CONCURRENCE.

A Division has been requested.

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

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

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator ESTY of Cumberland to INDEFINITELY POSTPONE the Bill and Accompanying Papers, in NON-CONCURRENCE, FAILED.

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

Senator **GOLDTHAIT** of Hancock requested 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 8 Senators having voted in the negative the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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Senate at Ease  
Senate called to order by the President

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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 Authorize Video Gaming"  
H.P. 296 L.D. 400  
(S "A" S-569)

In Senate, April 4, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-569)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-569) AS AMENDED BY HOUSE AMENDMENT "A" (H-922)** thereto, in **NON-CONCURRENCE**.

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

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

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Off Record Remarks

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Senate at Ease  
Senate called to order by the President

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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 Clarify the Laws Relating to Gaming and Harness Racing

H.P. 296 L.D. 400  
(H "A" H-922 to S  
"A" S-569)

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:

**ORDERS**

**Senate Orders**

On motion by Senator **KIEFFER** of Aroostook, the following Senate Order:

**ORDERED**, that a message be sent to His Excellency, Governor Angus S. King, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

S.O. 41

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

The President appointed the Senator from Aroostook, Senator **KIEFFER**, to deliver the message to the Governor.

Subsequently, the Senator from Aroostook, Senator **KIEFFER**, reported he had delivered the message with which he was charged.

On motion by Senator **AMERO** of Cumberland, the following Senate Order:

**ORDERED**, that a message be sent to House of Representatives informing that body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

S.O. 42

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

The President appointed the Senator from Cumberland, Senator **AMERO**, to deliver the message to the House.

Subsequently, the Senator from Cumberland, Senator **AMERO**, reported she had delivered the message with which she was charged.

At this point, a message was received from the House of Representatives, borne by Representative **JACQUES** of Waterville, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

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Senate at Ease  
Senate called to order by the President

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. Two years ago January, we came together as a team to work to make this state we all love a better place to live, work, and play. I think if you look back at what the condition the state was in then, compared to what it is now, I think we have done a commendable job. Naturally, all of us didn't get all the legislation that we wanted; but I think we have done very, very well.

It is my honor to say that the work of the Second Session of the State Senate in the 117th Legislature is sine die. Thank you, good luck, and God bless all of you.

Thereupon, at 4:32 a.m., on Thursday, April 4, 1996, the Honorable **JEFFREY H. BUTLAND**, President of the Senate, declared the Senate of the 117th Maine Legislature, **ADJOURNED SINE DIE**.