

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
June 11, 1991

Senate called to Order by the President.

Prayer by the Honorable Jeffery N. Mills of Oxford.

SENATOR JEFFERY N. MILLS: Shall we pray. Lord, as we reach the final days and hours of this legislative session, help us remember that our deliberations should be directed towards helping all citizens of this great State of Maine. Amen.

Reading of the Journal of Monday, June 10, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning the Franklin County Budget"

H.P. 15 L.D. 18
(S "A" S-212 to C
"A" H-225)

In House, May 7, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225).

In Senate, May 23, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225) AS AMENDED BY SENATE AMENDMENT "A" (S-212) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225) AS AMENDED BY SENATE AMENDMENT "A" (S-212) thereto, AND HOUSE AMENDMENT "A" (H-610) in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 446 L.D. 1190

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-241).

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-242).

In Senate, June 4, 1991, Reports READ and Bill and Accompanying Papers INDEFINITELY POSTPONED.

Comes from the House with the Bill substituted for the Reports and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Senator PEARSON of Penobscot moved to RECEDE and CONCUR.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator PEARSON of Penobscot to RECEDE and CONCUR.

Non-concurrent Matter

Bill "An Act to Regulate Sales of Malt Liquor in Kegs"

H.P. 1142 L.D. 1667
(C "A" H-490)

In Senate, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490) AS AMENDED BY HOUSE AMENDMENT "A" (H-621) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish State Selective Purchasing Standards"

H.P. 1174 L.D. 1715

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-467).

In House, June 5, 1991, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

In Senate, June 10, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Senator **BERUBE** of Androscoggin moved to **ADHERE**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ADHERE**.

Non-concurrent Matter

Bill "An Act Authorizing Changes to the Budget Process in York County"

H.P. 1196 L.D. 1749

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking
H.P. 1284 L.D. 1854

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-534)**.

Minority - **Ought Not to Pass**.

In House, June 6, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534)**.

In Senate, June 10, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **KANY** of Kennebec moved to **ADHERE**.

Senator **BERUBE** of Androscoggin moved to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you all vote against the pending motion so that we can Adhere, and go with our strong vote in opposition to this Constitutional Amendment, as we had yesterday.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**. (Division Requested.)

Non-concurrent Matter

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (Emergency)

H.P. 1285 L.D. 1855
(C "A" H-538)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

SENATE PAPERS

Bill "An Act Appropriating Funds to Provide Civil Rights Liability Insurance Coverage to the Department of the Attorney General"

S.P. 751 L.D. 1944

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **MARSANO** of Belfast, Senator **CLARK** of Cumberland and Representative **MAYO** of Thomaston
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **TAXATION** Bill "An Act to Balance the State Budget by Raising Additional Revenue" (Emergency)

H.P. 280 L.D. 400

From the Committee on **TAXATION** Bill "An Act to Establish an Income Tax Surcharge" (Emergency)

H.P. 1194 L.D. 1747

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Amend the Maine Judicial Retirement System Laws"

H.P. 631 L.D. 901

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-618).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-618).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-618) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Land for Maine's Future"

H.P. 435 L.D. 618

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-600).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-600).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Provide for the Regulation of Massage Therapists"

H.P. 978 L.D. 1421

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-481).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-481) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-601) thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-481) **READ**.

House Amendment "A" (H-601) to Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-481) as Amended by House Amendment "A" (H-601) thereto, **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5"
H.P. 588 L.D. 839

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-615).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-615).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Business Investments" (Emergency)

H.P. 1211 L.D. 1769

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-603).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-603).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-603) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Budget Process for Sagadahoc County"

H.P. 1193 L.D. 1746

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-551).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-551) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-607), thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-551) **READ**.

House Amendment "A" (H-607) to Committee Amendment "A" (H-551) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-551) as **Amended** by House Amendment "A" (H-607) thereto, **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Amend the Tree Growth and Open Space Laws"

H.P. 1273 L.D. 1844

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-617).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-617).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-617) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$35,000,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities"

H.P. 559 L.D. 802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-611)**

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives:

CARROLL of Gray
POULIOT of Lewiston
PARADIS of Frenchville
HICHBORN of Howland
MICHAUD of East Millinocket
CHONKO of Topsham
RYDELL of Brunswick

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

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611).**

Which Reports were **READ.**

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities"

H.P. 787 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609)**

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives:

CARROLL of Gray
POULIOT of Lewiston
PARADIS of Frenchville
HICHBORN of Howland
MICHAUD of East Millinocket
CHONKO of Topsham
RYDELL of Brunswick

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

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609) AS AMENDED BY HOUSE AMENDMENT "A" (H-623), thereto.**

Which Reports were **READ.**

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries"

H.P. 1324 L.D. 1916

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-613)**

Signed:

Senators:

PEARSON of Penobscot
BRANNIGAN of Cumberland

Representatives:

CARROLL of Gray
POULIOT of Lewiston
PARADIS of Frenchville
HICHBORN of Howland
MICHAUD of East Millinocket
CHONKO of Topsham
RYDELL of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "B" (H-614)

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Comes from the House with the Majority **OULD TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)** Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals"

H.P. 333 L.D. 463

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

Signed:

Senators:

CONLEY of Cumberland
GILL of Cumberland

Representatives:

MANNING of Portland
GOODRIDGE of Pittsfield
SIMONDS of Cape Elizabeth
TREAT of Gardiner
WENTWORTH of Arundel
PENDEXTER of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-483)

Signed:

Senator:

BOST of Penobscot

Representatives:

CLARK of Brunswick
GEAN of Alfred
PENDLETON of Scarborough
DUPLESSIS of Old Town

Comes from the House with the Minority **OULD TO PASS AS AMENDED** Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period"

H.P. 943 L.D. 1365

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-586)

Signed:

Representatives:

STEVENS of Bangor
COTE of Auburn
FARNSWORTH of Hallowell
CATHCART of Orono
KETTERER of Madison
OTT of York
ANTHONY of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "B" (H-587)

Signed:

Senators:

GAUVREAU of Androscoggin
BERUBE of Androscoggin
HOLLOWAY of Lincoln

Representatives:

PARADIS of Augusta
HANLEY of Paris
RICHARDS of Hampden

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587)**.

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities"

H.P. 258 L.D. 349

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-590)**

Signed:

Senators:

ESTY of Cumberland
CONLEY of Cumberland

Representatives:

MCKEEN of Windham
PINEAU of Jay
ST. ONGE of Greene
MCHENRY of Madawaska
RAND of Portland
RUHLIN of Brewer

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

Signed:

Senator:

CARPENTER of York

Representatives:

LIPMAN of Augusta
AIKMAN of Poland
HASTINGS of Fryeburg

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**.

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase Penalties for Child Labor Law Violations"

H.P. 635 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

Signed:

Senators:

ESTY of Cumberland
CONLEY of Cumberland

Representatives:

MCKEEN of Windham
PINEAU of Jay
MCHENRY of Madawaska
LIPMAN of Augusta
RUHLIN of Brewer
RAND of Portland
ST. ONGE of Greene

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-594)**

Signed:

Senator:

CARPENTER of York

Representatives:

AIKMAN of Poland
HASTINGS of Fryeburg

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit Off-track Betting"

H.P. 665 L.D. 944

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

Signed:

Senators:

MILLS of Oxford
SUMMERS of Cumberland

Representatives:

LAWRENCE of Kittery
DAGGETT of Augusta
PLOURDE of Biddeford
POULIN of Oakland
TUPPER of Orrington
STEVENS of Sabattus
BOWERS of Sherman
JALBERT of Lisbon

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

Signed:

Senator:

KANY of Kennebec

Representatives:

RICHARDSON of Portland
HICHENS of Eliot

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541) AS AMENDED BY HOUSE AMENDMENT "A" (H-596)** thereto.

Which Reports were **READ.**

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources"

H.P. 1148 L.D. 1673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-567)**

Signed:

Senators:

VOSE of Washington
ESTES of York
GOULD of Waldo

Representatives:

MITCHELL of Freeport
LOOK of Jonesboro
CONSTANTINE of Bar Harbor
HOLT of Bath
SWAZEY of Bucksport
TOWNSEND of Eastport
HEINO of Boothbay
SKOGLUND of St. George
COLES of Harpswell

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

Signed:

Representative:

FARREN of Cherryfield

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567) AS AMENDED BY HOUSE AMENDMENT "A" (H-626),** thereto.

Which Reports were **READ.**

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to ask a few questions through the Chair to whoever is on the Committee. This amendment was just put on my desk, and I happen to represent more lobstermen, I believe, then anyone in the State, and "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources", could someone clarify what this is going to be? My father has been holding off. He is seventy-one, and I've been telling him that he is going to get a free license, and he hasn't decided if he wants to pay what he's heard. What I think of a \$106, and looking at the amendment, I see it's a Class one, Class two, Class three, and one of them is \$212 and \$318. If this could be clarified, then I'm sure I could vote for it if I knew what it was. Thank you.

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

Senator **GOULD:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The question was asked whether a man that's going to be seventy years old will be getting his free license. But, it was never going to be a free license. It was still going to be a \$53 license as it was before. And I'm sure its in this Bill somewhere, and he will still be able to get that \$53 license. Thank you Mr. President.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize, but I want to know what the bottom line is of all licensed people. If they should go today and buy their lobster fishing license if this is going to be an emergency Bill, I just need a little more detail of

what the price will be and when it will be. Maybe I'm not being as clear as I should in the question. I apologize if that's so but, it's just been put on my desk, and it is an emergency measure, and I would like to know so that when I go home and all of those lobster fishermen who've already once come here and filled a room, I could be telling them the correct prices. Thank you.

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

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Department of Marine Resources stood to lose eleven wardens. And, these license fees are being raised by sixty-seven percent; all of the license fees in order to retain the eleven wardens. And, that was all of the fishermen that I've talked to, and the lobstermen and everyone have always said that they don't mind paying additional license fees provided, however, that it's used for warden service, and in this amendment, and also in the Bill, if those wardens are not in place by July of 1992, this is repealed.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I only rise a third time because I have not heard the answer to the question of what the price will be. I am very supportive of the wardens. I have a letter in front of me that I have kept all session, because in the Knox county area when the Budget crisis happened, and wardens were laid off, we lost a clam digger. He drowned because the diving equipment was locked up. I believe strongly that we should be putting money back for the wardens. I'm supportive of that, and I'm supportive of this Bill. All I need answered is what the price of someone who wants a license to go out lobstering, which they're doing today and getting ready to do, what the price will be? Thank you.

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

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. For a Class one license fee, it would be \$89.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-567) **READ**.

House Amendment "A" (H-626) to Committee Amendment "A" (H-567) **READ** and **ADOPTED**.

Committee Amendment "A" (H-567) as Amended by House Amendment "A" (H-626) thereto, **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 735 L.D. 1926
(C "A" S-328)

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

Sent down for concurrence.

Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission"

S.P. 508 L.D. 1346
(S "A" S-329 to C "A" S-281)

Which was **READ A SECOND TIME**.

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

ENACTORS

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

Resolve

Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife

H.P. 1191 L.D. 1744
(C "A" H-494)

Resolve, to Help Schools Incorporate Economic and Global Education

H.P. 1223 L.D. 1781
(C "A" H-515)

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

Resolve, to Establish the Academy for Public Service Study Committee

H.P. 1224 L.D. 1782
(C "A" H-535)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **FINAL PASSAGE**.

Emergency

An Act Concerning Snowmobile Registration Fees
H.P. 996 L.D. 1445
(C "A" H-522)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators 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 Resolve

Resolve, to Establish the Commission to Study Secondary Vocational and Technical Education in Maine
H.P. 1243 L.D. 1809
(C "A" H-570)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **FINAL PASSAGE**.

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

ORDERS

Joint Order

On motion by Senator **VOSE** of Washington the following Joint Order:

S.P. 749

ORDERED, the House concurring, that Bill, "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards," H.P. 1151, L.D. 1676, and all its accompanying papers be recalled from Engrossing to the Senate.

Which was **READ** and **PASSED**.

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:

Resolve

Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Bridge"
S.P. 530 L.D. 1408
(C "A" S-234)

Comes from the House Resolve and Accompanying Papers **INDEFINITELY POSTPONED**.

Which was **FINALLY PASSED** in **NON-CONCURRENCE**.

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

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

Senate at Ease

Senate called to order by the President.

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

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **BALDACCI** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish State Selective Purchasing Standards"

H.P. 1174 L.D. 1715

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 446 L.D. 1190

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-241).

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-242).

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - the motion by Senator **PEARSON** of Penobscot to **RECEDE** and **CONCUR**

(In Senate, June 4, 1991, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In House, June 10, 1991, the Bill substituted for the Reports and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.)

Senator **CAHILL** of Sagadahoc ordered a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor of the motion by Senator **PEARSON** of Penobscot to **RECEDE** and **CONCUR**, 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 12 Senators having voted in the negative, the motion by Senator **PEARSON** of Penobscot to **RECEDE** and **CONCUR**, **PREVAILED**.

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-467).

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - the motion by Senator **BERUBE** of Androscoggin to **ADHERE**

(In House, June 5, 1991, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.)

(In Senate, June 10, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 10, 1991, that Body **INSISTED**.)

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

Senator CONLEY: Mr. President. Men and women of the Senate. I rise to urge you to vote against the good Senator from Androscoggin's motion to Adhere. We visited this issue yesterday, and I would like to discuss a couple of the points that we raised at that time, and perhaps could explore a little further here. As you know, what this Bill would do, essentially, is to make sure the state did not do business with businesses who are doing business in South Africa. Mr. President, at this time I'd like to move that we Recede and Concur.

Senator **CONLEY** of Cumberland moved to **RECEDE** and **CONCUR**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bill which we just acted on, before this Selective Purchasing Act deals with our dealings in Northern Ireland, and what kind of government we'll have here in Maine in relation to what we'll do with our stock purchases in relation to the business we do in Northern Ireland, this Selective Purchasing Act, which would go to South Africa, is a step further. We've long held the Sullivan Principles to be sacred here in this state, and when we adopted a law some years ago, at that time we stopped purchasing stocks in companies

doing business in South Africa. And, we along with a number of states and countries in this world, have had an incredible impact on the apartheid policy that the country has been using over there for many years. And, it's only because of that economic impact, and those decisions which we've made in our business dealings with that country, that there have been any changes whatsoever over there. It is no mistake that Nelson Mandela is free today as a direct result of those policies. But, we haven't gone far enough. We still must urge that government to continue to reexamine its apartheid policy, and this Bill is a step in the right direction. Over forty cities and a number of states have adopted this Selective Purchasing Act. There are, as I explained yesterday, a number of loopholes whereby the State, if it really needs to purchase something from a company doing business over there, can do so. But, we ought to put our money where our mouth is. We ought to really stand up for the principles which this man on the wall here stood so firmly for one hundred years ago when we abolished slavery in our own country. And wherever discrimination is, whatever form it might be in, we ought not to let it go unnoticed. This is one small step we can take to insure that people continue to pay attention to the apartheid policies in South Africa. And, if others join us, I can insure you that eventually, people who happen to have a different color skin than we have will be on an equal footing when it comes to democracy in that country. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask that you vote against the motion to Recede and Concur for the same reasons that I advanced before you yesterday. It is not a company that is necessarily physically located in South Africa, or one that might even have a subsidiary under another name. I could be an American company that does business through a foreign company that is located there in South Africa. It could mean that we would be precluded from purchasing replacement parts for any equipment we have, whether it was a vehicle, a computer, whatever. And, the other point I want to remind you is, the way the Bill was written, that if we could not purchase because of the fact that a company is located physically or indirectly in South Africa, it would mean that we could pay as much as 10% higher to a competitor for the same product. Now that competitor could effectively be doing business in South Africa. And, I used the example yesterday of Toyota. So, I think that we have to look at the cost to our General Fund at this time. I'm not going to disagree with the philosophy behind the Senator from Cumberland's reason for this Bill. I abhor, like he does, like all of us do, any form of discrimination. But, in this particular case, I think it goes beyond that, and I don't think we can afford that luxury right now. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Men and women of the Senate. I regret that I was not here yesterday when this Bill was heard in this Body. But, I am standing here today to urge you to support the good Senator from Cumberland, Senator

Conley in his motion to Recede and Concur. Ladies and gentlemen of the Senate, we know that Maine has had a long, proud history and tradition of fighting against oppression and certainly racism. As the good Senator from Cumberland, Senator Conley, has mentioned, it was the efforts of a President, President Lincoln, that ended slavery here in this country. And, we know that a form of slavery continues to exist in South Africa today and that efforts of the Maine Legislature and its Governor and our other states and our Congress have had a tremendous impact in bringing down the bastions of apartheid in South Africa and while the efforts of improving the lot of the majority of citizens in South Africa, the black majority in South Africa continue this is a time to continue the pressure. And, ladies and gentlemen, what a great time to continue the pressure to bring down the walls of apartheid then right now. We enjoy, I think, in respect to the world community, a tremendous amount of admiration for the stand and the fortitude of those American young men and women that rescued the people in Kuwait. We have gained national recognition and resurgence in the world again and some of us as Americans, believe we have always been a great county, but especially, I think, it's very true today that all of us can be especially proud to be an American today. We enjoy the admiration of the United Nations and we are working cooperatively with them against countries like the illegitimate reign in South Africa. We have to continue that pressure and we have made progress. I don't know how many of you saw the special, I'm sure probably all thirty-five members of this body watched the special on the Civil War on public television. And I'm sure each one of us as members of this body must have been extremely proud to be from Maine because Maine had such an important role to play in ending slavery and bringing our Union back together. And again today Maine shares that role, that tremendous leading role of ending slavery and bringing down the bastion of apartheid. So, I urge you, I implore you, I plead with you to support the motion to Recede and Concur and continue the progress we have made in bringing legitimacy to South Africa.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We talk a lot about family in here in the Senate, and I would like to just take you on a trip to a South African Black family. If you or I were members of a South African Black family, we would probably not be living together if we were husband and wife. If the men in this Chamber were South African Black males, they would be located about two hundred miles away from their wives and children. And, they would be working for months at a time before they were allowed by a government which they do not elect, to go home for a week, day or weekend pass. That is what the concept of family is like in South Africa. That is what our money goes to support if we do business with South Africa. The good Senator from Cumberland, Senator Conley, reminds us of the principles on which this nation was founded, and principles that can bring tears to my eyes at the drop of a hat, and that is our nation. Right here what we are blessed to

live in, was founded on a revolutionary idea, and that idea had been floating around in the minds of philosophers until our ancestors, who were doers, put it down on paper, and what they put down on paper was that every single person in our country is imbued with inalienable rights, and that among those are the right to life, liberty and the pursuit of happiness, and that none can take those away from them. That was a new idea, and that idea is still waiting to bloom in South Africa. And, there are many people who are trying to make it bloom, and they are trying to make it bloom in ways that you and I would all approve. And so, I urge you to support the good Senator from Cumberland on this issue. The good Senator from Androscoggin County, Senator Berube, tells us that we could be forced to pay 10% more for some products that this state needs, but as I said in the debate yesterday, this Bill also contains exemptions for many things, including essential services or goods for any state agency, or authority are exempted, and I guess the bottom line to me is this question - is paying 10% more too much to pay for our principles? Because we are gone, we are done with the days where things are black and white, no pun intended. We are gone with those days, we are not our founding fathers. We are done with setting it down on paper. Where we are in the struggle for justice. In economics and putting our money where our mouth is, that's what this Bill does, and I urge you to pass it. Thank you.

On motion by Senator **MATTHEWS** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I'd like to pose a question to anyone who cares to answer. I've heard this 10% mentioned a number of times now, and it has been of some concern to me. The good Senator from Androscoggin has stated now twice, once yesterday and once today, Senator Berube has stated that a company in Maine could purchase products from other companies at a 10% higher rate rather than companies that do business in South Africa, and that the state could purchase products from an out of country, foreign country, even though they dealt with and had business commitments in South Africa. Is that or is that not true? I think that would definitely answer the question from the good Senator from Kennebec, Senator McCormick, that for 10% more people wouldn't mind. That's a pretty profound statement, and I think that for that to hold true, I guess I have to have that other part answered too.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In response I would say that is absolutely true, because this deals only with American companies, so we could buy from a Japanese company that does business in South Africa rather than buying from a local merchant that sells an American made product. We could conceivably pay up to 10% more, because the competitor would know very well that we could not buy from an American company that dealt directly or indirectly with South Africa,

knowing that very well they could say we can bid 10% higher than what the American competitor could bid, and we would probably have no choice but to accept it.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to anyone who can answer, but hopefully maybe someone on the Committee who heard this Bill. We have just heard a lot about the MacBride Principles through the good Senator from Cumberland, Senator Conley, and that is a set of principles that attempts to have ethical business practices and business investments in Northern Ireland. The principles for South Africa are the Sullivan Principles, and in fact, they came first if I'm not mistaken, developed by a Professor Sullivan from Pennsylvania, I think, and widely accepted in this country and I think all over the world. So, my question is, do Japanese companies abide by the Sullivan Principles as do many corporations in this country?

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the Senator from Kennebec, these companies still abide by the Sullivan Principles when it deals with our divesting of stocks and bonds from companies that do business with South Africa, and in order not to divest, we must be assured that the companies do inscribe to those Sullivan Principles. This simply is a ban on all purchases irrespective, it is a ban on purchases of goods, replacements parts, or anything that is owned by an American company that deals directly or indirectly with a company in South Africa. I'll give you an example of an indirect business. If an American company, i.e. IBM, sold its facilities in South Africa to the employees of the company, presently IBM in this country has to furnish certain replacement or repair parts for the machinery that they utilize under another name in another country. This would preclude our buying from IBM, and I use that as an example. There are sixteen hundred vendors who directly or indirectly do business with South Africa. I hope that answers your question.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess the answer to my question is, that the good Senator from Androscoggin, Senator Berube has given us the correct information. We could buy products from foreign nations who do business with South Africa, and I guess that's where my problem lies. It's not a question of whether I support divestiture, because I always have, I've always supported the Northern Ireland or any Bill that dealt with discrimination. Let's not be hypocritical about this thing, if we're going to do it, let's do it all the way. Right now we're only affecting American companies, we're telling the state, you can't buy from American companies who do business in South Africa, but we're

allowing the state to go to foreign businesses and buy products from them. So, were actually hurting our own people, our own businesses. I have another question. I've also come to learn that some of the businesses that are in South Africa are controlled by those people that we are supposed trying to protect, Blacks. And, that by passing a law like this, we would be effecting directly, these people because they own these businesses and have majority ownership in a lot of the companies, I don't want to say all, in some of them. And, I need to have that question answered.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would say in response to issues raised by the good Senator from York, Senator Dutremble, the following: first, I was unaware that the Bill did not include companies which were not based in America. And, if that is in fact the case, which I take his word that it is, I suggest we back this Bill up, amend it and make sure we don't do business with any companies that trade in South Africa. So, that's my answer to his first point, if that's one of his major concerns. In reference to companies, and I think he's specifically referring to IBM, which has turned over one of its subsidiaries to some Black employees and I believe they're minority share holders in that particular operation. I hold in my hand a letter from an IBM employee which indicates that he and five hundred and fifty-eight other IBM employees were aware of this transfer and basically see that not as a sham, but as a way IBM has tried to get around some of the problems that the Sullivan Principles have caused for the company. He goes on to further suggest that IBM is still rooted in South Africa and reaping great profits from those activities. He and the others who have signed that letter are not pleased at all with the corporate decisions made by that company. So, I would suggest that we can deal with some of the issues which you raised. I think that the Bill could be amended to deal with that. But, in reference to whether or not something else is going on there, I would suggest as far as IBM goes, they're trying to skirt the laws which already exist.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I concur totally with the good Senator from Cumberland, Senator Conley, and if that's what he wants to do, then maybe he should Table the Bill so that we can work on it.

On motion by Senator **MATTHEWS** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **CONLEY** of Cumberland to **RECEDE** and **CONCUR**. (Roll Call Ordered.)

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking
H.P. 1284 L.D. 1854

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-534).

Minority - Ought Not to Pass.

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - the motion by Senator **BERUBE** of Androscoggin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Division Requested)

(In House, June 6, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-534).)

(In Senate, June 10, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 10, 1991, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **BERUBE** of Androscoggin to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **INSIST AND JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

On motion by Senator **KANY** of Kennebec, the Senate **ADHERED**.

(See Action Later Today)

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$35,000,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities"
H.P. 559 L.D. 802

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-611)

Minority - Ought Not to Pass.

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611).)

On motion by Senator PEARSON of Penobscot, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-611) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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

HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities" H.P. 787 L.D. 1119

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-609)

Minority - Ought Not to Pass.

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609) AS AMENDED BY HOUSE AMENDMENT "A" (H-623), thereto.)

On motion by Senator PEARSON of Penobscot, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-609) READ.

House Amendment "A" (H-623) to Committee Amendment "A" (H-609) READ and ADOPTED.

Committee Amendment "A" (H-609) as Amended by House Amendment "A" (H-623) thereto, ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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

HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries" H.P. 1324 L.D. 1916

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-613)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-614)

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613).)

On motion by Senator PEARSON of Penobscot, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-613) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals"

H.P. 333 L.D. 463

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-483)

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483).)

Senator CONLEY of Cumberland moved to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill represents the only Bill which the three Senators from this Body which serve on the Human Resources Committee did not agree on in reference to the issue of smoking. As you can see from looking at the Bill, it's a fairly simple Bill, and the good Senator from Penobscot, Senator Bost feels strongly, and I can not say I do not share some of his concerns that people who are committed to psychiatric wards, or in substance abuse units have the opportunity to be allowed to smoke cigarettes in these places, and God knows these people have enough problems without having to have their ability to have a cigarette taken away from them. However, I agreed with the good Senator from Cumberland, Senator Gill as well, as the majority of the Committee, that we ought not to be telling hospitals that they should have to set up designated smoking areas for such patients. My philosophy, and I hope, although it's not consistent always, I hope it was consistent in dealing with the smoking issues, that I did not feel we should be telling businesses what they should do in reference to smoking, in other words, we should not be prohibiting it in restaurants, and ma and pa stores, and pool halls, and other businesses. And likewise, I think we should not intrude into the affairs of a hospital, and mandate that they allow smoking, or create smoking areas for any patients or anyone else. It's my belief, and I believe that it is true, that they now have the ability, the authority to set up such smoking areas should they wish to. And, apparently, and the reason we have the Bill, they have chosen not to. I don't know what their reasons are for not allowing such areas, but I do not feel that I should second guess them or that I should pass a law that would require them to set up such areas. So, for those reasons, myself and others on the Committee

felt this law was not in the best interest of citizens of the State. Thank you Mr. President.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to reject the pending motion before you so that we can go on to pass the Minority Ought to Pass Report on this Bill. Actually, the good Senator from Cumberland, Senator Conley, gave you a number of compelling reasons to vote for the Minority Report. We won't go into all of them at this point, but as far as I'm concerned, it's an issue of fairness, plain and simple. We made an exception two years ago for the Augusta Mental Health Institute and the Bangor Mental Health Institute. I believe Senator Brannigan sponsored the Bill to enable those institutions to be allowed that exemption, and this Bill would do nothing more than achieve a level of parity. Local hospitals operate on a voluntary self-admission basis. People who need treatment for much more serious problems often times will resist an admission, certainly a self-admission, if there is some secondary issue such as a ban on smoking. Psychiatrists will acknowledge that the issue of smoking areas is a problem for many patients, many of whom smoke, but they are often reluctant to challenge their fellow physicians on hospital policy boards, certainly they're outnumbered, but they are also reluctant to be placed in a position to be appearing to be advocating for a cancer causing substance. Now, some physicians also cite, and it was an issue that we discussed in committee, the liability issue as a reason for denial of access. I would pose the question, are physicians any less liable if a patient chooses to ignore treatment for lack of a designated smoking area, or inflict injury upon him or herself or others? I think the answer to that is rather clear. There have been instances, and the Committee was furnished with those, I won't go into all of them, where patients did receive, did have a note from their physician, and the hospital ignored the law. That's certainly not the intent of this Legislature. I'm certain, particularly if we're to remain consistent as the good Senator from Cumberland would have us do, certainly if we're going to remain consistent with regard to smoking policy in this State. Is a person with mental illness who needs the bed supposed to take that bed and then file a lawsuit? I think not. Now, there's a scarcity of beds already. A patient who smokes cannot opt for a bed in a ward that has a smoking room. People in crisis cannot wait. They have crossed that threshold, literally. The patients and the staff in these wards have blamed us, and I've talked with a number of them, for not being consistent in the law that we passed two years ago with regard to AMHI and BMHI. We made the exceptions for those two institutions because we knew the patients in psychiatric hospitals did not need the additional stress that would be associated with a ban on smoking or not having access to smoking. It is important that we fully recognize when we're talking about the dangers of smoking within this context, that people on psychiatric wards with long term mental illness are often taking numerous psychotic medications for their mental illness, and those psychotropic medications have a number of side effects, among them often times that will shorten their life span, effect short and long term memory, effect the ability to work and drive, restrict them

from alcohol, make them incontinent, effect their appetites in extreme ways and also effect their muscle control. Now whether voluntarily or involuntarily individuals who are prescribed such a medication in order to maintain the mental health, the known side effects of these drugs I believe are preferable to the possibility of a psychotic episode. I don't believe individuals in this situation are terribly focused on ambient smoke. We have, as Senator Conley from Cumberland indicated, turned down all other smoking restrictive legislation that has come before us this session, and I fully recognize that this is a proactive piece of legislation but we made a mistake by omission two years ago and it would be ironic that we not take particular pains to protect those who can least advocate for themselves. If a patient is at risk with a lighted substance, such as a cigarette, the physician under this Bill can prescribe against the smoking. I would want to add one other thing by way of example, the advocate for the mentally ill, as well as Maine Advocacy Services, appeared before the Committee during that long afternoon where we heard the various smoking Bills, and presented to the Committee some rather alarming testimony in support of this measure, and I would quote ever so briefly from the testimony that was provided the Human Resources Committee. They indicated that the Maine Advocacy Services were representing a man, three pack a day smoker, who was not permitted to smoke on the admissions unit. He was transferred to the forensics unit because of his behavior where he was also not allowed to smoke. His behavioral problems escalated to the point where he was placed in a five point restraint twenty-two hours a day. And it goes on and on and on. They are also representing, currently, five women on the admissions unit who were not allowed to go to the designated smoking area, one resident told the advocacy services that she came to BMHI because she knew she needed help, that she was basically under control. The first thing the staff did was take away their cigarettes. Within a short period of time she was begging on her knees to be allowed to smoke. She described her behavior as "freaking out". Not only was she refused, the clinical director refused the advocates request to prescribe nicotine gum so that she could get some relief. They have witnessed many other instances of this type. So I would urge this Chamber to vote on the side of fairness and equity, and turn aside the pending motion by the good Senator from Cumberland so we may go on to pass this Bill. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask you to go along with the Majority Report and vote Ought Not To Pass. If we did, in fact, pass this Bill today, we would have a very large inconsistency in the policies that this Legislature has allowed the hospitals to develop. We as a Legislature passed a Bill saying no smoking in hospitals. Hospitals have developed a policy whereby they will provide an area if they choose, but most of them have decided that smoking in a hospital is not for the benefit of the patients in the hospital. We've heard today a number of things. We've heard that there is an inconsistency between the AMHI and BMHI situation, and I would maintain that the state has a right to rule on facilities that come within its jurisdiction. We feel comfortable in

doing that a lot of times. If the facility belongs to the state we feel comfortable in ruling for that facility. But, here we get into hospitals who are community hospitals who serve the public out there who have Boards who run the hospitals, and they have developed policies that say no smoking in their facilities. We have the ability in the existing law that allows a physician to write an order for a patient if the patient is in distress because he can't or she can't smoke, and that exists today. The reason we have this Bill before us today at all is because a hospital disregarded the option that was available for the doctor to write the prescription, or write the order, and used the cigarette as a tool, a behavior modification tool with a patient. Now, that was improper. The hospital in that case should be chastised for doing that, because that was not the intent of the law at all. The law does exist for physicians to write orders for patients who they feel it's necessary and it would be a real hardship. I've spoken to many physicians. I've spoken to physicians who have taken care of people who have long term cancer. Oncologists who say, and I've asked them, would you deprive that patient from smoking if they indeed had lung cancer and were smoking all their lives, and one physician said no. By my telling that patient not to smoke is not going to extend his life at all. A patient is dying with lung cancer so I'm not going to change that. That doctor has a right to order that that patient be allowed to smoke. So, I found it interesting that the good Senator from Penobscot, Senator Bost, talked about, and I must say with authority, talked about medication and how medication effects people who are being withdrawn from whatever, and you know nicotine is also a drug, and the interaction with nicotine with other medication is being given and could really be detrimental for the patient who is being withdrawn. I think that we've got consistency here, I feel bad for the patient who was in the hospital that disregarded the law, but I don't think we should put another law in for that one case. So I would ask you to go with the Ought Not to Pass Report.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today in opposition to the pending motion and would urge you to follow the wisdom of our good colleague from Penobscot, Senator Bost, in rejecting the Majority Report in order that we can go on and accept the Minority Ought To Pass As Amended Report. As you may recall, I had the honor of serving as the Senate Chair of the Joint Standing Committee on Human Resources over the past several years, and this issue was certainly in the forefront, and we heard, and I understand the Committee this year has heard, extensive testimony from consumers, from families, from providers in terms of the appropriateness of allowing some limited smoking to occur in hospitals, and perhaps more appropriately in this case, in the psychiatric wards of our hospitals. I would like to add two issues, or bring to the Senate, two considerations in this debate. As you recall, during the 114th Legislature, well, 113th, the hospitals came in with legislation eluded to by the good Senator from Cumberland, Senator Gill, which mandated that no smoking occur in hospitals. I opposed that legislation at that time and I felt that it really

limited the flexibility in our hospitals to fashion germane and relevant smoking policies for all the population. At the time, I think the Legislature succumbed to a broad movement to prohibit smoking in a number environs. Certainly I support generally limiting smoking, however, there have to be reasonable exceptions, and I think the Senator from Penobscot, Senator Bost, brought those to our attention. So, it seems to me in this case, what we are really doing is finessing and addressing a problem, which frankly was present at the time we adopted the broad prohibition on smoking in hospitals. It has remained to this day, and many of us can attest to that by the phone calls, and by the letters which we have received from the families and consumers. And that is why I, in fact, am a cosponsor on legislation which is before the Body this afternoon. The second point I want to bring to your attention, and which was not discussed by the prior speakers, is the movement afoot in our state for community based services for patients in need of psychiatric services. As you recall, the State of Maine is currently under a consent decree, Bates versus Glover, which requires during the next five years we substantially move the population of acute care mental patients from AMHI and BMHI into our community. We are going to have to develop a community response, frankly, in our community hospitals. That will be a difficult task. On other days we will discuss financing and quality assurance issues. Today we'll discuss the issue of smoking. It seems to me that if we have decided that we do allow in AMHI and BMHI for patients in appropriate circumstances, as we shift that population to our community hospitals, we should maintain the same policy, it just makes good sense. It seems to me to do otherwise is to perpetuate problems which currently exist, and which make it, quite frankly, even more difficult to go about the task of shifting our population from AMHI and BMHI into the community. So, for this reason as well as the reasons announced by the good Senator from Penobscot, Senator Bost, I would urge this Body to reject the Majority Report this afternoon. 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 rise to support the good Senator from Penobscot, Senator Bost, and the good Senator from Androscoggin, Senator Gauvreau. I think this clearly is an issue of fairness and justice for those individuals who suffer from emotional mental illness. Clearly, those individuals, when they find themselves in a point of crisis in their life, either voluntarily or involuntarily, are admitted to a psychiatric ward in a hospital. They are dealing with enough issues in their life not to have to try to deal with the issue that's most difficult for those people who smoke and are trying to stop themselves. To now have to take on the additional burden of cold turkey trying to have to stop smoking while they're getting their treatment. This will effect only those hospitals that have substance abuse and psychiatric wards, not other hospitals. It affects only a small portion of those, many of them already have facilities for this and we've noted a need for this and exempted our own public institutions at AMHI and BMHI. It seems to me to be a reasonable request from those people,

frankly, who are least able to advocate for themselves. If we can't keep those individuals in mind to try to meet this really small need, I think we're missing the point of our service here, and I hope that you would defeat the motion from the good Senator from Cumberland, Senator Conley.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't pretend to have any of the credentials that those that have spoken before have with relation to substance abuse care, but I do have some interest in the idea that we ought to have a smoke free environment where we deal with people who are sick. And it seems to me that this is a dramatic step backward from where we were a few years ago when we passed legislation that said in effect, thou shalt not smoke in hospitals. And it seems to me at that time we did carve out an exception which is still available, and in my hospital it is used that provides for the doctor to make an exception for his patient. Now it's been suggested that substance abuse patients are moving into the so-called general hospitals or the community based hospitals, and that is true. It seems to me that makes it even more important that we continue to operate those hospitals as smoke-free environments. If we provide with this exception a device that limits that, we then make those hospitals no longer smoke-free. I'm indeed disappointed that this is progressing in the manner that it is, and I think that it is a mistake. The Legislature has been extremely cautious this time relating to smoking Bills, and I can understand that, because we don't all share my personal views, which as I've said before is the result of being a confirmed smoker that got over it in a dramatic fashion some years ago down at the institution of higher learning. Never the less, hospitals remain the symbol of health care in our country, and it seems to me that we ought to continue to make that a symbol free from smoke. So, I hope that you will support the motion of Ought Not To Pass from the good Senator from Cumberland, Senator Conley, and not make this exemption to the system.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. There are two important points here that I want to remind the Body to think about, and both of them come from the good Senator from Cumberland, Senator Gill. First of all, I would urge you to support the Majority Ought Not To Pass Report. The first important point is, we should not be telling our hospitals what they should and should not do. That is an important point to remember in this debate. We have left that decision appropriately to the hospitals to decide and set up smoking policies. The second issue I am concerned about is the debate this afternoon. It has not really gotten to one important part of the Bill, and that is the differentiation between psych and substance abuse. I can only talk about the substance abuse side from programs in hospitals. I have to tell you that for those that are feeling inclined to support this Bill, that as the good Senator from Cumberland, Senator Gill mentioned, the cigarettes and nicotine is a drug, and if we pass this

legislation today for the psych and substance abuse programs in effect you will have a public policy saying on the one hand we want you to start to deal with substance abuse issues and alcohol abuse and all these kinds of things, and get treatment, but on the other hand we will by the Legislature and by public policy, and decree in Augusta, we will condone you to smoke, and the problem with that not only is it addicting, but when you talk about the drugs that take more of our friends, neighbors and loved ones then you must look at nicotine as the number one health issue in this country. One of the strongest forms of addiction in this country. I share that because it is important to remember that issue before we vote today. With all due respect, I think the sponsors of the Bill have had some good things at heart, but I really urge the Body to think about the parameters of this legislation today, and I will leave you with this. We are not the only state that has involved itself in the smoking issue. Other states have. In the state of Minnesota, the psych and substance abuse hospitals have gone smoke free. What they have found is, that as the good Senator from Cumberland, Senator Gill has mentioned, those positions that are actively doing what they should be doing, and being concerned about their patients providing the nicotine gum. Providing the kinds of alternatives and education of smoking. What they are finding is, that the initial out cry has now come down, and people are beginning to realize that our hospitals are there to provide health care, and they should be the place where you don't have to run into second hand smoke. In Minnesota, with a little bit of time, this issue has gone down in its initial uproar, and I don't think we have given the State of Maine and the hospital a real chance to work this thing out on a local level. It really raises some very big health questions here to. I urge the Body to think on this one very carefully.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to speak on this issue as a once smoker, now non smoker. I can speak from personal experience that it is not easy to quit. And very frankly, for some people, especially people in the state of psychiatric crisis, that can be the final crisis that breaks the camel's back. I would hope that today, as we deal with this issue, that we not legislate ourselves into another corner. We sometimes do this. We should not forget that there are human people behind the Bills that we legislate. In fact, this could be the crisis on the crisis that makes it so that some people refuse to go to get psychiatric help when, in fact, they truly need it. I would ask you to support the Senator from Penobscot, Senator Bost. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am also a former addicted smoker, and I am glad not to be anymore. One of the things that it has taught me in my life is, it has made me realize how powerful addiction is. I also make my life work by working with people inflicted by severe mental illness. The issue of being able to be requiring someone to begin to quit at a time when they are in psychiatric crisis

is a very serious one. I want to second what has been said by many Senators here this afternoon, that this Bill is a wise Bill, as was the one that Senator Bustin from Kennebec sponsored, and I cosponsored, which allowed certain smoking areas in our state institutions. It is true by what Senator Gauvreau from Androscoggin said, that we will be having more institutions in our communities where commitments are made who will be placed in psychiatric settings where they don't wish to be. I think it is very important that we pass this Bill to give the balance we need in this policy, and I urge you to vote against the pending motion and to go with the legislation. Thank you.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be very brief. I just want to say that we have the option now. The person that knows the patient the best is the physician that takes care of that patient. That physician presently has the opportunity to write and order if he finds it detrimental to that patient. He may write an order that says that patient may smoke. That is presently available to us. I have a concern about patients also, but I think to change the law that is existing and working in the health care facilities is the wrong approach to take. We have the availability of having the physician write an order for that patient, if the physician feels so inclined, and the patient is having a crisis. It is there. Thank you.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not intend to rise on this issue. Hearing the talking as a member of the American Cancer Society, and one of the people on the Governor's Commission on Smoking and Health, we have debated these issues. We did pass a law. We don't need to pass this law. I ask you to vote the Ought Not To Pass Report from the good Senator from Cumberland, Senator Conley. I hope that we will keep moving forward. 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 rise to make comments on two suggestions that were made earlier. One is, why are we regulating hospitals on this particular issue? The fact of the matter is, we do regulate them through our Certificate of Need process by allowing what services can and cannot be operated by regulating their operating funds. We, to a large extent, the state can dictate where these services are available. Psychiatric crisis centers are available in only a handful of institutions in this state. They are not like pizzarias. If you don't like the service in one, you can go across the street to another and get your service there. Since we limit the availability of where these services can be provided, I think it is appropriate that this legislature also consider the needs of the individuals who will use those institutions. We have limited where they will be, and who can provide those services. I think it is preview to do that.

Secondly I think we should take into consideration, certainly smoking is something that we don't encourage. It is clear the harm that smoking does. We cannot proceed without recognizing the needs of the individuals personal crises at that time. This is not an opportunity to make everybody sin free and pure. You are dealing with other major issues in their life. Lets let them deal with one issue at a time, and then encourage them to deal with the smoking issue. Lets not pile every issue on them constantly all at the same time and say you must deal with them all, you have no choice. That is unfair, and I hope that once again you would defeat the good Senator from Cumberland, Senator Conley's motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

The Chair ordered a Division.

Will all those in favor of the motion by Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, please rise in their places and remain standing until counted.

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

8 Senators having in the affirmative and 24 Senators having voted in the negative, the motion of Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

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

The Bill READ ONCE.

Committee Amendment "A" (H-483) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period"
H.P. 943 L.D. 1365

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-586)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-587)

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587).)

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

The Bill READ ONCE.

Committee Amendment "B" (H-587) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME, and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

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

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities"
H.P. 258 L.D. 349

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-590)

Minority - Ought Not to Pass.

Tabled - June 11, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 11, 1991, Reports READ.)

(In House, June 10, 1991, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

Senator ESTY of Cumberland moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. It comes as no surprise that I rise to urge that the you not support the Majority Ought To Pass As Amended Report. The goal of this Bill's safe manufacturing facilities is already addressed through strict regulations. Manufacturing facilities subject to the requirements of this Bill are regulated by a wide range of

existing federal and state laws, rules and regulations. Including requirements of training for handling toxic chemicals, OSHA training, hazardous materials, contingency plans and material data safety sheets. This Bill will increase the time and costs associated with manufacturing activities in Maine. Time and money a manufacturer would be required to incur even if the operation is in compliance with all laws. This would be a case of state government unnecessarily over regulating Maine industry and would clearly dampen business interests in investing in Maine. The ultimate cost would be in Maine jobs and lost tax revenue. I would ask for a division. Thank you.

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

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise as a cosponsor on this Bill today. This Bill is put before you today from the accident that happened, a chlorine leak in the Town of Jay a couple of years ago. Many of you know that when the strike took place in the town of Jay, they had replacement workers or strikebreakers that were brought to work in the mill. There were people who were working around hazardous materials that were not properly trained as they were supposed to be by the laws. They were not properly trained, and they caused an accident to happen they could have been one of the largest disasters in the state's history if the wind had not been blowing in a different direction from the town on that particular day. They had to evacuate the schools and everything else, and the people in that town could have been dead. A great many of them could have been dead if it was not for the fact of the way the wind was blowing that day. I would like to point out that this Bill only takes effect when you are replacing a great many of your workers in the work place. As was mentioned earlier, anyone who is following what there are now has no problem with this Bill. This Bill only makes sure that we go in first as a state to make sure that they are in fact going by what the laws are. It is a prevention Bill. Instead of going in under current laws, and later on fining someone after an accident happens, this Bill is to prevent the accident from happening in the first place. I think that is the important thing. Not only for the work force that is there, but also for public safety in general in those towns that live around those kinds of facilities that have hazardous materials. Although there are current laws that are supposed to be federally enforced, the fact of the matter is, we need to be in there to prevent the accident from happening in the first place. I hope you will support the Bill. Thank you.

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Mills has summed the purpose and the intent of this Bill very well. Let me also tell you a little more about the process that we had gone through. This Bill was originally put in the last session. During that session the Labor Committee worked very hard on the Bill. We reported two

Reports that were slightly different. There was a great concern among both Parties regarding this issue. We reported out two Bills. Needless to say, unfortunately, the Bill that was passed by the Legislature was vetoed. This year the Bill that we had ended up with was the Bill that was introduced to the Legislature and the Labor Committee. We thought it a good starting point to address this critical safety issue. The Labor Committee in looking at the original Bill, had in mind to address the concerns the Governor had stated regarding the vagueness of the Bill that had been vetoed during the last session. The Committee's intention was to address the Governor's concerns. What the Committee did to address that is contained in House Amendment (H-590). Let me touch base on the amendment without reading all the changes, and go through parts of the Statement of Fact for you. The first Statement of Fact, number 1, says restricts. Number 2 replaces the term hazardous substance with toxic chemical. Number 3, it limits. Number 4, it further restricts. Number 5, it attempts to tighten the descriptions. The reason why I am not reading the whole thing is clearly you can do that yourself. My point is, that the amendment to the original Bill was intended to tighten, and restrict, and address the concerns regarding vagueness. I think that it is an important Bill to the citizens of the State of Maine, and one that I hope this Legislature will support. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **ESTY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, 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 **ESTY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-590) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

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

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Increase Penalties for Child Labor Law Violations"

H.P. 635 L.D. 905

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-593)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-594)

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, the Majority **OUGHT TO PASS AS AMENDED BY** Committee **AMENDMENT "A"** (H-593) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY** Committee **AMENDMENT "A"** (H-593).)

Senator **CARPENTER** of York moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **CONLEY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CARPENTER** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit Off-track Betting" H.P. 665 L.D. 944

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-541)

Minority - Ought Not to Pass.

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY** Committee **AMENDMENT "A"** (H-541) **AS AMENDED BY** HOUSE **AMENDMENT "A"** (H-596) thereto.)

On motion by Senator **MILLS** of Oxford, the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **WEBSTER** of Franklin requested a Division.

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

A Division has been requested.

Will all those in favor of the motion by Senator **MILLS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, 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 9 Senators having voted in the negative, the motion by Senator **MILLS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-541) **READ**.

House Amendment "A" (H-596) to Committee Amendment "A" (H-541) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-541) as Amended by House Amendment "A" (H-596) thereto, **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

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

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

COMMUNICATIONS

The Following Communication:

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

June 11, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
115th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority **"Ought Not to Pass"** Report of the Committee on **Banking and Insurance** on Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 708) (L.D. 1884).

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

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 **AGING, RETIREMENT AND VETERANS** on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery"

H.P. 964 L.D. 1391

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

Signed:

Senator:

WEBSTER of Franklin

Representatives:

JALBERT of Lisbon
LAPOINTE of Auburn
STEVENSON of Unity
DUTREMBLE of Biddeford
MERRILL of Dover-Foxcroft
HEINO of Boothbay
AULT of Wayne

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "B" (H-588)**

Signed:

Senators:

MCCORMICK of Kennebec
CLARK of Cumberland

Representatives:

WENTWORTH of Arundel
O'DEA of Orono
HANDY of Lewiston

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

Which Reports were **READ**.

Senator WEBSTER of Franklin moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator WEBSTER of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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 **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Override of a Governor's Veto by a Three-Fifths Vote

H.P. 947 L.D. 1369

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

LARRIVEE of Gorham
NASH of Camden
LOOK of Jonesboro
Savage of Union
WATERMAN of Buxton
JOSEPH of Waterville
KILKELLY of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-598)**

Signed:

Representatives:

GRAY of Sedgwick
HEESCHEN of Wilton
KERR of Old Orchard Beach

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Remove Certain Investment Restrictions Concerning Namibia" H.P. 1344 L.D. 1941

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

Bill "An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 1349 L.D. 1942

Comes from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Committee on Transportation.

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

RECALLED FROM ENGROSSING

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

Senator **VOSE:** Mr. President, is the Senate in possession of L.D. 1676?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been recalled from the Engrossing Department.

Bill "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards" (Emergency)
H.P. 1151 L.D. 1676
(C "A" H-583)

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-583)**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 749, in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-583), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-339) to Committee Amendment "A" (H-583) **READ** and **ADOPTED**.

Committee Amendment "A" (H-583) as Amended by Senate Amendment "A" (S-339) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

RECALLED FROM ENROSSING

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

Senator **VOSE:** Mr. President, is the Senate in possession of L.D. 789?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been recalled from the Engrossing Department.

Bill "An Act to Improve Grading and Inspection of Maine Sardines" (Emergency)

H.P. 552 L.D. 789
(C "A" H-584)

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-584)**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 750, in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-584), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-333) to Committee Amendment "A" (H-584) **READ** and **ADOPTED**.

Committee Amendment "A" (H-584) as Amended by Senate Amendment "A" (S-333) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **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:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1351

JOINT RESOLUTION RECOGNIZING THIS STATE'S HISTORICAL AND CULTURAL TIES WITH THE SARTHE REGION OF FRANCE

WHEREAS, our State is the only state in the union named after a region in France; and

WHEREAS, the descendants of France who came to this State via Quebec and Acadia constitute an important part of Maine's cultural identity; and

WHEREAS, Sarthe is the region of modern France from which Maine takes its name; and

WHEREAS, l'Amicale des Sarthois de Paris is an association that has been sponsoring cultural exchanges with Maine and in particular with Le Club Calumet of Augusta since 1978; and

WHEREAS, a large delegation of Sarthois will be visiting Augusta to join in the celebration of the annual Festival de la Bastille; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature now assembled in the First Regular Session, join our French-speaking citizens in welcoming these distinguished visitors and wishing them continued success in the furtherance of cultural exchanges with our State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to l'Amicale des Sarthois de Paris and Le Club Calumet with our warmest commendation for their successful endeavors.

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

Which was **READ**.

Tabled pending **RULING OF THE CHAIR**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Sheriff's Fees for Civil Orders of Arrest"

S.P. 584 L.D. 1537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-345)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-345) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED, As Amended**.

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

Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$27,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges and Airports"

S.P. 700 L.D. 1870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-342)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-342) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED, As Amended**.

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (Emergency)

S.P. 154 L.D. 366
(S "A" S-337; C "A" S-286)

In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-286)**.

In House, June 10, 1991, **FAILED OF ENACTMENT**.

In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-286) AND SENATE AMENDMENT "A" (S-337) in NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-286) in NON-CONCURRENCE**.

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

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

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

SECOND READERS

Senate

Bill "An Act Appropriating Funds to Provide Civil Rights Liability Insurance Coverage to the Department of the Attorney General"

S.P. 751 L.D. 1944

Which was **READ A SECOND TIME**, without reference to a Committee.

On motion by Senator **GAUVREAU** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery"

H.P. 964 L.D. 1391

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-588)

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill is before us in a vestige of its original form. First, it has nothing to do with the Maine Veteran's Cemetery. You should just strike that from your minds. In fact, when we were amending it, we should have changed the title. Direct your attention to the question of access to the Maine Veteran's Homes. The Minority Report is a small one sentence amendment wording that was suggested by the Administrator of the Maine Veteran's Homes. There are three. They are located in Caribou, Augusta, and Scarborough. It seems that all of these veteran's homes, and our Committee took a tour of the one in Augusta, are full except for the home in Caribou. The one in Caribou, which is the newest, has eight open beds. The amendment was brought by members of this Legislature from the northern part of the state, and the language was developed by the Administrator of the Maine Veteran's Homes, that says on a space available basis Maine Veteran Homes may admit veterans who served other than during war time. This amendment is to address the need of Aroostook County and the surrounding area to fill the veteran's home in Caribou. This has sparked a lot of debate and concern on behalf of all members of the Committee. The main concern which I shared, until I had this concern answered, was what if we let non-war time veterans into the home, and then up pops a war time veteran, and he needs to be admitted into the home. We will then have this non-war time veteran plugging up the works. I thought it was a very good point since the whole system was developed for war time veterans. A letter came to us from the Administrator of the Maine Veterans Homes at the request of one of the legislators, describing since 1989 the turnover in the Maine Veteran's Home his document, which was about four pages long, is what quieted my concerns in that regard. He basically gave us an every three month account since 1989 of the turnover in the Maine Veteran's Home. The turnover is quite large. Three to five people in one three month period. Eleven in another three month period. Twenty-seven people in another three month period. The average was nine or ten people in a turnover. The reason why that document quieted my concerns, and in fact, prompted me to sign the Minority Report, that means to me that if a non-war time person was admitted he, in fact, does not plug up the works. The works are constantly churning and turning. There are openings constantly. That is what the Minority Committee Amendment "B" (H-588) says, and I would ask that you defeat the pending motion, which is to support the Ought Not To Pass Report, so that we can get on to passing the Ought To Pass As Amended by Committee Amendment "B" (H-588) Report. I also should say that the Administrator of the Maine Veteran's Home actually said in his letter that this permissive wording would be financially helpful to them in balancing the books of the Maine Veteran's Home. I urge you to vote against the Ought Not To Pass motion so we can pass the Ought To Pass As Amended by Committee Amendment "B" (H-588) Report. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am rather torn by this Bill that is before us, because the Maine Veteran's Home in Caribou is at issue, and I am, and have been closely connected to the beginning and the

operation of that facility. I am aware that the occupancy rate has not been as desirable as we had hoped. Nevertheless, having said that, I am somewhat fearful of opening this up to other people who have served in the service, but not during times of war. They do not technically qualify under the existing rules and regulations. It seems to me further that this opens it up for the other two veterans facilities where their occupancy rate is better than ours. I would like to suggest that the facility in Caribou has only been operating for two years, and has not reached its fullest potential in terms of providing services for veterans in northern Maine. Incidentally, northern Maine does not mean that. It reaches out below Aroostook County, and we are hopeful in due course that there will be applicants from other places other than central and northern Aroostook. It was built as a veterans facility, and it seems to me that we risk changing the purpose not only of the one in Caribou, but the other two facilities in the state if we were to enact this legislation. It occurs to me that those of us who are veterans and served in the earlier times are fast approaching that stage in our lives when we will fill that place to overflowing. World War II members and veterans of the Korean Conflict are indeed approaching the age where they look upon this facility as something that will benefit them. I recall there are provisions in current law which provide for spouses of those who served in these conflicts to also use the facilities of these veterans homes. In Caribou, I am happy to report, that this is currently the case, and we are now receiving more people who are spouses of veterans. It is with mixed feelings that I do support the Ought Not To Pass Report, and hope that our occupancy rate will improve, and I can tell you that in the original financial projections that were put forth when this was built, it was assumed that the first year or two of operations that this, in fact, would be subsidized by the other two homes because it was at a higher cost and a later time, and it would take some time for it to get up to speed. I am not terribly disturbed that we haven't reached that time. I would urge you to support the Majority Ought Not To Pass Report. Thank you.

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

Senator **PEARSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the Senator from Aroostook, Senator Collins. I was here when it began, but the details of it have become cloudy over time. The good Senator said that this was a facility to benefit veterans from Northern Maine. Northern Maine was more than just central and northern Aroostook. Is there a geographical boundary from which to draw veterans, and if there is in order to fill the hospital, would that geographical boundary be adjusted down the state a little further to take in central Piscataquis, Penobscot, and Washington Counties? I am looking for a solution for the occupancy problem by adjusting the boundary if there is one. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Washington County is also interested in this facility, as is Penobscot and Piscataquis County. There are no geographic lines, to my knowledge, that are drawn on entrance requirements to any facility. It is mostly a matter of convenience to the person and to the families. I might add that part of the effort that went into the construction of this, there were private contributions from all over Maine aided in the construction of this facility. I particularly remember the Veterans of Foreign Wars in Old Town contributing to that fund. There were also contributions from Washington County in the northern part and to other areas in Penobscot County. I think part of the problem has been that we haven't made the effort to disseminate all the information about the availability of this facility to people in Maine. I do expect the numbers will increase from Penobscot, Piscataquis, and Washington Counties. I am quite hopeful that, we will in due course, arrive at a reasonable level for occupancy for that facility. Thank you.

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

Senator **WEBSTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think there are a couple of concerns that I had, and the Majority of the Committee had on this Bill. One concern I had, and when the Senator from Penobscot, Senator Pearson speaks he might address it. It is my understanding that if we would do as this Bill proposes to do, we would be committing state dollars to pay. Currently, federal dollars are involved in the actual care of veterans in these homes. If we expand that, then it is my understanding that state dollars would be needed to reimburse every day that anybody was staying there. Obviously if we were going to enact this Bill, there would definitely be a financial impact on the State Budget. This is one concern that I have at a time when we don't have any money. The other thing is, that it is a foot in the door. It is the beginning of expansion of our system and I just don't think it is appropriate. The majority of the Committee felt that even though it does make a lot of sense to allow the administrators to keep their facilities full, the real concern was that once you got your foot in the door, that it would just be that every year the Legislature would be dealing with another expansion under this law. I don't think that during these tough budget times that we can afford additional dollars in this area, which would definitely have to be added to this Bill if it were to become enacted. Thank you.

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

Senator **CLARK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would invite you to review the fiscal note that is attached to the Minority Report, which states that this may result in future requests in the General Fund appropriations from the Maine Veterans' Homes to meet the demands for additional space. May I interpret that for you? The Committee on Aging, Retirement and Veterans does not view this as additional space that is encumbered by the Bill. I reject the contention of my good colleague of that Committee, the Senator from

Franklin, Senator Webster, that additional General Fund money would be necessary as a result of allowing some non-war time veterans on a space available basis only to access the three existing Maine Veterans' Homes. We interpret it as follows. We anticipate frankly and honestly, that the construction, development, and eventual construction of similar veterans homes, perhaps of smaller size in the western region of our state, and perhaps in the far eastern part of our state, to meet the needs of Maine's increasingly growing old war time veteran population and their surviving spouses. The Minority Report in no way challenges the purpose of the development and the construction of Maine Veterans' Homes. They were established for the purpose of the support and care of honorably discharged veterans who served in the United States Armed Forces during war time. We all embraced the concept that it is ever so important to retain the integrity of priority admission for war time veterans. The statistics as submitted to our Committee by the Administrator of Maine Veterans' Home, our good friend whom we admire, has spoken eloquently to the capacity of our current home here in Augusta, which has 120 beds and there are seldom days when 120 beds are not occupied. I submit to you for your consideration that non-war time veterans' would never find space available in this centrally located fine veterans' home. I would add with a great deal of pride with you, the members of the Legislature and citizens of this state, I can share in this pride that there are no ICF homes available, nursing homes, or acute care facilities that match the quality of care and the love which is provided for our war time veterans at this time in their lives, and recognizing their need then that which is provided within these three fine homes. I submit that the fiscal note alleges to the ambitious expansion of Maine's veteran home system so that it will, in fact, in future years equal a total of five. This will meet the needs of all of Maine's citizens who qualify assessable within their geographic regions. If one wishes, and lives in Brunswick, Maine, and wishes to seek services in Caribou, Maine, one might. There are no boundaries. Obviously, for accessibility of friends, family and colleagues, people who find themselves residence of those fine veterans homes would prefer to be geographically located accessible on a convenient basis to those very same people who might provide them support during their residency in these homes. The Minority Report simply reflects the non-capacity of the non-utilized capacity of the Caribou facility. This is not perceived as encroachment in the integrity of the current policy, but is an option which was provided by the very organization that spoke in opposition to the Bill, but the main focus of the Bill was the accessibility of Maine's veterans cemeteries, and that has been totally eliminated as the very capable Chair of our Committee has shared with you. The Minority Report simply represents a compromise which would encompass the concept of priority for war time veterans and the concept of accessibility for non-war time veterans on a space available basis only. I would invite you to reject the pending motion and consider supporting the Minority Report, but if that is not your wish, then so be it. Suffice it to say that we all are very supportive of Maine's veterans, and continue to be very proud of the facilities that they and their supportive organizations, and this legislature, as well as the State of Maine, have afforded for these

people who have served their country with such great pride and effectiveness. Thank you.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rose earlier to ask a question. Some of those questions have been answered, but I think I am more confused now than ever. My knowledge that I have is about the Augusta group that I am affiliated with and gave a lot of volunteer time, and had the opportunity to be invited to a thank you dinner, and I am a very good friend to the Administrator of the Maine Veterans' Homes. He didn't know anything about this Bill. There was a similar Bill last session that went to the Appropriations Table, and he told me that it died there. I guess I have several questions and I will try to pull them together. I am glad that the good Senator from Kennebec, Senator McCormick told us that the name of the Bill had nothing to do with what was in it. At this stage of the game, what I have heard is exactly correct. I, too, am certainly supportive of veterans homes, and I hate to think, and the 71 lobster fisherman that I was telling about earlier this morning maybe getting to that point, and if it were so it would be a veterans home, but it would not be willingly, and I pray to God that it never is anyway. I am very interested in this issue for several reasons. The questions that I had jotted some notes on, and I guess I have been brought up to par. There are three homes. The questions that I would like a little more statistical information on, are they all 120 bed homes? Is the one in Scarborough already filled? We know that the one in Aroostook is the newest one built, it does need time to be brought up to par and done. Second of all, is there is waiting list? Are there Veterans waiting on a list now? If there are rooms available, I would either like some more clarification, or to have this item Tabled until I have that information. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer the good Senator from Knox, Senator Brawn's questions, they are not all the same size. The Veteran's Home in Scarborough is larger, and the Veteran's Home in Caribou is smaller with 40 beds. As to the waiting list, we know from the fact that there are 8 empty beds in Caribou, and there is no waiting list in the northern Maine home. I am sorry that I don't have any documentation on the two southern homes, but I presume that there are waiting lists on the two southern homes, because the turnover there, as the good Senator from Cumberland, Senator Clark has stated, immediate.

I wanted to reiterate and answer a question that was posed by the good Senator from Franklin, Senator Webster. There is no state money that would be committed by this action where we could support the Minority Committee Amendment "B" (H-588). Currently, it is true, that a war time veteran, the Maine homes are totally funded without state monies through a federal subsidy which is higher for war time veterans than non-war time veterans. If the Caribou home were to be allowed on a space available basis, and

permissibly, if they want to, to admit non-war time veterans, they would be gaining in that they are filling currently empty beds, which is costing them a lot of money. But, it is true, the Senator from Franklin, Senator Webster was correct, they would not be getting as much federal subsidy as they would be getting were that a war time veteran. I am sure that each Veteran home, including the Caribou Veteran home, if there were enough war time veterans to put on a waiting list, would choose to admit war time veterans, because not only is it the law, but it is more financially advisable.

The Amendment in the Minority Report, is one sentence, and I will read it to you. It says, "The homes must give priority in admissions to veterans who serve during war time, but may admit veterans who did not serve during war time if the space is available". Currently, the impetus for this Minority Report were 8 empty beds in Caribou, and the facility that is unarguably some of the nicest nursing home facilities in the state, as our tour of the Augusta facility showed, and I am sure that the Caribou facility is equally as nice, or better, since it is newer. The issue is, should the state allow the Administrator's of the Veteran's Home to fill those empty beds until such time with veterans who served at any time, until such time that there is a waiting list of veterans who served in war time? Thank you.

The President requested that the Assistant Sergeant-at-Arms escort the Senator from Penobscot, Senator **BOST** to the Rostrum where he assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am AF113A1089, I will never forget that as long as I live. Those of us who were veterans will remember every one of our numbers. I was not a war time veteran. But, I can tell you, if I had an opportunity to go to a nursing home, I would want to go to Caribou. I would feel more at home there than I would probably in the other places in the state, given the fact that there are three facilities right now. If I had an opportunity, I would sign up on the list as a non-war time veteran, and I would go there. I would do that! Once I got there, I would fill a space, and I would imagine that there would be hundreds, and maybe thousands of us who were not war time veterans, I missed it by two months, who would sign up on the list. Therefore, each time there was a vacancy, you would fill it with a non-war time veteran, and pretty soon, your home would not be functioning in the same manner that it was intended, it seems to me, and that is what I worry about. It is not that I wouldn't want to go there, because I would. I simply do not qualify, nor do I think that I should have that right

or any space over a person who is a veteran of a conflict who was actually in action. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would attempt to respond to the remarks of my good colleague from Knox County, Senator Brawn. She suggested in her remarks that the very able Administrator of the Maine's veteran's home was unaware of this Bill. I am holding in my hand not only his testimony before the Committee, but his further correspondence to the Committee dated May 28, 1991. I would read from his testimony, which is why there is a Minority Report. He proposed the language which was suggested at the Public Hearing, which I have earlier shared with you and will share with you once again. non-war time veterans may be admitted on a space available basis. If the Committee feels comfortable in accepting this language, it would be helpful not only to non-war time veterans and their families, particularly in Aroostook County, but also in balancing the financial status of the Maine Veteran's Home in Caribou. It is not the newest, but which is the second to have been constructed. The first here in Augusta. The Second was opened in January 1990 in Caribou, and the third in July 1990 in Scarborough. I only share that with you so that her questions would have a specific response. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think the good Senator from Penobscot, Senator Pearson gave us the most compelling argument against this Bill I have heard this afternoon. It is very simple, once you give the authority to the powers to be in these veteran's homes, you can be assured they will have each and every bed filled. The question would be then, when the next vacancy comes out, it won't take too long to change the mix that is currently in those homes. My mathematics show that this would cost the State of Maine about \$50,000.00 of General Fund money for every veteran who is a non-war time veteran that serves in one of these homes. In the past, as the Senator from Knox has indicated, there have been other Bills before this Legislature in years previous, and the Bills went to the Appropriations Table and were not funded because of lack of money. The simple fact is, that if we were to enact this law, we would need to have the General Fund dollars to pay for those people who went into these veteran's homes who were not war time veterans. The general tax payers of the state would have to pick up the initial costs, and if you use the example given to us by the good Senator from Kennebec, Senator McCormick, there are indeed eight vacancies that I would anticipate with my mathematical tabulation that would cost \$400,000.00. That is how I would see it. It may not be today, but I can assure you that if there are eight vacancies, and it costs the taxpayers of the state \$50,000.00 a year to fill those eight vacancies, that is \$400,000.00 any way you cut it. It seems to me that this Bill is not appropriate, and I would ask you to vote against it. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAUN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to thank my good colleague, the Senator from Cumberland, Senator Clark, but also to clarify in the lateness of this issue of being here late last night and today, and I know my cheeks are very red. If I said I didn't mean the Administrator of the Maine Veteran's Home was aware of this Bill, I apologize. I was not aware of the fact that this Bill was coming today. I know the Administrator well, and he is a wonderful and forceful person. I am very supportive of him and I needed to correct that. I am sure that he has worked hard on that Bill. Again, I was unaware that this Bill was going to come before us, and if you would allow a question through the Chair to anyone who may care to respond, in looking back through legislation that has passed here creating these wonderful veteran's homes, is there somewhere in statute that we have already passed something that prohibits geographical location? I don't know. I have no idea. If not, what now prevents the good Senator from Penobscot, Senator Pearson from going there? I guess I was unaware that we had in statute geographical places that you had to go. I need that information for my dad. Thank you.

THE PRESIDENT PRO TEM: The Senator from Knox, Senator Brawn has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. No, to my understanding there is not any geographical limitations, and the good Senator from Penobscot could go wherever he would like. I have finally found the piece of paper that I have been searching for about a week and a half in preparation for this debate. I have to tell you the reason why it was hard to find it was because our Committee clerk was laid off and our Committee has been in shambles ever since. However, I now have it. This is the document, there are only two copies, and a member of the other Body asked me for it, and we have been searching for a week. I will now send it to him. This is the document sent by the Administrator of the Maine Veteran's Home that documents the turnovers, discharges, and admissions in the Augusta Veteran's Home. I want to read a little bit of this to you, because it answers some of the concerns from the good Senator from Aroostook, Senator Collins, and also the good Senator from Penobscot, Senator Pearson's concerns. It basically is the detailing of admissions and discharges from January 1st to March 30, 1989, there were five admissions and five discharges. From April 1st to June 30, 1989, there were three admissions and three discharges. July 1st to September 30, 1989, there were eight admissions and discharges. October 1st to December 30, 1989, there were six admissions and seven discharges. January to March 1990, there were twelve admissions and fourteen discharges. April to June 1990, there were ten admissions and ten discharges. July to October 1990, there were twenty-six admissions and twenty-six discharges. November to January 1991, there were seventeen admissions and sixteen discharges. February to April 1991, there were

seventeen admissions and nineteen discharges. I only bothered to read those to you because this is the document that made me sign the Minority Report. I think that this document shows that there is enough turnover and interest in the veteran's homes to warrant us trying to help the Caribou home out until such time that there are enough war time veterans to fill up the home. Thank you.

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. Having read this Bill, and noticed that veterans who have served during war time, and being one myself, is given priority in a particular home. If the home were filled, particularly of veterans who did not serve during the war, would I then be bumping someone? Thank you.

THE PRESIDENT PRO TEM: The Senator from Washington, Senator Vose has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer your question, you would not be admitted because there would be no vacancies. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, please rise in their places and remain standing until counted.

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

10 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

On motion by Senator **MCCORMICK** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "B" ((H-588) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

On motion by **THE PRESIDENT PRO TEM**, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission"

S.P. 508 L.D. 1346
(S "A" S-329 to C
"A" S-281)

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

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

(In Senate, June 11, 1991, **READ A SECOND TIME**.)

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-281) as Amended by Senate Amendment "A" (S-329) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-329) to Committee Amendment "A" (S-281).

On further motion by same Senator, Senate Amendment "A" (S-329) to Committee Amendment "A" (S-281) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "B" (S-343) to Committee Amendment "A" (S-281) **READ** and **ADOPTED**.

Committee Amendment "A" (S-281) as Amended by Senate Amendment "B" (S-343) thereto, **ADOPTED**.

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

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

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish State Selective Purchasing Standards"

H.P. 1174 L.D. 1715

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-467).

Tabled - June 11, 1991, by Senator MATTHEWS of Kennebec

Pending - the motion by Senator CONLEY of Cumberland to RECEDE and CONCUR (Roll Call Ordered)

(In House, June 5, 1991, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-467).)

(In Senate, June 10, 1991, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, June 10, 1991, that Body INSISTED.)

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion by Senator CONLEY of Cumberland to RECEDE and CONCUR. (Roll Call Ordered.)

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act Regarding Judgment Notices in Small Claims Proceedings"

H.P. 263 L.D. 383

Tabled - March 21, 1991, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED, in concurrence

(In Senate, March 18, 1991, READ A SECOND TIME.)

(In House, March 13, 1991, PASSED TO BE ENGROSSED.)

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill dealt with small claims procedures and was one effort to try to ensure that creditors would have a reasonable access to small claims courts to process their claims. We have adopted since this time subsequent legislation that is now sitting on the Appropriations Table, that obviates the need for this legislation, and therefore, I move that L.D. 383 and its accompanying papers be Indefinitely Postponed.

On motion by Senator GAUVREAU of Androscoggin, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On motion by Senator CONLEY of Cumberland, the Senate removed from the Tabled and Specially Assigned matter:

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco

S.P. 349 L.D. 951
(C "A" S-200)

Tabled - June 10, 1991, by Senator CONLEY of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, May 28, 1991, PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-200).)

(In House, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-200) AS AMENDED BY HOUSE AMENDMENT "A" (H-602) thereto, in NON-CONCURRENCE.)

On motion by Senator MILLS of Oxford, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200).

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

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

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Tabled the following:

Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811
(C "A" S-280)

Tabled - June 10, 1991, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-280).)

(In House, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-280) AND HOUSE AMENDMENT "A" (H-549) in NON-CONCURRENCE.)

On motion by Senator CAHILL of Sagadahoc, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280).

On further motion by same Senator, House Amendment "A" (H-549) READ and ADOPTED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-346) READ and ADOPTED.

Which 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 Tabled and Later Today Assigned matter:

Bill "An Act Appropriating Funds to Provide Civil Rights Liability Insurance Coverage to the Department of the Attorney General"

S.P. 751 L.D. 1944

Tabled - June 11, 1991, by Senator GAUVREAU of Androscoggin

Pending - PASSAGE TO BE ENGROSSED, without reference to a Committee

(In Senate, June 11, 1991, READ A SECOND TIME, without reference to a Committee.)

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

Senator GAUVREAU of Androscoggin moved to INDEFINITELY POSTPONE Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 1944 address the situation that we have with respect to litigation in the State of Maine dealing with police solicitation in a law suit that came out of a lawsuit from the City of Auburn. As you may know, the State of Maine lost that litigation in Federal Court, and currently is under an order to pay the attorney's fees to the prevailing party. The question arose as to which entity of State Government should be responsible for payment of an attorney's fee award in the aftermath of court litigation. It was suggested that at various times that the Attorney General would pay the attorney's fees, or the Maine Legislature be responsible to pay the attorney's fee. We have had discussions with the Administration and the Division of Risk Management. I should point out that what we are trying to do is buy back insurance coverage which

will help to basically acquire insurance coverage to pay the outstanding court judgment as it relates to attorney's fees. We have received a memo of today's date from a Timothy Smith who, in fact, is the Director of the Risk Management Division, and I will read into the Record his memorandum. "Mr. Smith states that in order not to set a precedent by having the Attorney General's Office or the Legislature pay for this claim, I will pay this claim under the General Civil Rights coverage I am providing the state. It is my responsibility to protect all state activities, so I will pay this claim as part of the Risk Management's costs." Because Mr. Smith has indicated that he can't provide insurance coverage, there is no need for L.D. 1944, and that is the basis of my motion. Thank you.

On motion by Senator GAUVREAU of Androscoggin, Bill and Accompanying Papers INDEFINITELY POSTPONED.

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

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

SENATE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (Emergency)

S.P. 660 L.D. 1736

Report - Ought to Pass as Amended by Committee Amendment "A" (S-269).

Tabled - June 10, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of Committee Report

(In Senate, June 4, 1991, Report READ.)

The Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-269) READ.

On motion by Senator BERUBE of Androscoggin, Senate Amendment "A" (S-340) to Committee Amendment "A" (S-269) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment simply limits the borrowing capacity, or the liability of the municipalities to the greater Portland Council of Governments, only not to the other councils or Regional Councils of Government. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-340) to Committee Amendment "A" (S-269) **ADOPTED**.

Committee Amendment "A" (S-269) as Amended by Senate Amendment "A" (S-340) thereto, **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED, As Amended**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, Senate Amendment "A" (S-341) **READ** and **ADOPTED**.

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

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

PENDING RULING OF THE CHAIR

JOINT RESOLUTION - Recognizing This State's Historical and Cultural Ties With The Sarthe Region of France

H.P. 1351

Tabled - June 11, 1991, pending - **RULING**

(In Senate, June 11, 1991, **READ**.)

(In House, June 11, 1991, **READ** and **ADOPTED**.)

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, under suspension of the Rules, **ADOPTED**, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

An Act to Continue the Dislocated Worker Benefit Program

S.P. 366 L.D. 968
(C "A" S-228)

Tabled - June 10, 1991, by Senator **CLARK** of Cumberland

Pending - **ENACTMENT**

(In Senate, June 4, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228)**.)

(In House, June 10, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **ESTY** of Cumberland, the Senate **SUSPENDED THE RULES**.

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

Bill "An Act to Increase Penalties for Child Labor Law Violations"

H.P. 635 L.D. 905

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-594)**

Tabled - June 11, 1991, by Senator **CONLEY** of Cumberland

Pending - the motion by Senator **CARPENTER** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CARPENTER** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the 4:50 in the afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1352

ORDERED, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program," to the House.

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

Which was **READ**.

THE PRESIDENT: The President recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am a little confused as to why this Joint Order is necessary. I thought that we had a Bond Issue that had already been reported out on that, and I am wondering if we can discuss this before we pass it.

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **BANKING AND INSURANCE** Resolve, Directing the Department of Education and the Bureau of Insurance to Develop a Proposal to Allow Schools in Maine to Self-insure for Property, Fire and Theft

H.P. 1182 L.D. 1725

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"
H.P. 1083 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-630)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-630)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-630) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend Maine's Underground Oil Storage Laws" (Emergency)

H.P. 1258 L.D. 1826

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-629)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-629)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-629) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator GILL for the Joint Select Committee on CORRECTIONS on Bill "An Act to Promote Work Activities in Correctional Facilities" S.P. 752 L.D. 1945

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 75).

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

The Bill **READ ONCE**.

Which was, under suspension of the Rules, **READ TWICE**, and **PASSED TO BE ENGROSSED**.

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision" H.P. 407 L.D. 590 (C "A" H-257)

In Senate, June 5, 1991, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1350, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-257) AS AMENDED BY HOUSE AMENDMENT "A" (H-612)** thereto, in **NON-CONCURRENCE**.

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

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

ORDERS OF THE DAY

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

Bill "An Act to Establish State Selective Purchasing Standards" H.P. 1174 L.D. 1715

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Tabled - June 11, 1991, by Senator DUTREMBLE of Kennebec

Pending - the motion by Senator CONLEY of Cumberland to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In House, June 5, 1991, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-467)**.)

(In Senate, June 10, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 10, 1991, that Body **INSISTED**.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator CONLEY of Cumberland to **RECEDE** and **CONCUR**. (Roll Call Ordered.)

Senate at Ease

Senate called to order by the President.

On motion by Senator KANY of Kennebec, the Senate **RECONSIDERED** its action whereby it **ADHERED** on:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking H.P. 1284 L.D. 1854

On further motion by same Senator, the Senate **INSISTED AND JOINED IN A Committee OF CONFERENCE**.

The Chair appointed as conferees on the part of the Senate:

Senator KANY of Kennebec.
Senator DUTREMBLE of York.
Senator CAHILL of Sagadahoc.

ORDERS OF THE DAY

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

JOINT ORDER - the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program," to the House.

H.P. 1352

Tabled - June 11, 1991, by Senator PEARSON of Penobscot

Pending - **PASSAGE**

(In Senate, June 11, 1991, **READ.**)

(In House, June 11, 1991, **READ** and **PASSED.**)

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand that when I was not in attendance, the question was asked as for the reason for this Joint Order. The reason is to report out a Bond Issue that has unanimous support of the Joint Standing Committee on Housing and Economic Development. We need a unanimous bipartisan Bond proposal to be handled by this Body. Thank you Mr. President.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. With all due respect, I am still a wee bit confused. I thought that the Appropriations Committee dealt with this issue in the Appropriations Committee on Saturday.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senator Cahill of Sagadahoc is correct, it was dealt with, but not able to be dealt with in a nonpartisan way. It was put out on a bipartisan report. This Bill in our Committee does not have the encumbrance, therefore, we are asking that we deal with a more unified Report. Thank you.

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

On motion by Senator **TWITCHELL** of Oxford, **RECESED** until 6:45 in the evening.

After Recess

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

An Act to Amend the Fair Credit Reporting Laws
S.P. 203 L.D. 530
(C "A" S-199; H "A" H-573)

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices
H.P. 591 L.D. 842
(C "A" H-205; S "A" S-320)

An Act to Require that Employee Leasing Companies Register with the State and to Amend the Employment Security Law
H.P. 704 L.D. 1008
(H "A" H-543 to C "A" H-438)

An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties
H.P. 813 L.D. 1167
(H "D" H-599 to C "A" H-305)

An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety
S.P. 451 L.D. 1227
(C "A" S-319)

An Act to Facilitate Review of Applications Submitted to The Department of Environmental Protection
S.P. 481 L.D. 1283
(H "A" H-595 to C "A" S-297)

An Act Relating to the State Board of Substance Abuse Counselors
S.P. 505 L.D. 1343
(C "A" S-294)

An Act to Amend the Laws Pertaining to Asbestos Removal

H.P. 937 L.D. 1357
(S "A" S-323 to C
"A" H-579)

An Act Concerning the Bonding Authority of the Cumberland County Recreation Center

H.P. 1238 L.D. 1804
(S "A" S-327 to C
"A" H-537)

An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach

H.P. 1269 L.D. 1840

An Act to Improve the Returnable Beverage Container Laws

S.P. 698 L.D. 1863
(C "A" S-289)

An Act to Increase the Minimum Amount of Insurance Coverage Required for Limousines to Conform with Federal Law

H.P. 1313 L.D. 1899

An Act to Amend the Quorum Requirements for Special Town Meetings in Vassalboro

H.P. 1341 L.D. 1933

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 Amend the Law Concerning the Maine High-Risk Insurance Organization

H.P. 546 L.D. 783
(S "A" S-310 to C
"B" H-316)

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

An Act to Strengthen Municipal Borrowing Alternatives

S.P. 331 L.D. 887
(C "A" S-299)

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

An Act to Amend Fire Insurance Premiums and the Schedule of Fees in the Office of the State Fire Marshal

H.P. 706 L.D. 1011
(C "B" H-592)

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

An Act to Improve Outdoor Lighting

H.P. 824 L.D. 1178
(H "A" H-559 to C
"A" H-455)

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know it is late, and I won't take a lot of time, but this particular piece of legislation, the reason that I am opposed to it, and would ask for a Division on Enactment, is that it puts into law some very specific lighting requirements that any building or highway that uses state funds must adhere to. I am thinking that perhaps it would be costly, and is not appropriate to do at this time.

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

Senator **PEARSON:** Thank you Mr. P resident. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair, because I am particularly interested in this Bill, too. Would that also apply to municipal roads that receive state aid?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Only because I happen to have the amendment right in front of me, it says, "This Amendment leaves the responsibility for building lighting to the Bureau of Public Improvement, and makes the Department of Transportation responsible for administering lighting standards on state highways, and state aide highways. The section requiring municipalities to conform with those lighting standards is deleted by this amendment." But, I think that any state aide road has to comply with these lighting standards, and although, there prospective lighting standards, I still think that it could put quite a burden on it sometime in the future.

Off Record Remarks

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Echoing the good words from my colleague, the Senator from Sagadahoc, Senator Cahill, it is only because she apprised me that she would have a problem with this Bill, that I looked up the Committee Amendment "A" (H-455), and rather than reading the Bill, I went to the Statement of Fact, which is easier for me to understand. It reads, "The section requiring municipalities to conform with the proposed lighting standards is deleted in this amendment". I would presume that municipalities would not be included in the all encumbering exercise of lighting standards. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just happened to be in the town office the other day when the mail came in. There were four envelopes there from Bangor Hydro. I said, "What are those for"? And they said, "Those are for municipal lighting in the town, and one for the town office". And I said, "What does your Bill run for municipal lighting"? He told me what it was, I can't remember what it was, but it was done in different sections of the town. I was curious when I saw this Bill, because I am wondering some of that town that I live in is a state aide road, and some of them have street lights on them. I don't know if the street lights on that particular town, or any other town, conform to what this Bill has for standards. But if it doesn't, apparently, they would have to change the lights in the town on state aide highways.

The message that I am getting into is, this is sort of a form of a mandate that the towns have to pick up. If they have state aide roads in the towns, I think that most towns do.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can understand you taking a look at this Bill and saying, "What is going on here! Why do we have to have defused lighting?" And that is exactly what I said when I first saw the Bill come before the State and Local Government Committee.

We had this wonderful presentation that showed the difference between glare lighting and defused lighting. It really made a whole lot of sense, in fact, defused lighting could cost you less than the glare lighting does, if you approached it correctly. It really in a sense is an environmental issue only about sight, because when the showed us the area that glare lighting covered, for instance, if it is on a building, and that building is a warehouse, and that warehouse happens to be on the fringes of residential properties, I bet everyone of us knows of somebody who has come and complained to us about this lighting, and it is really security lighting on buildings that has caused them problems. All night long they have to put up with that glare light, when in fact, if that building had been required in their

codes to put in the defused lighting, then you wouldn't have the problem, you would be able to take care of your security issue, and on and on.

The glare lighting on the highways have some effect on how you see things on those roads, and when you approach from an unlighted area on a highway into a lighted area, it is very disconcerting to lots of people when they do that. We wanted to make it prospective so that it wouldn't be a burden on anybody, but that there would be some standards set for those people who are putting up new lighting. It was a temptation, believe me, to try to get everybody to take a look at putting in defused lighting, but obviously, that is not something that you can do. But, that doesn't mean that you can't take a look at encouraging people to use the defused lighting, especially the way that this Bill is now stripped down. I think it is a step in the right direction. It may not seem like a problem at 7:40 p.m., on June 11, 1991, on a very hot evening, and we know that we have lots of issues before us, but, it is something to consider, and it is something that the Committee wanted to pass out, so I would urge your support of it.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I cannot say that I have all the details on this piece of legislation, I am trying to gather them here at the last minute, but some information has come to me, and that is, one very important piece of this is, that this applies when you replace a light or install a new one, it is not as if we would be running around replacing all the lights that are in place that don't need replacement, it would be intended for replacement or installation of a new light, and that an important part of this is, that it would require what we call full cut out lights, so that the lights that you see flickering, do not cut out completely, would not be allowed, they would be lights that would be required to cut out completely when they are turned off, so there is a little more to this, and I hope to have more information on this later in the evening. Thank you.

The Chair ordered a Division.

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

Will all those in favor of **ENACTMENT**, 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 14 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Provide Identification Cards for Persons 18 to 20 Years of Age

H.P. 1073 L.D. 1567
(H "A" H-546 to C
"A" H-492)

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

An Act to Amend the Waldoboro Sewer District Charter

H.P. 1225 L.D. 1783
(C "A" H-370; H "A"
H-387; H "B" H-430;
H "C" H-550)

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

On further motion by same Senator, requested and received leave of the Senate to withdraw his motion to place on the **SPECIAL APPROPRIATIONS TABLE**.

On further motion by same Senator, Tabled until later in Today's Session, pending **ENACTMENT**.

An Act to Amend the Liquor Laws

H.P. 1264 L.D. 1833
(C "A" H-545)

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

An Act to Repeal the Laws Allowing the State to Participate in Lotto*America

H.P. 1304 L.D. 1886
(C "A" H-576)

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

An Act Concerning Security Deposits

H.P. 1332 L.D. 1923

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

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Briefly, I again would like to talk to you a little bit about this piece of legislation. This legislation is actually the son of the piece of legislation that we discussed in the Senate Chamber a few weeks ago. If you recall, there was another Bill that was similar to this that and is now on the Table, because of a Suspension of the Rules motion which did not go through. This Bill was a result of that. What it would say is, that collection of advanced rent is limited to security deposits to two months rent. I think that this is a piece of legislation that should be regulated individually through a landlord and his tenant, and for those reasons, I move Indefinite Postponement of this Bill.

Senator **CAHILL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

Senator **MILLS** of Oxford requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill, the original Bill that was mentioned, got held up here in the Senate because we were not able to Suspend the Rules to get a two-thirds vote to take off the emergency on the Bill. A clear majority had voted for this Bill in the past. It basically changes the law to try and correct a problem that we have had in some of the college towns in the state.

The problems that they have had is, that landlords have been collecting the entire six months period of rent in advance, and therefore, have felt no need to make repairs or other types of things that need to be done for the tenants in those areas. What basically has happened, is that they have taken current law, and they have gone around current law, where they are not supposed to be charging for rent in advance with security deposits, they are saying that it is rent in advance. All we are trying to do is clarify the law to stop what is already on the books by what current landlords are using to get around the law, and I hope that you will support the Bill.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **CAHILL** of Sagadahoc to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator CAHILL of Sagadahoc to INDEFINITELY POSTPONE Bill and Accompanying Papers, in concurrence, FAILED.

Which was PASSED TO BE ENACTED in concurrence.

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

Resolve

Resolve, to Conduct an Independent Review of the Department of Human Services

S.P. 551 L.D. 1455
(C "A" S-240)

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

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the Tabled and Later Today Assigned matter:

An Act to Amend the Waldoboro Sewer District Charter

H.P. 1225 L.D. 1783
(C "A" H-370; H "A" H-387; H "B" H-430; H "C" H-550)

Tabled - June 11, 1991, by Senator PEARSON of Penobscot

Pending - ENACTMENT

(In Senate, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370), HOUSE AMENDMENT "A" (H-387), HOUSE AMENDMENT "B" (H-430), and HOUSE AMENDMENT "C" (H-550) in concurrence.)

(In House, June 11, 1991, PASSED TO BE ENACTED.)

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I receive a list from the people downstairs of all those things that cost money, have potential costs, and so forth. This one said, "Potential costs, jury trial". I looked at that and said, "What does a jury trial have to do with the Waldoboro Sewer District"? It threw me. I called downstairs and asked them to check it out for me. The said there was a potential for eminent

domain procedures, which would call for a jury trial, which would cost money, so it has a potential to cost. So I would ask the good Senator from Cumberland, Senator Brannigan, if he would place this on the Appropriations Table.

Senator BRANNIGAN of Cumberland moved to place on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

The same Senator requested and received leave of the Senate to withdraw his motion to place on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 address the concern that was raised. That was an issue that did come to our attention afterwards, and I think if you look, there is an amendment that deletes the eminent domain provisions within that so that it would not put in the position where it would be challenged in the Court. That was brought to us belatedly, because we had to rush the Bill through for the deadlines. But, it did come to our attention, and I believe if you look, there is an amendment that is attached that deletes the eminent domain authority.

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

Off Record Remarks

Emergency

An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1992 and June 30, 1993
H.P. 820 L.D. 1174

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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 Create a Single Uniform Summons and Complaint That Must Be Used by All Law Enforcement Agencies in the State

S.P. 653 L.D. 1720
(C "A" S-307)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators 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 Limit Liability for Participants in Recycling Programs
H.P. 1205 L.D. 1761
(C "A" H-585)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators 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 Create the Plymouth Water District
H.P. 1314 L.D. 1900
(H "A" H-606 to C
"A" H-530)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators 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 Amend the Charter of the Farmington Village Corporation
H.P. 1270 L.D. 1841
(C "A" H-605)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Emergency Resolve

Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws
S.P. 673 L.D. 1787
(C "A" S-233)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators 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.

Emergency

An Act to Amend the Composition of the Animal Welfare Board
S.P. 694 L.D. 1859
(C "A" S-305)

Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes
S.P. 675 L.D. 1789
(C "A" S-316)

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with No Senators having voted in the negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE** in **NON-CONCURRENCE**.

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1991

H.P. 1334 L.D. 1927
(H "A" H-575)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1991

H.P. 1335 L.D. 1928
(H "A" H-562)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1991

H.P. 1345 L.D. 1938

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1991

H.P. 1346 L.D. 1939

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1991

H.P. 1347 L.D. 1940

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 for Capital Construction to Protect Public Water Supplies and Capital Construction of Water Pollution Control Facilities

S.P. 502 L.D. 1340
(C "A" S-326)

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

Bond Issue

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine

S.P. 642 L.D. 1690
(H "A" H-604 to C
"A" S-308)

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

ORDERS OF THE DAY

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

An Act to Amend the Waldoboro Sewer District Charter

H.P. 1225 L.D. 1783
(C "A" H-370; H "A"
H-387; H "B" H-430;
H "C" H-550)

Tabled - June 11, 1991, by Senator CLEVELAND of Penobscot

Pending - **ENACTMENT**

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370), HOUSE AMENDMENT "A" (H-387), HOUSE AMENDMENT "B" (H-430), and HOUSE AMENDMENT "C" (H-550)** in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have learned that I was correct, that we had stripped the eminent domain proceeding from the Bill, and therefore, there was no fiscal note to the Bill. Although my microphone won't stay up, my brain cells are still working somewhat.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to say congratulations to the good Senator from Androscoggin, Senator Cleveland. He has caught an error in the Finance Office, and not very many people accomplish that. I have seen a lot of people try over the years, and it happens very rarely, and all I can say is, keep it up!

Off Record Remarks

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:

Committee REPORTS

House

Ought to Pass As Amended

The Committee on **HUMAN RESOURCES** on Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program"

H.P. 557 L.D. 800

Reports that the same **Ought to Pass as Amended by Committee Amendment "B" (H-631)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-631)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (H-631) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Allow the Department of Marine Resources to Convey Land

S.P. 691 L.D. 1837
(C "A" S-291)

Report - Ought to Pass as Amended by Committee Amendment "A" (S-291).

In Senate, June 6, 1991, the **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-291)**.

Comes from the House Report **READ** and Resolve and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **BERUBE** of Androscoggin, the Senate **INSISTED**.

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide Due Process To Participants in the Driver Education Evaluation Program"

S.P. 614 L.D. 1618
(C "A" S-263)

In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-263)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-263) AS AMENDED BY HOUSE AMENDMENT "A" (H-634)** thereto, in **NON-CONCURRENCE**.

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

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

Non-concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 735 L.D. 1926
(C "A" S-328)

In Senate, June 11, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-328)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-328) AND HOUSE AMENDMENT "A" (H-635)** in **NON-CONCURRENCE**.

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

Non-concurrent Matter

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash
S.P. 747 L.D. 1943

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

In Senate, June 10, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-633)** in **NON-CONCURRENCE**.

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

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

On motion by Senator **CLARK** of Cumberland, removed from the Tabled and Later Today Assigned matter:

Bill "An Act to Establish State Selective Purchasing Standards"
H.P. 1174 L.D. 1715

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Tabled - June 11, 1991, by Senator **CLARK** of Cumberland

Pending - the motion by Senator **CONLEY** of Cumberland to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In House, June 5, 1991, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-467).**)

(In Senate, June 10, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**)

(In House, June 10, 1991, that Body **INSISTED.**)

On motion by Senator **DUTREMBLE** of York, the Senate **RECEDED.**

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-467) **READ** and **ADOPTED.**

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

On further motion by same Senator Senate Amendment "B" (S-350) **READ.**

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment deals with investing in South Africa, and it addresses some of the concerns that a lot of us had concerning that Bill. What it does, it makes sure that the state treats U.S. companies the same as they would treat foreign companies, and the reverse. It also eliminates the 10% greater portion of the Bill which would cost the people of the State of Maine more money, and maintain the lowest possible bid as is the standard for when the State Purchasing Agent does his work. Finally, to address some of the concerns that the companies had, it exempts any company in South Africa that has adhered to or is a signatory of the Sullivan Principles, and that I think you will find is acceptable for those people who had problems with this Bill before. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-350) **ADOPTED.**

Which was, under suspension of the Rules, **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 Concerning Abandoned Property
H.P. 462 L.D. 653
(C "A" H-475)

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers"
S.P. 634 L.D. 1682
(C "A" S-288; S "B" S-317)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-288) AND SENATE AMENDMENT "B" (S-317).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (S-288) AS AMENDED BY HOUSE AMENDMENT "A" (H-636)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** and **CONCURRED.**

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

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

COMMUNICATIONS

The Following Communication:

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

June 11, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
115th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391).

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police"
S.P. 423 L.D. 1135

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

Signed:

Senators:
MILLS of Oxford
KANY of Kennebec

Representatives:
BOWERS of Sherman
STEVENS of Sabattus
TUPPER of Orrington
RICHARDSON of Portland
HICHENS of Eliot
LAWRENCE of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-351)**

Signed:

Senator:
SUMMERS of Cumberland

Representatives:
POULIN of Oakland
PLOURDE of Biddeford
JALBERT of Lisbon
DAGGETT of Augusta

Which Reports were **READ**.

Senator **CONLEY** of Cumberland moved to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is very hot and humid in here this evening, and I would much rather be discussing this Video Gaming Bill in a place where we want to put these video game machines. At first, I would like to thank the good Senator from Oxford, Senator Mills, who as the Chair of the Committee, and the lead person on the Majority Report, has extended to me the courtesy of arguing the merits of this Bill first, so that we might talk about this Bill in a positive way, and I thank him for that. I would also like to thank him and other members of the Legal Affairs Committee, even those who have voted against this, but particularly Senator Mills, who worked this Bill, and the Minority amendment which is before the Bill, which is about twenty-six pages long. Even though the good Senator from Oxford decided in the end that he could not support this measure for his reasons which I respect, he worked hard to make sure that what this Body finally ended up with is a good working document. A document that would not need many changes. As a matter of fact, a document, if you agree with it, would not need any changes at all. He saw to it that the hard work was done to make this a good Bill. Most of the reasons, and I think I can speak fairly on this, that people would oppose this video gaming measure, I think are philosophical in nature. As a matter of fact, I think the basic reason for being opposed to this is that they are philosophical.

I attended a Hearing on this Bill along with probably about three hundred other people. I would say that there may have been ten people there who opposed this Bill. The rest of those people that were in that room were business men and women from across this state, who saw this Bill as an opportunity to help save their businesses that are having a very difficult time making it in this state. That is in no small reason due to some of the laws and the very tough laws that we passed regulating our hospitality industry, causing their insurance's to go up, Workers' Comp Insurance, Employment Insurance, and taxes to fund some of the programs which we care deeply around here about, namely our health programs.

I think it would be fair to characterize the people who oppose this measure, and again for philosophical reasons, as feeling that the state should not be expanding its roll in the area of gaming, or gambling, lets throw the "B" in that word so that people can feel good that this is really what this is all about. I tend to disagree with that characterization of this Bill, but I will accept it. The philosophical reason is, we shouldn't be gambling. The state should not be expanding what we do in this area. I have to be reminded, and perhaps it is a good time to tell a story, but many people in here have seen that world famous film, "Casablanca". As many of you remember, Humphrey Bogart, the lead character in that film, Lauren Becall and Victor Mature are underground people who are fighting for the French Revolutionary forces, and the Germans have taken over Casablanca. Claude Reins, the truly invisible man, plays the person who is charge of that town for the government. At one point during the film, the German colonial realizes and comes to believe, and he is absolutely right, that Humphrey Bogart is trying to help Lauren Becall and Claude Reins escape. So the German colonial orders Claude Reins to go in and shut down the cafe. He goes running in with his troops, and says to the owner, as they are closing the place down, "I am shocked, shocked to see that gambling is going on in here!" Right at the same time the hostess approaches him and says, "Sir, your winnings". And the Colonial says, "Thank you", and he immediately closes the premises and leaves.

That is what I think of when I think of the state saying that they don't want to extend our gaming and entertainment activities in this state. We have got the Lucky Pick Seven, we have got Megabucks, we have got horse racing, we have got Beans, which many of the Catholic churches that I have gone into around this state, the first thing that you see before you see the Cross is, the Beano sign. I am not against that. I think it is right. It is the way that we should be raising revenues, and it helps many of our charitable organizations. This particular Bill is crafted after a measure which has been successful in two other states, South Dakota and Montana. If you take a close look at this Bill, and the hard work that Senator Mills and his Committee has done on this, they have involved the Maine State Police, they have involved other enforcement people that would insure that the system that is set up, will involve dedicated lines, just like they have in the Lottery, which goes from these machines, which no more than three can be placed in any establishment, and they must be in an establishment which is licensed to

serve drinks, so that we can make sure that minors do not play these machines, and I think that the good Senator from Oxford would agree, it is a tamper proof system.

I am the sponsor of this measure, and I am proud to be the sponsor of this measure, and there are many people here who have things to say on this. The good Senator from Cumberland, Senator Clark, has sent out to people in the Body a "Fact Sheet" on how this particular measure would work. Again, I think that describes about as accurately as anybody could as how this would work. The most important thing, I think, after you can deal with the philosophical issue, is that the state will get 33 1/3% of whatever share there is out of the revenues generated by these games. In the calculations, which are on the amendment that you have before you, it would suggest that the state would reap as much as \$21 million over the course of the next two years. That is a lot of money, and we are in a position where we need money. There are others in here who will speak to the appropriateness of getting this measure to the Appropriations Table, so that they might consider it along with all the other pieces of the puzzle that they have to put together when they finally get down and figure out with what they are going to do with this fiscal mess that we are in. But, the reason that I am in favor of this Bill is, because what else I do around here is sit as Chair of the Human Resources Committee, and I can tell you that we have not had a happy time up there turning away many people who in good years we have given very important and vital programs to take care of the needs which are so critical to our most vulnerable citizens in this state. I see this Bill as holding out an opportunity for businesses in the state to form a partnership, whereby we can keep state employees, who we now look at who may have to be laid off, because we do not have the resources to keep them employed, to keep running these vital programs, keep them in their jobs so that we can keep these programs, and make sure that our citizens are protected the way that they should be, and also to make sure that our educational programs are funded, so that we can keep the high quality of education which we want for the children which we have in this state.

There are many, many reasons to support this measure. I think it is a sound measure. It is one that has been proven in other areas, and I hope that this Body will go along with this measure, and at least get it to the Table where it might be debated by people in leadership and Appropriations to decide whether or not we should be adopting this for the state. Thank you.

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

Senator MILLS: Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to request a Roll Call. This Bill has been in the Committee, and it was one of the first Bills that we had in the Committee, and we have worked a tremendous amount of time on this Bill.

I am reminded of a quote that Senator Gauvreau had said before the Committee the other day before the Democratic Caucus when he said, "You try to take a sad song and make it better", from a Lennon/McCartney song, and I guess that is basically

what we did as a Committee. We tried to be responsible as far as what we were facing as the State of Maine, and tried to come up with new revenues in the State of Maine, and we took the leadership in the Committee to decide that if we got to the position in this state that we had to come up with approximately \$15 to \$20 million dollars, in this Bill, we would work it and get in the position so that it would be a good Bill, if you decided that was the policy that this Body and this state wanted to take. The final analysis, for myself, I had a very difficult time trying to decide about this issue. The good Senator from Cumberland, Senator Conley, mentioned about the businesses in this state, and how some of the actions that have been taken by the Legislature in the past few years have made it very difficult for those businesses to survive in many areas. Also, the fact that liquor sales throughout the state are going down because of Bills that we have passed, and because of the understanding of what liquor has for health effects and other reasons in this state, the sales of liquor have gone down. This Bill would help those establishments to sell liquor. I guess for me the final analysis comes down to is what does this Bill actually end up doing. If we pass this Bill, from the revenue sources that we have been able to get to make the fiscal note, we are basically saying that we would have \$225 million worth of new gambling in this state. That is the question I guess you have to ask yourself. In order to get that \$15 to \$20 million of revenue that we want to encourage, and have \$225 million worth of new gambling in this state, to be fair to the Bill itself with that \$225 million, a lot of that money will be coming back to the people who actually put it into the machines. The actual take in the machines will be about \$80 million which will be divided up into thirds. The point of the matter is, it will be \$225 million worth of new gambling. I would rather see us try to balance this Budget with other sources, hopefully, in progressive taxes or other cuts. I know that we are going to be in a difficult situation trying to balance the Budget. I, myself, hope that we look to other areas to do so. Those are the reasons why I oppose this Bill. Thank you.

On motion by Senator MILLS of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator SUMMERS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise tonight to support the minority report. I was the only member of the Senate on the Legal Affairs Committee that chose to do so. I really would like to congratulate the Committee on Legal Affairs, because as the good Senator from Oxford, Senator Mills mentioned a few minutes ago, we took a Bill that essentially had a lot of holes in it and worked very hard with it and came up with a very good piece of legislation. A piece of legislation that not only the Department of Public Safety worked on, but members from both sides of the aisle. I think it incumbent to give this Bill very serious consideration. I am very happy to be on the same side of this legislation as the Senator from Cumberland, Senator Conley. I know psychologically

we differ on several issues. I did notice that the real difference between us is, when the Senator from Cumberland, Senator Conley walks, and I walk, he leads with his left and I lead with my right. It is nice to be on the same side for once. L.D. 1135 is a very important Bill for the State of Maine. This is an economic development Bill. There is no question that it deals with the aspect of gambling, and I would never even begin to suggest that by turning to gambling is the state going to somehow pull itself out of the economic ills that it has created. This is a measure that could not only provide jobs for the state, it could provide extra income for an industry who is currently being taxed at a higher rate. I think it is very important that members of this Body consider this Bill, and give the Bill a fair Hearing for the people's court. Thank you.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am one of the signers of the Majority Ought Not To Pass Report. I rise to explain that position, and basically, I arrived at that particular vote by inquiring among many constituents if they thought it would be good public policy for us to allow the gambling video games. I did not hear one single person indicate an interest in this legislation, unless they would have a financial interest in having the law enacted. We did hear from many people who would benefit financially. The general public really does not want us to solve our budget crisis by relying upon increasing gambling in this state. I urge you all to give that major departure from our usual public policy making serious consideration before you vote on this Bill. I urge you to oppose the pending motion and go with the majority of the Committee which was in favor of the Ought Not To Pass Report. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I join my colleague from Kennebec, Senator Kany, and the Chair of the Committee on Legal Affairs in urging this Body to reject the pending motion. We have one very strong and compelling reason this evening to look with a great deal of question to this legislation and that is the ill fated attempt to raise revenues for Maine and I am speaking directly about Lotto America. I opposed that measure last session, and a year later the Legal Affairs Committee is proposing to the Legislature that we now get out of that association. That was an ill conceived measure, and one that we rallied behind primarily because of the revenues. Really, from an economic point of view, and a revenue enhancing point of view, it made very little sense. This particular legislation today concerns me greatly. I know that we are facing challenging times. Times which the good Senator from Cumberland, Senator Conley, who has been a good friend and a hard fighter for those that are from the shadows of life, those that for a great many reasons have not had a fair shake trying to carve out a piece of the American Dream, or opportunities to that dream. We can't sell our principals, ladies and gentlemen, in attempting to help those individuals. I am very concerned that this legislation really goes

beyond any reasonable, logical, compassionate feeling, with respect to those that are really going to unveil themselves to this kind of situation. We have seen and know of a great deal of research and study about fair taxation. We spend a great deal of time in the Senate talking about tax justice and equity. We know one of the most unequal and inequitable unfair taxation on our citizens is through gambling, the state public gaming. It hurts those who can least afford it. We have seen over the years a great deal of tension, bipartisan tension from this Legislature and in Washington with two Presidents, one a current President and the other a President who left office after two terms. They are talking about the concern of trying to overuse the credit card syndrome. We are charging, or in other words "passing the buck". Ladies and Gentlemen, this kind of revenue method really does that. It really entices individuals to take a chance, to take a plunge. Those that can't afford it will take that plunge, and ladies and gentlemen, many of them will go off that preface. Who will pick them up? Who will be there but the state? This particular legislation this evening is in my estimation a very poor attempt to try to help our State Government woes. As I said with Lotto America, I think it is an attempt again to gamble our way out of the situation. It is projected by the Bill's sponsors that once we implement this legislation it could raise between \$25 and \$50 million in additional state revenues. This is a tempting proposition. It is also in this case a temptation which is clearly wrong. By setting up gambling machines in bars and restaurants all over our state, machines which will require regulation by State Police, the Government will dramatically expand its questionable roll in gambling. The Legislature has gone from State Lottery, Tri-State Lottery to the Lotto America game, and now to public gaming. This involves larger and larger gambling enterprises. There is pending legislation to continue simulcasting, which we voted on today. There is also a discussion of the State Lottery Officials about turning certain functions of the Lottery over to private casino gamblers. This apparent trend toward more state entanglement in gambling represents bad public policy. Citizens who work hard for their money are being enticed by their own elected officials to throw away their hard earned money to a variety of seductive gambling measures. In their advancement of this legislation, proponents are embracing, if it feels good, lets do it public ethics. Men and women of integrity and thoughtfulness in this Legislature must reject the short sighted venture. I understand that Maine will become one of a handful of states that have or permit such an activity. As I have mentioned earlier, the regressive taxation issue has been well established with considerable research that those who gamble are not the wealthy, and are not those who can afford these kinds of extracurricular activities, but low and middle income people who can least afford it. Supporters of video gambling are not only engaged in promoting an appeal to this kind of activity, but are also endorsing regressive taxation at a far more fundamental level, supporting government by gambling which undermines the foundation of democracy itself. The key to democratic government is individual responsibility. To finance government through gambling removes each citizen from his or her sense of personal responsibility. The New York Times denounced government revenue by gambling as economic

immorality. I think probably those words ring true to some degree. This legislation and others like it represent an unethical course of action both economically as well as politically. This kind of policy diminishes the dignity and integrity of the government and the people which it serves. I think it is important to state that this legislation does concern many of us, not only myself, but others in this Chamber and around the state with a systematic movement to other types of gambling such as casinos. I wonder if that is the Maine that you and I really envisioned and grew up with. The kind of Maine that we want to become. The tradition that I remember growing up in this great state is the work ethic, the Yankee ingenuity, the determination to solve our problems, is the collective good will to help our neighbors. Are these kinds of values enhanced by this legislation? I think not. It offers a very big part of gold at an arms reach that will pull back and away from those that fall into its tentacles. I hope that the Senate will reject the pending motion and go with the Committee, and lets do as Maine people have done historically in the state. Lets solve our problems, but lets do so in a responsible, hard working and uplifting fashion. That is the Maine ethic. Thank you.

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

Senator **BALDACC**I: Thank you Mr. President. Ladies and Gentlemen of the Senate. This piece of legislation is one in which I myself will never be involved in with being in the restaurant business. I have enough to do in trying to make ends meet without getting involved in this. There are a lot of people in this industry that would like to have the opportunity to be able to gain some resources and to make some profits that are not related to alcohol. A non alcohol source of income to help them break even. Last year, or two years ago, when we were debating Lotto America, we were pleading with members of this Chamber to go along with it because it would provide the \$8 million in the Budget. It was going to be able to save us from cutting programs and slashing spending and everything else. It has not achieved its purpose. Lotto America has been voted out be this Legislature. I submit to you that this is an alternative to try to see if we can, in fact, give communities some relief, to give businesses some relief, and give the individuals some relief. That is what is being proposed here, an opportunity to say that we should not be in gambling is to not recognize the fact that we are in harness racing, instant Lottery tickets, Tri-State Megabucks machine and Lotto America. We are in the gambling business in a small degree here in Maine. This Bill provides a safe guard that are regulated by the State Police, and have it overseen by the departments of the state. It is going to be regulated very vigorously and controlled very vigorously. I think that we should at least give it an opportunity. That is all that is being proposed. If this Legislature feels that the people of the State of Maine are not being served well, they will vote it out like they did with Lotto America. We did give it a try and it was not successful. It did not yield the results that we thought it would. This is an opportunity to try something else. We are not really increasing the gambling overall. We are submitting one for

another. I submit to you that this makes sense. Thank you.

Off Record Remarks

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't have any illusions of what is going to happen to this Bill today or tonight, believe it or not. I think the skids have been well oiled, and even though we got this Bill a few minutes ago, some of us had to fight to get a copy of this very important Bill including twenty-six pages of gambling laws held to the last minute. It has been well greased and oiled and it will just slide right through. Heaven knows if a few changes were made on this Bill I might even vote for it myself. There are some things that have to be said before anyone votes on this, I think you should all know that there are a lot of problems, a lot of different issues that at least have to be brought up. First and foremost, there is only compelling reason for passing this Bill. One. Money. This Bill was here last session and never made it out of Committee. The difference is money. As a matter of fact, a lot of you searched the comments you made yourselves in the last few weeks about this. Many of you have said you really hate this Bill. I would not normally vote for this Bill. It has nothing to do with safe guards. It has nothing to do with how much time has been spent on this Bill. It has to do with money. The taking away of money from Maine's citizens. This is not a people Bill. It has nothing to do with helping the Maine people at all. Nothing. If you believe for one minute that it does, I have a saying that goes, "I have a piece of property I want to sell you in Florida". This is what this Bill does. It tells me that you are going to win 80% of the time. What it really means is that for every \$10 you give me, I am going to give you back \$8. I have all kinds of \$8 bills in my pocket if anyone wants to try that with me. A \$1,000, drop your quarter into this machine and you can win a \$1,000. If you don't your first time, you can use a little quote from Humphrey Bogart, "Put it right on top, play it again, Sam," and play it again, and play it again, and play it again, and play it again. Not only that, but have a drink while you are playing it again, and have another drink while you are playing it again. You see, the only place you can have these machines is where they serve alcohol. The reason why we have this Bill in, supposedly, is because we have passed so many laws on alcohol. I guess that is supposed to make me feel bad that we have finally done what we wanted to do. We now have to pass another vice to make up for that money because visitors are having problems. I feel bad for them. I have as much compassion for anybody having problems in these bad economic times as anybody else. Why not put them in banks? They are having problems too. Real estate agencies, grocery stores, and clothing stores, it doesn't make any sense does it. You know once we get this Bill in it will never come out. It will be here forever. Just think of the Lottery. We

are talking about trying to get rid of a Bill that has \$2.5 million, and already we hear people saying we can't do that. It has nothing to do with what social consequences we might have with gambling. It is the taking away of money from the Maine people. Again, remember that there has been no demand at all from the Maine public. None. The fact that we have had no demand at all from the Maine public. None. They know they are going to raise millions and millions of dollars. What does that tell you about gambling? At least when the Maine people went crazy over Cabbage Patch Dolls there was a product. There is no product here, just profits for Maine distributors and restaurants. Money lost. A number of years ago people of this state spoke on machines, and I would have people tell me that this is different than what the referendum was a couple of years ago, and maybe it is slightly, but it did involve gambling machines. Why didn't this go back to referendum? Why? I guess I was in a position that I know that maybe this would lose. I wouldn't take this back to the people where I would lose. I am going to take it to the Legislature. I guess I have a problem with that, too. This is going to give a shot in the arm to Maine's economy. I hear figures mentioned from \$11 million to \$30 million for this state, maybe even higher. That means a lot of money flowing through those machines. A lot of money. If you count the total amount of money taken out of the economy in the State of Maine, that means that money is being spent somewhere else is not being spent. That probably would have been spent in Joe's Smoke Shop, the Dairy Queen or in some movie theater. So for every time you are pumping a dollar in the Maine economy by sending it to the state and to the businesses, you are taking it away from somebody else. Maybe you are creating jobs here, but you are taking it away on the other side. I think it is important that we consider these things before we vote on this very important Bill. I guess it is just that I have to consider in my mind what direction I want the State of Maine to picking up money when we get into these financial situations we get ourselves into. We could be making decisions here that are forever going to bind us because of all the money that is going to be generated from these machines. I read through the Bill, and I will agree with the good Senator from Cumberland, Senator Conley, that a lot of time has been spent on this Bill and there are a lot of restrictions. I would like to see a lot more before I would vote for something like this. For the moment I will oppose this Bill until possibly people will want to work on making those changes. Maybe you won't want to make them, because as I said, I think this thing is going to go. I think it is important that before we vote on this that at least everyone has an opportunity to listen to what I felt and what I had to say. Thank you.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is quite obvious from the remarks of the good Senator from York, Senator Dutremble, that he feel strongly about this measure. If we were to take what he is saying to its ultimate conclusion, and I believe we could, we should repeal every single bit of gambling that we are into. All the way from A to Z. Lets get out of it. Harness racing, throw it out the window. Lets

get rid of beano everywhere. Get rid of it! Get rid of the Lottery from top to bottom. We shouldn't have anything to do with it. If that is the way you feel, we should not take one nickel from this. Unlike the good Senator from Kennebec, and most likely the good Senator from York, and definitely the good Senator from Kennebec in back of me, I think I tend to associate perhaps with some different people. People perhaps they are not familiar with. People who actually think playing machines like this is fun. Fun and entertaining. They like it. They are not just people who have a financial interest in this. The good Senator from York knows, he knows this well. I know it well, probably better than anyone here. There are literally hundreds of these gray machines across the state. In many taverns. We don't have the enforcement authorities out there to get out there and police them. Eight out of every ten dollars out there is not returned to the people who play them. The state doesn't even get a nickel. We can't police it. Does that make it anymore right or wrong that we should be into it. No, but does it make sense. Yes. We should get our share. We definitely should get our share. This is a lot different from legalizing marijuana. We are already into gambling whether we want to admit it or not. This particular type of gaming does not appeal to the low income or the poor. Perhaps they are a lot smarter than some of the other people who play these machines. Studies show that a \$15 to \$30 thousand income range are the people who play this for entertainment. This type of activity does not make people drink more. As a matter of fact, beer and wine wholesalers did not appear in favor of this Bill and they probably oppose it. Do you know why? People go into these establishments they drink less. Studies show that people go in there with twenty-five dollars and they spend twenty-five dollars, and whether you have pin ball machines or basket ball hoops, or bowling machines or a video machines, their money gets divided among them all. If you don't have any of them and you don't have any food, that is when they drink. The only comment that I take objection to from what the good Senator from York has said about this Bill is, that the skids were greased. Some sort of magic was going on before this Bill came up here. He knows full well that we have all been waiting for this measure. It has been down in Bill drafting for weeks. I believe it is an accurate draft of what this Bill has worked on and worked hard to produce. One can be opposed to this and I respect that. He obviously is. If we are really going to be honest, lets get rid of it all. If not, lets take a serious look at this. There are some people in my District that I would like to help out. I am not talking about the people who run these places. I am talking about the people who are going to be cut off from services, that we are not going to have because we don't have the money to fund the programs. Thank you.

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

Senator MILLS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would first like to say that one of the reasons why the Bill arrived here so late was because of the fact that we worked on it a tremendous amount of time in Committee. We also were trying to make sure that it came in the end of session so that hopefully at that time we would have

a better idea of what the actual Budget package was going to be. Unfortunately, we still don't seem to be quite at that point yet. I would like to point out a couple of points that the good Senator from Cumberland, Senator Conley has made in favor of this Bill, and I think can also show that it is not as good a reason as he might think. If you take the argument that when someone goes into a bar and they have twenty-five dollars, and they are going in there and spend that money no matter what, how in the world do you ever get any new revenue out of this Bill? If somebody could explain that to me, I would like to know what it is, because that is really a good way to balance a Budget. If you have twenty-five dollars and you go into that bar, and you are not going to spend anymore than that money no matter what when you come out of that bar, there is no new revenue that can be raised by this Bill. Everything that we have seen on this Bill tells us that there is new revenue to be made by this Bill. You can't say on one hand that this Bill is going to give us a lot of new revenue, and on the other hand say that when you go into a bar, and they are not going to spend anymore money than they had originally planned to spend. It just doesn't work that way. As a matter of fact, you can even argue if that were true, the state would make more money if the machines weren't in there, because if you buy a drink in the State of Maine you pay a higher tax than you would if you were just spending it on other products. As far as new revenue for the state, you either have to have know that this is going to increase new revenues, and I think that everybody here who is arguing in favor of the Bill, that is their real argument, that there is going to be new revenues, and I think we all have to say that. Another thing that I would like to mention, and it has been mentioned a few times, and I want to make sure that nobody thinks that it actually happens, it is true that you will win 80% of the time on these machines, but the point of why they make so much revenue is that the people put the money that they win right back into the machine again for the most part. So you don't get back for every ten dollars you put in you are not going to get eight back. It is actually more than that the machine keeps. It is actually closer to six dollars that they actually keep for every ten dollars. I want to make sure that is clear also. Another argument that is raised for why this is a good Bill is, the fact of gray machines. People will tell you that gray machines are out there that are making illegal money right now with illegal gambling. We can't enforce it. This is probably true. I find it incredibly hard to believe that there is \$225 million worth of illegal gambling going on in the State of Maine on gray machines. I don't think anyone would say that either. Although there may be gray machines out there, and the amount of money that is being made out there is illegal, I think this is true, and we should probably try to enforce that some other way. I know that it might be difficult, but I don't think that is as strong an argument as others may make it. The other thing that is an argument that was raised is, why this Bill should be allowed to pass is, we already have gambling in this state. This is also true. What makes this different then all the other forms of gambling? It is a hard one for me to answer. I have thought about it and have tried to come up with an answer, and it is hard to answer. I guess the biggest one to me is, the fact that you go to Los Vegas, Nevada, or any of the major gambling

areas in the country, and look at what game brings in the most amount of money to any casino, and I think if you do it in any casino in this country, or in any other country, it is the slot machines that bring in the money. It is the highest percentage of take for any casino. I think for most of the kind of gambling, I know you can say it is a little different with the strike numbers that you buy. For most of the types of gambling that we have in the state, it is not an instant in and an instant out type of gambling. You place a bet and having a cooling off period. I think with video slots what makes it so popular from a perspective of making income is, the fact that you continuously right there at the machine and there is not much of a cooling off time period with the machines. For those reasons I think it is a different type of gambling. I think it is a step beyond what we have gone before, and although I can understand the good reasons why certain people might want to go ahead with this at this time, I personally hope that we would not. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a few final comments and an answer to the good Senator from Cumberland, Senator Conley, who also feels very strongly about this Bill. If the state wants to get into the beano business, I don't think anyone would object. There is gambling and there is gambling, the kind that requires language in the Bill against organized crime. I don't think we have to worry about seeing that in Biddeford or seeing organized crime coming down to their beano games. When you have to start putting language like that into the Bill, I really have to start to wonder. Another thing about all these other gambling devices that we have, not one of them to my knowledge do we have it in the law like in this Bill that the distributor is going to make this much money, the middle man is going to make this much money, and the state is going to make this much money. We are putting it into law what the percentages are. I don't think we put that into any other industry but the Maine Milk Commission. I think that speaks for itself. Thank you.

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

Senator **BALDACCII:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a quick bit of information in regards to the good Senator from York, Senator Dutremble's comments about organized crime. My understanding is, that the language is boiler plate language from the State Police as far as background checks, and is a normal course of their doing business statutorily. They gleaned that from where it is in the statutes and applied it to this particular section. It wasn't added in this particular section because of all the potential things that could go on. It is normal course of doing business in the State Police statutes, and it is nothing abnormal about that. I would hope that if you are opposed to the legislation you should not try to make it more than it really is. If you are opposed to gambling, I appreciate the concerns that people have and I understand that. I would hope that

you would support the proposal of the Minority Ought To Pass As Amended Report. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think this is a good time to rise to a point of film privilege to point out to the good Senator from Cumberland, Senator Conley, that Lauren Becall did not appear in Casablanca, it was Ingrid Bergman, and I have been worried about this, and I thought that it should appear in the Maine Record for the last hour, and I just had to set the record straight. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To add to the good Senator from Kennebec, Senator McCormick, it wasn't Victor Mature, it was Paul Henry, the wonderful Polish actor. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Someday I really am going to have to see that movie.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. An additional point of information the good Senator from York, Senator Dutremble raises, a very good point which I have concerns about, and I think others do as well. It is about the unfortunate kind of involvement in these activities by those of less than reputable professionals, and I am talking about organized crime. I had the opportunity to talk to a representative in the hall who wanted to support this Bill, and I asked the question of that individual what difference would this be with this kind of activity from going to Los Vegas or to the other place in New Jersey and gambling? What is the difference with this activity, and the response was none or very little. It concerns me, ladies and gentlemen, and I will share a little of my college days, as my good friend and Senator from Cumberland, Senator Conley mentioned going to New Hampshire. I went to Rhode Island to go to college, and one of the things that I would find in those four years was an occurrence that seemed to happen every few days was, we would pick up the Providence Journal and read about a member of organized crime being found somewhere off the road in a swamp. It wasn't something I was used to since I was a Maine boy. It was something that concerned me greatly. I share with you one last thing. One of my earlier involvements in politics in college was working in the Rhode Island Legislature for a woman from Rhode Island, and I remember early on in my internship going to the office, and over to the State Assembly there, and probably I should have known this being Irish, but it happened to be St. Patrick's Day, it was a regular college day, I went to the assembly, and I was told by the one gentlemen who was a state

legislator there, "Son, there is no session today, and have some green beer". And that was in the Chamber! Well, as an Irishman, I understood where that comment came from, and I appreciated it, and said, "No thank you, but I appreciated it".

We do things differently here in Maine, and we pride ourselves in doing things differently than our other neighbors to the South. That has always been a strong point when you look at Maine, and being able to attract tourists. They want to get away from these kinds of things that I mentioned, and get to a state that has its bearings, has its feet placed on the ground, and has common sense as its guiding light. Ladies and Gentlemen, when you look at common sense, this Bill just doesn't have it. So here is looking at you, kid. Thank you.

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

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. Unfortunately, some of us were called out and missed some of this debate, and I am sorry that some of us had to miss it. We, as members of the Appropriations Committee were called together for a few minutes, and it reminded us of what we are really about here, and that is the issue of revenues. No, we are not like other states, and that is true, and I am glad that is true. Although I feel very confident that we can progress with the type of revenue raising that is given to us, offered to us here, without being in any danger of the Mafia or any other big bad people coming in here. I feel very competent of what I know about this particular revenue raising piece that it won't happen. We are different, and one of the things that we are different about is, that we take care of our people. We are facing a time when we are not going to care, or be able to care for people. The revenues that this would raise, and the good that it would do in our towns, for our businesses, and for the General Fund, cannot be ignored, or should not be laughed at, nor should be belittled by anyone. I feel some people are not taking this as seriously as they might. This is a serious issue.

We voted a little while ago to do away with Lotto America. We are in the gambling business, by the way, as we all know. We voted to do away with Lotto, but it is on the Table, because it never raised the \$7 million that it said, but it did raise \$3 million. The only way that we can undo that bad decision is that we have to raise \$3 million somewhere else. This would do that and much, much more. I believe as far as formulas being put in the law, I believe that the formula and how we handle raising money has been in the law, and certainly, very well established for many, many years how it is divided between the fairs, and the horsemen, and so forth. I think that we ought to think very seriously about this opportunity with an entertainment piece that is gambling, well controlled and well located that will win for towns, win for the establishments, and win for the state in this General Fund, I think we should think very seriously before we throw this out. I am going to vote in favor of this, and I hope that you join me. Thank you.

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

Senator SUMMERS: Thank you Mr. President. Ladies and Gentlemen of the Senate. There are a lot of things said about this Bill, and a lot of very good points raised. There are a couple that I would like to go over again. One of those points is that this is a choice. These machines don't magically suck the money out of your pocket when you walk by. They don't have little magnets that can get the coins out. This is a choice. People are not required to play these machines. There is nothing in this legislation that says that every man, woman, and child in this state has to play this machine. This is a choice, and whether or not they want to participate in this particular activity. It is also important to point out, and hasn't been brought out in the debate yet, but whether or not an establishment in any particular municipality is issued a license to conduct, or to have these games in their establishment, that decision is with the town itself. There is a provision in this Bill that says that the towns have the final decision on whether or not these machines can be placed within their municipalities. We are not passing a mandated Bill that says, "Yes, Portland you have to have these, or Freeport, you have to have these, or wherever in the state". There is a system of checks and balances in place here, and the local selectmen will have a choice in this matter. We are not having the absolute final say on this. Thank you.

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a few random comments on listening to the debate. I had planned to sit down, but the good Senator from Cumberland, Senator Brannigan, inspired me to speak. He talked about all the winners, and as I said, I wanted to comment quickly. The loser in this whole deal is the consumer, as has been made reference to from a number of earlier speakers. The loser in this is the little guy. The winner is all the entities that Senator Brannigan had talked about.

This is not a trade off for Lotto America. It should not be looked at as a trade off for Lotto America. I don't accept that as a reason to vote for this Bill. The worst reason to vote for this Bill, from my prospective, is because of the revenue raising aspect of it. If you believe in the philosophy of gambling, and you think that this is good fun, and recreation, and entertainment, and people should be involved in it fine, then I think people should support this Bill. But, if you are opposed to the philosophy, you shouldn't vote for it, because you don't think it is a good thing for the state, and you don't think that the state should be raising money through this revenue mechanism. If you believe it is entertainment, vote for it, but don't vote for it because of all of these other reasons because it is a trade off, because it will raise money for the state. Let's raise taxes in a progressive, broad based way, and not through these kinds of gimmicks. Let's vote for these kinds of things because they are good for the citizenry, if that is what we believe in, let's vote for all the right reasons, and not for all the related reasons. Thank you Mr. President.

Senator **MILLS** of Oxford requested and received leave of the Senate to withdraw his motion to request a Roll Call.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

Will all those in favor of the motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, 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 11 Senators having voted in the negative, the motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-351) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED, As Amended**.

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Promote the Emotional Health of Children During Periods of Stress"
H.P. 210 L.D. 301

In House, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-478)** thereto.

In Senate, June 10, 1991, **House Amendment "A" (H-478) to Committee Amendment "A" (H-407) INDEFINITELY POSTPONED. Committee Amendment "A" (H-407) as Amended by Senate Amendment "A" (S-315), thereto ADOPTED in NON-CONCURRENCE.** Subsequently, Bill and Accompanying Papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

On motion by Senator **GAUVREAU** of Androscoggin, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

Bill "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages"
H.P. 1057 L.D. 1546
(C "A" H-447)

In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-447), in concurrence.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-447) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Establish the Maine Civil Legal Services Fund"
H.P. 1147 L.D. 1672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**

Signed:

Senators:
GAUVREAU of Androscoggin
HOLLOWAY of Lincoln

Representatives:
CATHCART of Orono
KETTERER of Madison
STEVENS of Bangor
PARADIS of Augusta
ANTHONY of South Portland
COTE of Auburn

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

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

FARNSWORTH of Hallowell

OTT of York

RICHARDS of Hampden

HANLEY of Paris

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-632)**.

Which Reports were **READ**.

On motion by Senator **GAUVREAU** of Androscoggin, the Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.

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

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 Maine Juvenile Code

S.P. 588 L.D. 1541
(H "A" H-597 to C
"A" S-267)

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

An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services

S.P. 370 L.D. 995
(S "A" S-331 to C
"A" S-271)

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am concerned about this Bill, and would like to have someone on this Committee explain to me what the amendment means. The amendment states that the Bill requires or contract positions be eliminated before permanent state employee positions of the same classification are eliminated. Wouldn't that be left up to the discretion of the manager or department head as to who he was going to hire? Would someone on this Committee please explain to me why we need this Bill? I wish that the members of this Senate would just take a moment to look at this Bill. This does not appear to be what we commonly call a good government Bill. I would think that a Commissioner, or a person in a position of leadership within a department in State Government ought to be choosing, based on what is appropriate, who they are hiring, and who they are not hiring, and what positions and what functions they are doing that would be contracted outside of state government. It seems to me that this Bill would tie the hands of those administrators who are making administrative decisions. It just doesn't make sense to me, and I was hoping that someone could explain to me, that it doesn't appear to be a good Bill.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It may come to a surprise to you that I am about to attempt to respond to the sincere inquiries of my fine colleague across the aisle, the good Senator from Franklin, Senator Webster.

L.D. 995, from my prospective, based on my information that I just happened to have in the pile of papers on my desk that I have been carrying around for about four days now, can share with you that all the parties present in a series of negotiating sessions agreed with what is contained in the Committee Amendment, and the amendment does not prevent the state from entering into contracts, or interfere with such things as the AMHI Consent Decree, or a Corrections demonstration project. These issues are subject to continued specific legislative approval. Compromise allows for contracts and temporary positions for up to 90 days, if no permanent state employees are available within the department or agency to perform the work. It allows contracts which achieve obvious savings. It exempts agencies from contract termination clauses with proof of financial hardship. I submit that in so far as possible, the amended version of the Bill provides clear, and reasonable guidelines with the comparison of the costs of contracts with work done by state employees. In fact, it would appear to be a reasonable, if not just down right sensible Bill, and I would urge that our action this evening on this measure be positive. Thank you Mr. President.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Franklin, Senator Webster for calling my attention to this Bill, because I think it is even better than its title. Basically, as I read this Bill, this Bill says that before any permanent employee is laid off, temporary, like Kelly girl type of employees, should be laid off first, or terminated would be the correct word, since they are not permanent employees. I guess the reason why I want to thank the good Senator for bringing this to my attention is, that I just got a call last week about this very thing from some state workers who have had Kelly Girl temporaries in their department for a year and a half. They were hired to do a specific job, and that specific job has long gone, six months ago, and they are still there, the state workers are still there, the temporary employees are still there, and they don't have enough to do, there is double the amount of people that need to be there. Who should leave? Somebody is making money on that and it is wasteful.

The other point that the Bill makes, and I see only two points, the other point is, that replacement or laying off of state workers, or replacement of the jobs of state workers who have already been laid off by temporary employees, or contracting out, should only be done when there is a clear savings to be made. Is that so bad? That is the idea, right? If there is clear savings then it should go forward. If there is not a clear savings to be made, or there is some deal that has been cut, I think that we know that some are cut around here, then it shouldn't be made. I think that this is a straight-forward fairness Bill, and I urge you to vote for it. Thank you.

The Chair ordered a Division.

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

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.

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

10 Senators having voted in the affirmative and 10 Senators having voted in the negative, this Bill **FAILED ENACTMENT**.

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** its action whereby this Bill **FAILED ENACTMENT**:

Senator **WEBSTER** of Franklin requested a Division.

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

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.

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

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

"An Act to Extend the Certificate of Need Program to All Major Medical Equipment

H.P. 1051 L.D. 1524
(C "A" H-349; H "A"
H-431)

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

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to take a moment this evening, and urge you to pause before we send on its way L.D. 1524. The Bill was debated extensively in the past, I don't think that we need to revisit all the issues discussed before. I would like to focus my comments on a few areas, though. As you recall, one of the major reasons that I objected to this Bill, which as you know extends the Certificate of Need Program to major medical equipment outside hospital environs, is that, it would unduly burden the already limited development account. I am sure that many of you in the course of your public service in the Legislature have received complaints from hospitals as to projects deferred too long because of limited credits available in the development account.

In the last week, an issue has come to light which underscores my concerns, and which I think demonstrates highly questionable public policy which is being used to circumvent the integrity of the CON Development Account. I am referring to, and I believe is in the Budget offered by the Governor for development of an AIDS Project associated with the Maine Medical Center, as you know, the Budget proposal would entirely short circuit and circumvent the CON Program. Never mind that we have forty-four hospitals in our state, and never mind the people that have spent years developing programs. Advocated for those programs before the Commissioner of Human Services, and for those who have survived that difficult process, are not waiting for available credits in the Development Account. We see natural pressures when the account is undersized. We saw that three or four years ago when we were asked by legislative fiat to circumvent and resize the Development Account. Now we are have a Budget document, and somewhere within the contours of that Budget document, is located a bypass on the CON. Nothing could further underscore my point. If we are going to live by rules of fair play, then lets have fair play for all. I think it is dangerous and mischievous practice for us to extend the Development Account without concomitant credits, and I would predict, based upon my experience in health care finance, we will see further problems in the future. It is for these reasons Mr. President I ask for a Division on Enactment of this Bill.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to correct one point. I don't think that we need to belabor the discussion of this all important issue. As to the good Senator from Androscoggin's, Senator Gauvreau's point about the proposed AIDS Resource Center at Maine Medical Center, I was informed by a Deputy Commissioner of the Department of Human Services, today, that that was not going to bypass the CON process. That is very important to know.

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, this Bill 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 President **PRAY** of Penobscot, **ADJOURNED** until Wednesday, June 12, 1991, at 9:00 in the morning.

Senator **MATTHEWS** of Kennebec moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It pains me as much to rise as it does to have you look at me rise again. I think that this Bill has been well argued. The votes have been taken twice on this. Sure, although it is hard to believe, people may remember where they were actually at on this issue a day or two ago, I trust that they remember, they know why they voted the way that they voted. I would ask that you oppose the motion to Indefinitely Postpone.

Senator **CONLEY** of Cumberland requested a Division.

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

A Division has been requested.

Will all those in favor of the motion by Senator **MATTHEWS** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **MATTHEWS** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

Senator **WEBSTER** of Franklin requested a Division.

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

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.