

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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#### **SECOND CONFIRMATION SESSION**

May 20, 1992

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#### **THIRD CONFIRMATION SESSION**

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

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

In Senate Chamber

Monday

March 16, 1992

Senate called to Order by the President.

Prayer by the Honorable Muriel D. Holloway of Lincoln.

**SENATOR MURIEL D. HOLLOWAY:** I'd like to open this afternoon session with the words of Nathaniel Hawthorn. "Christian faith is a grand cathedral with divinely pictured windows. Standing without you can see no glory but standing within every ray of light reveals the harmony of unspeakable splendors." Let us bow our heads in prayer. God, please guide us in our deliberations today and assist us in making the right policies for the people of our State. Amen.

Reading of the Journal of Thursday, March 12, 1992.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Creating the Victims' Compensation Board"

H.P. 1265 L.D. 1834  
(S "B" S-599 to C "A"  
H-965)

In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY SENATE AMENDMENT "B" (S-599)** thereto, in **NON-CONCURRENCE**.

In House, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "C" (H-1074)** thereto, in **NON-CONCURRENCE**.

In Senate, March 11, 1992, **INSISTED**. Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Amend the Election Laws"

S.P. 820 L.D. 2019  
(C "A" S-617)

In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-1104)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MILLS** of Oxford, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

**Non-concurrent Matter**

Bill "An Act to Prevent the Poaching of Aquaculture Products" (Emergency)

H.P. 1562 L.D. 2200  
(C "A" H-1016)

In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016) AS AMENDED BY HOUSE AMENDMENT "A" (H-1100)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Govern Residential Propane Gas Suppliers"

S.P. 898 L.D. 2317  
(C "A" S-584)

In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584) AS AMENDED BY HOUSE AMENDMENT "A" (H-1099)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program

H.P. 1656 L.D. 2333  
(C "A" H-1015)

In House, March 10, 1992, **PASSED TO BE ENACTED**.

In Senate, March 12, 1992, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator **GAUVREAU** of Androscoggin moved that the Senate **RECEDE** and **CONCUR**.

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

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

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending the motion by Senator **GAUVREAU** of Androscoggin to **RECEDE** and **CONCUR** (Roll Call Ordered).

**House Papers**

Bill "An Act to Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420  
Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **HUMAN RESOURCES**.

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

Bill "An Act to Authorize the Town of Medway to Sell Certain Land"

H.P. 1725 L.D. 2416  
Committee on **STATE & 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 ONCE**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

Bill "An Act to Permit Washington County to Establish a Budget Committee"

H.P. 1727 L.D. 2418

Committee on **STATE & 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**, without reference to a Committee, in concurrence.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "B" (S-628) **READ** and **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended** without reference to a Committee and **ORDERED PRINTED** in **NON-CONCURRENCE.**

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

Bill "An Act Authorizing Aroostook County to Raise Funds for Renovations to the Aroostook County Jail" (Emergency)

H.P. 1728 L.D. 2419

Committee on **STATE & 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.

Bill "An Act to Amend the Laws Governing Construction of Utility Lines" (Emergency)

H.P. 1726 L.D. 2417

Committee on **UTILITIES** 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 ONCE**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

**Pursuant to Public Law  
COMMITTEE ON TRANSPORTATION**

The Committee on **TRANSPORTATION**, pursuant to Public Law 1991, chapter 522, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee" (Emergency)

H.P. 1723 L.D. 2412

Be referred to the Committee on **TRANSPORTATION** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED.**

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

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

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "A" (S-630) **READ** and **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee and **ORDERED PRINTED** in **NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: S  
.P. 954

**115TH MAINE LEGISLATURE**  
March 13, 1992

Senator Dale McCormick  
Representative John Jalbert  
Chairpersons  
Joint Standing Committee on Aging, Retirement and Veterans  
115th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Eunice Cotton of Augusta for appointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **AGING, RETIREMENT AND VETERANS.**

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

The Following Communication:  
**DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
STATE HOUSE STATION 45  
AUGUSTA, MAINE 04333**

March 11, 1992

The Honorable Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit the third annual report on substance abuse testing in Maine, in accordance with 26 M.R.S.A. Section 690.

The report covers the calendar year 1991 which was the second full year under the law.

This report was prepared by the Department of Labor, with the assistance of Philip Haines, Ph.D., Director, Health and Environmental Testing Laboratory, Department of Human Services and Thomas Hughes, Employee Assistance Program Coordinator, Office of Substance Abuse. The cooperative efforts of both Dr. Haines, Mr. Hughes and William Peabody,

Deputy Director, Bureau of Labor Standards, goes a long way in explaining the progress to-date in the successful implementation of the law.

If you have any questions or comments about this report, please do not hesitate to contact me at 624-6400.

Sincerely,  
S/James H. McGowan  
Director

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

**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 **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund"

H.P. 549 L.D. 786

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State"

H.P. 1046 L.D. 1519

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine"

H.P. 1322 L.D. 1913

From the Committee on **TAXATION** Bill "An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program"

H.P. 1621 L.D. 2284

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Revenues Raised By the Department of Inland Fisheries and Wildlife

H.P. 1686 L.D. 2366

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1102).

Comes from the House with the Report READ and ACCEPTED and the Resolution PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1102).

Which Report was READ and ACCEPTED, in concurrence.

The Resolution READ ONCE.

Committee Amendment "A" (H-1102) 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.

The Committee on **BANKING & INSURANCE** on Bill "An Act to Provide More Efficient and Cost Effective Insurance for Maine State Employees"

H.P. 1524 L.D. 2153

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1103).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1103).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1103) 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.

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Repeal a State Mandate Requiring a National Plumbing Code" (Emergency)

H.P. 1681 L.D. 2361

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1105).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1105).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1105) 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.

The Committee on **EDUCATION** on Resolve, to Assist High-risk Students

H.P. 1457 L.D. 2069

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1096).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1096).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-1096) 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.

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Radioactive Waste Laws"

H.P. 1671 L.D. 2347

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1090).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1090).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1090) 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.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Concerning Water Utilities" (Emergency)

H.P. 1683 L.D. 2363

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1094).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1094)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1094) **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.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding a Piscataqua River Basin Council"

H.P. 1693 L.D. 2373

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1081)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081) AND HOUSE AMENDMENT "A" (H-1098)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1081) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-1098) **READ**.

On motion by Senator **BERUBE** of Androscoggin, Tabled 1 Legislative Day, pending **ADOPTION** of House Amendment "A" (H-1098), in concurrence.

The Committee on **TAXATION** on Bill "An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses"

H.P. 1497 L.D. 2109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1093)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1093)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1093) **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.

The Committee on **TAXATION** on Bill "An Act to Clarify the Sales and Use Tax Laws Regarding Items Purchased with General Assistance Vouchers or Food Stamps"

H.P. 1586 L.D. 2240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1101)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1101)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1101) **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.

The Committee on **UTILITIES** on Bill "An Act to Ensure the Availability of Ferry Service in Casco Bay" (Emergency)

H.P. 1643 L.D. 2306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1082)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1082)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1082) **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.

**Senate  
Divided Report**

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers"

S.P. 169 L.D. 403

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-624)**.

Signed:

Senators:

CONLEY of Cumberland  
BOST of Penobscot  
GILL of Cumberland

Representatives:

MANNING of Portland  
CLARK of Brunswick  
GEAN of Alfred  
TREAT of Gardiner  
WENTWORTH of Arundel  
SIMONDS of Cape Elizabeth

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

Signed:

Representatives:

PENDLETON of Scarborough  
PENDEXTER of Scarborough  
DUPLESSIS of Old Town

(Representative **GOODRIDGE** of Cornville Abstained.)  
Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Senator **GOULD** of Waldo moved that the Senate **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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

Senator **GOULD:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Several years ago the State of Maine passed the Drugs to the Elderly program which I am very much in favor of. The Drugs to the Elderly Program cost approximately \$4.7 million to the State. What this Bill does is set up a mail order request for proposals for drug sales to the program which according to the report is going to take away from the local pharmacies approximately \$1.2 million. This is not going to go out-of-State.

It is mandated to be within State. Still, out of the 250 Drug Stores in Maine, one Drug Store will receive \$1.2 million and all the rest will lose their funding. If several Drug Stores could put a group together and put a mail order program together, then the several stores would get it. That is still taking from the majority of the Drug Stores in the State of Maine.

The Report, which was done by the staff of the Office of Policy and Legal Analysis, says the literature is mixed as to whether savings result from mail order pharmacy services. They are not even mandating there be a mandated service to get your drugs from the mail order service. That mail order service might be in Waterville or wherever. You can imagine the elderly person of your home town that says I want to save \$1.00 and mail to Waterville to get their drugs for certain classifications of medications which is heart medications, diabetic medications, upper respiratory medications, and anti-arthritic medications. The elderly person that does send to wherever this may be in the State of Maine could be in jeopardy because they may be taking medications that might conflict with the drugs they are taking from a mail order pharmacy. I say there is potential of harm there. The literature is mixed as to whether savings will result from mail order pharmacy services. Encouraging the use of multiple pharmacy locations limits the effectiveness of meaningful drug review and does not allow for effective monitoring of patient profiles.

I know it can be said that when a person receives a prescription from one Drug Store, that person will sometimes go to other Drug Stores other than the ones they shop in all the time. I maintain once a service is provided the majority of all prescriptions are filled within one Drug Store. That is the way people do business. The Department of Human Services has stated on the record that it doubts there would be any meaningful savings to the State with this program. The Department of Human Services has also stated that it doesn't have the funds or resources to establish and maintain an order program to the Drugs to the Elderly Program.

The loss of business that would be realized to rural pharmacies could compromise the quality and availability of pharmacy care in those areas. Access to the Drugs To The Elderly Program is not currently a problem with most pharmacies already offering free mail service to recipients who are unable to visit a Drug Store directly. In my course of working at a Drug Store, we have always offered our services to provide whatever terms we could for the customer that is standing in front of us. I am just saying I feel this is an inappropriate step to take and it will erode the business of pharmacy. I ask you to support my motion. 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. Unlike the good Senator from Waldo, Senator Gould or the good Senator from Cumberland, Senator Gill, I am not an expert in pharmaceuticals. Both of these Senators have extensive experience in this area and have dealt with the elderly as well as many others who have sought the services of a pharmacist. I can speak as the Chair of the Human Resources Committee on the difficulty we had wrestling with this issue. This Bill, actually what is left of this Bill, came before

us last year and it was a major piece of Legislation from the Commission which looked at numerous issues affecting the elderly. This issue was one of a very few that survived the original piece of Legislation. We carried over that particular piece of the Bill because of our concern about losing Maine jobs. There were many on the Committee who were ready last year to jump for this proposal for some very good reasons. There are some incredible savings that could come about in the very program which is offered to the elderly so more money could be spent on them for the purchase of these pharmaceuticals.

You will see that there is bipartisan support for the amendment which is before the Body and the other expert in this area is with me as well as the other Senator on that Committee in support of this measure. It is a very minor measure. It allows the Department of Human Services to seek a bid. There is nothing that requires it to take a bid. It can seek a bid and only take a bid for a proposal on mail order drugs if it is 10% below what the cost of the present program is. There are savings that have to be realized before the bid can be accepted. Secondly, and most importantly, the way the Amendment is designed it revolves around the need that this mail order program has to be developed in this State. It has to be done in Maine so not one job in Maine is lost. I am sure that the good Senator from Cumberland, Senator Gill can tell this Body how long the Committee has been after pharmacists in this State to try and do something. We would have never lost the mail order program in the State Employees situation out of State, if pharmacists had responded to the request to put together a competitive program in 1987. This Bill requires any mail order program to be done in State and only in State.

The good Senator from Waldo, Senator Gould has touched upon his concerns on behalf of the elderly that they get confused with drugs they would be getting through the mail. They may mix these drugs to their detriment and they may not be able to follow the instructions that they get through the mail as they could with the ones they get through the pharmacies. I would like to tell this Body that every single group representing the elderly who appeared before the Human Resources Committee, appeared in support of this measure. They were quite distressed by the paternalistic tone of some of those who appeared in opposition to the Bill. I think those who appeared in opposition to the Bill were basically people who were worried about their pocketbooks. It has been demonstrated that there will be substantial savings to the taxpayers of this State as well as to the elderly if we pass this measure. For all those reasons, I hope you will accept the Majority Ought To Pass As Amended Report. 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. I hope everybody heard me correctly because I did not say the elderly patients would be confused or could not read their instructions. I did not say anything to that effect. I said the medications could conflict with each other. There have been situations that have occurred where a person was taking one kind of drug and then they would get a drug for the elderly from a mail order physician and it would be a different drug. The drugs would conflict with each other and

would compromise the person. That person would have no idea whether they were taking hydrochlorothiazide which might conflict with hytron.

Let me state on the record, that the State employees mail order program according to the report that came from Human Resources, it can not be proven whether it is saving money or not. That is according to this Report. The Committee heard contradictory claims from opposing sides in the debate and was unable to resolve questions relating to cost savings and quality. The author has determined the average cost of a days supply of medication to be .56¢ from mail order firms verses .58¢ from community pharmacies. The authors conclude that the result does not appear to substantiate the mail service pharmacy claim that they could deliver maintenance drugs at a substantially lower cost than community pharmacies. I would request a Roll Call. Thank you.

On motion by Senator GOULD of Waldo, 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 Gill.

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a little history with pharmacies. I am not a pharmacist and never was one. I was married to one and was in the business with him for many years. I have been out of the business since 1972. The request came from the elderly who would like to mail away prescriptions. They find it convenient, particularly in the winter time, to send their prescriptions through the mail and have their pharmacist mail back their prescription to them.

When we talk about prescription conflict, I have to tell you that we like the good old days twenty years ago when the customer would come into our store to get all their medications. In some of the smaller communities I know that still exists. The majority of people shop around. I can recall when prescription prices had to be posted so consumers could get the best buy and know what the cost of the prescriptions were so they could shop around. When I get my prescriptions it depends on where I am. If I don't need it right away, I send it through the prescription plan we have as Legislators. It comes back in the mail and I have it on hand. If it is something I require right away I go to the Drug Store that is closest to my doctors office. When I am working at the hospital and I run out of something, I might get a prescription filled at the Hospital Pharmacy. The days of consumers going strictly to one pharmacist are no longer here. People do shop around. It is like every other business in the State of Maine. People go to different stores for different reasons. You buy your groceries in one place one week and in another the next week. It is the same with any commodity you buy including prescriptions.

It seems that we have offered the pharmacists in this State, in the past, to try to get together. When we brought this Bill up again they keep referring to the possibility of an out of state pharmacist coming into the State and provide this mail order service. They are in a situation where they can bid on any contract if they get together on this. It does stay in the State. This is an optional service. People still have the ability to go to their local pharmacist and get their low income drugs taken care of. It is up to the consumer where

they want to go to have a prescription filled. It is up to them whether they want to send it through the mail or go to their local pharmacist. Please vote on this Bill. Thank you.

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

Senator HOLLOWAY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. Of those that have a mail order house in Maine, will they be owned by Maine Business or would the out of state mail order businesses be able to come in state and set up a business? Thank you.

**THE PRESIDENT:** The Senator from Lincoln, Senator Holloway has posed a question through the Chair. The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Mr. President. Ladies and Gentlemen of the Senate. The report says it would be a Maine Pharmacy but that doesn't mean it will be owned by instate pharmacy people. The concern in the past was that we were going to send this out of state and follow the employees prescriptions. That is not the point. I hope I have answered your question. The main point is that the pharmacists in the State of Maine are saying this is another bureaucracy that we are setting up that doesn't need to be done because they will provide that mail order service. It says supposedly you can save \$100,000+. That is projection so we really don't know. They don't know how much money they are saving now in the employees mail order prescription. I maintain that they won't know how much money they are saving for the mail order pharmacy for the Drugs To The Elderly Program. 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. To answer the question of the good Senator from Lincoln, Senator Holloway, the instate definition is taken from Title 5 Section 1825 which basically describes and defines instate bidder meaning a person or group of persons whose principal place of business is within the state. That is included in the Bill. I would like to inform the members of this Body that I can accept arguments trying to protect our local pharmacists and I am not insensitive to that. I do not believe members of the Committee are insensitive to that. The way of the old corner Drug Store has pretty much gone the way of the horse and buggy. You do not have them anymore. Now a days you have Laverdieres, Wellby's or some of these other major concerns that are associated with the major supermarkets. We considered that in looking at this. There is some very big business out there associated with this issue. Do not mistake that. This is not compulsory. People do not have to go through the mail. It is up to them to go through it, if such a process is approved. This would set a program up, not bureaucratic in nature, but something that is set up for the convenience of the consumer with the intention to save money. It could only be set up if savings could be demonstrated. It is the mildest and most sensible measure we could come up with to make this available to those who can't get out of their homes. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator GOULD of Waldo to INDEFINITELY POSTPONE Bill and Accompanying Papers.



A vote of Yes will be in favor of the motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A vote of No will be opposed.  
Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI, BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, ESTY, FOSTER, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, GAUVREAU, GILL, KANY, MCCORMICK, MILLS, TITCOMB**

**ABSENT:** Senators **PEARSON**

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

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOULD** of Waldo, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

**SECOND READERS**

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

**House As Amended**

Bill "An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws"

H.P. 1622 L.D. 2285  
(C "A" H-1076)

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

Bill "An Act Concerning the Registration of Truck Campers"

H.P. 1598 L.D. 2260  
(C "A" H-1072)

Which was **READ A SECOND TIME**.

On motion by Senator **WEBSTER** of Franklin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED, As Amended**, in concurrence.

**Senate at Ease**

Senate called to order by the President.

**Senate**

Bill "An Act Regarding County Contingent Account Limits"

S.P. 884 L.D. 2256

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

Sent down for concurrence.

**ENACTORS**

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

An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings

H.P. 1419 L.D. 2031  
(H "A" H-1055 to C "A" H-1023)

An Act to Ensure the Retention of Utility Lines Crossing Railroad Property

H.P. 1458 L.D. 2070  
(C "A" H-1036)

An Act to Protect Ground Water Supplies Near Automobile Dismantling, Salvage and Recycling Operations

H.P. 1463 L.D. 2075  
(H "A" H-1049 to C "A" H-972)

An Act to Amend the Laws Governing Emergency Medical Technicians

H.P. 1491 L.D. 2103  
(H "A" H-1050 to C "A" H-961)

An Act Regarding Recording Requirements for Proceedings Involving Real Estate

H.P. 1512 L.D. 2124  
(C "A" H-1047)

An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code

S.P. 834 L.D. 2138  
(C "A" S-605)

An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy

H.P. 1544 L.D. 2177  
(C "A" H-1058)

An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties

H.P. 1555 L.D. 2193  
(H "A" H-1012)

An Act to Exempt Certain Municipalities from Interest Imposed by the State

H.P. 1581 L.D. 2231  
(C "A" H-1039)

An Act to Implement a Comprehensive Ambient Toxics Monitoring Program

S.P. 876 L.D. 2237  
(C "A" S-598)

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

**Emergency**

An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act and to Provide Consumer Information for Purchasers of Insurance

S.P. 840 L.D. 2144  
(C "A" S-604)

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 **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 Provide Broader Immunity to Licensed Facilities and Establishments Donating Food  
S.P. 846 L.D. 2150  
(C "A" S-603)

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 **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 Laws Governing Resident-owned Cooperative Mobile Home Parks

H.P. 1522 L.D. 2151  
(C "A" H-1030)

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

**Emergency**

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System

H.P. 1554 L.D. 2192  
(H "A" H-1053 to C "A" H-998)

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

**Emergency**

An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project and to Clarify Provisions of the Rural Medical Access Program  
S.P. 879 L.D. 2251  
(C "A" S-602)

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

**Emergency**

An Act to Enhance the Operations of the District Court Violations Bureau

H.P. 1602 L.D. 2264  
(C "A" H-1057)

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 **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 Concerning Septage

H.P. 1638 L.D. 2301  
(C "A" H-1051)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act Concerning the Authority of Podiatrists

H.P. 1682 L.D. 2362  
(C "A" H-1059)

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, the Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

Sent down for concurrence.

**Emergency**

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1992-93

H.P. 1713 L.D. 2398  
(H "A" H-1062)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **VOSE** of Washington, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon with the exception of those matters being held, were ordered sent down forthwith for concurrence.

**ORDERS OF THE DAY**

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

Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (Emergency)

S.P. 798 L.D. 1997

Tabled - March 12, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-601)

(In Senate, March 10, 1992, Committee Amendment "A" (S-601) **READ**.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-601).

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

Bill "An Act Relating to Gambling" (Emergency)  
H.P. 1685 L.D. 2365  
(C "A" H-1056)

Tabled - March 12, 1992, by Senator CLARK of Cumberland.

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

(In Senate, March 10, 1992, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1056)**, in concurrence. Subsequently, **RECONSIDERED**.)

On motion by Senator MILLS of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1056), in concurrence.

Senate Amendment "A" (S-620) to Committee Amendment "A" (H-1056) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1056) As Amended by Senate Amendment "A" (S-620) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **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:

**COMMUNICATIONS**

The Following Communication:

**DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
STATE HOUSE STATION 45  
AUGUSTA, MAINE 04333**

March 13, 1992

The Honorable John L. Martin

Speaker of the House

State House Station 2

Augusta, Maine 04333

The Honorable Charles P. Pray

President of the Senate

State House Station #3

Augusta, Maine 04333

Dear Speaker Martin and President Pray:

I am pleased to submit, in accordance with M.R.S.A. Title 26, Section 1724, the annual report of the Maine Chemical Substance Identification Program. The 1991 program year was most active. Program staff are to be commended on their efforts in maintaining a high standard of response to evolving needs.

Please do not hesitate to contact me directly with any questions or comments regarding this program or the report.

Sincerely,  
S/James H. McGowan  
Director

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

**COMMITTEE REPORTS**

**Senate**

**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:

Reported by Senator BERUBE for the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act to Establish the Fraud Investigation Division within the Department of Audit"

S.P. 901 L.D. 2320

Reported by Senator BERUBE for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Review the Public Safety and Criminal and Civil Justice Systems (Emergency)

S.P. 906 L.D. 2326

**Ought to Pass As Amended**

Senator MILLS for the Committee on **LEGAL AFFAIRS** on Bill "An Act Regarding Retail Liquor Sales"

S.P. 863 L.D. 2207

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-625)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-625) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to More Clearly Define the Role and Responsibilities of the Department of Mental Health and Mental Retardation" (Emergency)

S.P. 721 L.D. 1911

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-626)**.

Signed:

Senators:

CONLEY of Cumberland  
BOST of Penobscot  
GILL of Cumberland

Representatives:

MANNING of Portland  
CLARK of Brunswick  
DUPLESSIS of Old Town  
SIMONDS of Cape Elizabeth  
GOODRIDGE of Cornville  
TREAT of Gardiner  
WENTWORTH of Arundel  
GEAN of Alfred  
PENDLETON of Scarborough

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

Signed:

Representative:

PENDEXTER of Scarborough

Which Reports were **READ.**

On motion by Senator **CONLEY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT.**

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

**COMMITTEE REPORTS**

**House**

**Pursuant to Joint Order**

Report of the Committee on **TRANSPORTATION**, pursuant to Joint Order H.P. 1665, ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1993"

H.P. 1730 L.D. 2421

Be referred to the Committee on **TRANSPORTATION** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Off Record Remarks**

The Chair appointed Senator **GAUVREAU** of Androscoggin to serve as President Pro Tem for the Session on March 17, 1992.

**ORDERS OF THE DAY**

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

Bill "An Act to Clarify the Maine Juvenile Code"  
S.P. 937 L.D. 2396

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

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

(Committee on **JUDICIARY** suggested and **ORDERED PRINTED.**)

(In Senate, March 3, 1992, **READ A SECOND TIME.**)

On motion by Senator **GAUVREAU** of Androscoggin, Senate Amendment "B" (S-634) **READ.**

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 2396 was one of those late Bills that was referred to Committee without public hearing. It was held on the unassigned table until the Joint Standing Committee on Judiciary could meet and review its revisions.

This is a Governor's Bill. Essentially the Committee agreed with much of the Bill but is deferring one controversial area till the next Legislative Session. That is the purpose of this amendment. Basically juvenile courts currently have authority to commit juvenile offenders to short term sentences in the Maine Youth Center. The Governor's Bill would have required that those juveniles, in those circumstances, be sent to an approved juvenile facility such as the Androscoggin County Jail. That would have, in fact, triggered a cost to the County from which the juvenile originated and the Committee on Judiciary has recommended that those controversial portions of the Bill be deleted so they can be discussed next year at greater length when we have more time. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-634) **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee.

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

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

Bill "An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse"  
H.P. 1630 L.D. 2294  
(C "A" H-1041)

Tabled - March 11, 1992, by Senator **CLARK** of Cumberland.

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

(In Senate, March 11, 1992, **READ A SECOND TIME.**)

(In House, March 9, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1041).**)

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

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

**COMMITTEE REPORTS**

**Senate**

**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:

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Protect Intelligence and Investigative Information in the Custody of the Department of Corrections" (Emergency)

S.P. 927 L.D. 2383

Reported by Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Expand the Use of the University of Maine System's Interactive Television System

S.P. 902 L.D. 2322

Reported by Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Study the Structure of the University of Maine System and Examine Options for Better Integrating the University of Maine System and Maine Maritime Academy

S.P. 903 L.D. 2323

Reported by Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Establish Regional Boundaries for Natural Resource Services (Emergency)

S.P. 905 L.D. 2325

Reported by Senator BERUBE for the Committee on STATE & LOCAL GOVERNMENT Resolve, Authorizing the Maine Coalition for Excellence in Education to Study Education Policy in the State (Emergency)  
S.P. 908 L.D. 2328

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

**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 EDUCATION Bill "An Act to Amend the School Finance Laws"

H.P. 754 L.D. 1088

From the Committee on HUMAN RESOURCES Bill "An Act to Consolidate the 10 Existing Committees Dealing with Children and Families into the Maine Commission for Children and Families"

H.P. 1628 L.D. 2291

From the Committee on JUDICIARY Bill "An Act to Amend the Maine Indian Claims Settlement Laws to Clarify Land Use in Indian Territory"

H.P. 1061 L.D. 1550

From the Committee on JUDICIARY Bill "An Act Regarding Parental Rights"

H.P. 1596 L.D. 2258

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 EDUCATION on Bill "An Act to Clarify Municipal Approval of Payments of Public School Funds"

H.P. 1416 L.D. 2028

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1116).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1116).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1116) 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.

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Amend the Laws Regarding Licensing of Gravel Pits"

H.P. 1459 L.D. 2071

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1115).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1115).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1115) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on HUMAN RESOURCES on Bill "An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission"

H.P. 1537 L.D. 2170

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1117).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1117).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1117) 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.

The Committee on HUMAN RESOURCES on Resolve, to Ensure Protection and Family Support for Maine's Children (Emergency)

H.P. 1633 L.D. 2297

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1110).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-1110) 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.

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 Ensure the Long-term Stability of Sheltered Group Homes in Maine" (Emergency)

H.P. 1666 L.D. 2342

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1084).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1084).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1084) **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.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage Expansion of Certain Residency Programs Related to Primary Care Physicians"

H.P. 1706 L.D. 2387

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1109)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1109)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1109) **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.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act to Ensure That Funds Collected from Restitution and Fines Are Deposited in Interest-bearing Accounts"

H.P. 1536 L.D. 2169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1112)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1112) **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.

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Law Regarding the Power of Sale Foreclosure Laws"

H.P. 1556 L.D. 2194

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1114)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1114)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1114) **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.

**Senate at Ease**

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act to Limit to the District Court the Authority to Issue Orders in Domestic Abuse Cases" (Emergency)

H.P. 1574 L.D. 2221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1113)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1113)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1113) **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.

The Committee on **JUDICIARY** on Bill "An Act to Open State Government to Public View"

H.P. 1627 L.D. 2290

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1111)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1111) **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.

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 **BUSINESS LEGISLATION** on Bill "An Act Relating to Medicare Assignment"

H.P. 1580 L.D. 2230

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

Signed:

Senators:

BALDACCI of Penobscot  
MATTHEWS of Kennebec  
RICH of Cumberland

Representatives:

STEVENS of Sabattus  
KUTASI of Bridgton  
BAILEY of Township 27  
LIBBY of Kennebunk  
REED of Dexter  
VIGUE of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1108).**

Signed:

Representatives:

CONSTANTINE of Bar Harbor  
SHELTRA of Biddeford  
GURNEY of Portland  
GRAHAM of Houlton

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

Which Reports were **READ**.

Senator **MATTHEWS** of Kennebec moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

**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 request a Division on this and urge you to vote no so we can pass the Ought To Pass As Amended Report. For those of you who don't know, accepting medicare assignment means that doctors and Oseteopaths agree to accept what the Federal Medicare standard for payment procedures are. They promise not to charge the elderly patron any more than that. That is what accepting medicare assignment is. I think it is very basic to cost control. In 1968, when Canada got National Health Insurance, this Country got Medicare. Accepting Medicare assignment is our one effort at cost control on a national level. I think we need to enforce it and request that doctors abide by that. Thank you.

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

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

A Division has been requested.

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

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

23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **MATTHEWS** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

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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 & LOCAL GOVERNMENT** on Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (Emergency)

H.P. 1629 L.D. 2292

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1106).**

Signed:

Senators:

BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives:

LARRIVEE of Gorham  
KILKELLY of Wiscasset  
JOSEPH of Waterville  
GRAY of Sedgwick  
HEESCHEN of Wilton  
KERR of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1107).**

Signed:

Senator:

EMERSON of Penobscot

Representatives:

NASH of Camden  
SAVAGE of Union  
WATERMAN of Buxton  
LOOK of Jonesboro

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-1106).**

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106)** Report, in concurrence.

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

Senator **EMERSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I request a Division. The two Reports, Report A and Report B, differ only in one instance. This is the BIDE Bill. This is the reorganization of BIDE into the Maine Drug Enforcement Agency. The place that Report A and B differ is the in the matter of choosing a Director. Report A would have the Director appointed by the Governor and go through the confirmation process. Report B would have the Director be chosen by the Commissioner from a slate of three or more nominees presented to him by a vote of two-thirds from the new Board. All through the hearing we heard from different proponents of the original Bill to take the politics out of BIDE. Several people talked about this. It seems that Report B comes nearer to doing that than Report A.

I will read the make up of the Board. It will consists of the Attorney General or a designee, the Chief of State Police, a State Enforcement Officer selected by the Chief of State Police, a District Attorney selected by the Maine Prosecutors Association, the United States Attorney for the District of Maine or designee, three municipal Police Chiefs selected by the Maine Chief of Police Association, a County Sheriff selected by the Maine

Sheriffs Association, the Commissioner of Corrections or a designee, and two citizens. One of the citizens must have experience with the Drug Treatment Program. It seems to me that takes the politics out of it a lot more than having the person appointed by the Governor and go through the confirmation process. The day of the hearing, the Commissioner, the Representative of local police organizations, and the Representatives from the Sheriffs Association, were against the confirmation process. I am not sure of their reasons but I believe they were afraid a lot of qualified people would not be interested in standing up before a Legislative Committee and being interviewed for this. I think they were quite concerned about this. For these reasons I hope you would vote against the pending motion. 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. What the Senator from Penobscot, Senator Emerson has said is absolutely true. However we differed, we being the Committee, in the appointment process. We felt, those of us in the majority, that after hearing an all day Session from 9:30 a.m. to 7:00 p.m., both sides were miles apart. They came back in a compromise version that we further refined. We opted to go with the suggestion that the nomination be with the approval of the Legislature come under the confirmation process. Bear in mind that a similar position, i.e. that of the Chief of the State Police, is also confirmed by Legislative Committee. This person to the new agency of BIDE would also be confirmed by the Committee of Jurisdiction. That is the only point that separated us. It is a good Bill that is made even better by the confirmation process. Whatever credibility the Department or Agency should have, it maintains it by allowing the public to look into the appointment qualifications of a nominee. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1106) Report, in concurrence.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1106) Report, in concurrence, **PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-1106) **READ** and **ADOPTED**, in concurrence.

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

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 Requiring the Provision of Information to Victims of Gross Sexual Assault

H.P. 359 L.D. 513  
(C "A" H-963)

An Act to Enforce Registration of Motor Vehicles

H.P. 1690 L.D. 2370  
(C "A" H-1028)

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

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

**COMMUNICATIONS**

The Following Communication:

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

March 16, 1992

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Encourage Private Sector Investment in Tourism" (S.P. 911) (L.D. 2331):

|             |                |         |
|-------------|----------------|---------|
| of Rockland | Representative | MELENDY |
| of Houlton  | Representative | GRAHAM  |
| Waterboro   | Representative | LORD of |

incerely,

/Edwin H. Pert

lerk of the House

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

**ORDERS OF THE DAY**

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

An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program

H.P. 1656 L.D. 2333  
(C "A" H-1015)

Tabled - March 16, 1992, by Senator **WEBSTER** of Franklin

Pending - Motion by Senator **GAUVREAU** of Androscoggin to **RECEDE** and **CONCUR** (Roll Call Ordered).

(In Senate, March 12, 1992, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**)

(In House, March 12, 1992, that Body **ADHERED.**)

On motion by Senator **WEBSTER** of Franklin, Tabled 1 Legislative Day, pending the motion by Senator **GAUVREAU** of Androscoggin, to **RECEDE** and **CONCUR** (Roll Call Ordered).



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

Bill "An Act to Amend the Election Laws"  
S.P. 820 L.D. 2019  
(C "A" S-617)

Tabled - March 16, 1992, by Senator MILLS of Oxford

Pending - **FURTHER CONSIDERATION**

(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617).**)

(In House, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-1104) thereto, in NON-CONCURRENCE.**)

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

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On motion by Senator GAUVREAU of Androscoggin, **ADJOURNED** until Tuesday, March 17, 1992 at 10:00 in the morning.