

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

First Special Session (Continued)
May 20, 1997 to June 20, 1997

First Confirmation Session
October 6, 1997

Second Regular Session
January 7, 1998 to March 24, 1998

Pages 981 - 1977

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Friday
June 20, 1997

Senate Called to Order by the President, Mark W. Lawrence of York.

Prayer by the Honorable Philip E. Harriman of Cumberland.

HONORABLE PHILIP E. HARRIMAN: Thank you Mr. President. Good morning. If I could, I'd like to start by telling you a story before we have an attitude of prayer. It's a story about a visitor who visited the Senate Chamber one day and he cornered the Sergeant-At-Arms, Jim Gormley. The man spotted a man dressed in clerical garb and he said to the Sergeant-At-Arms, "Who's that?" And Jim said, "Why, he's the Senate Chaplain today." The visitor responded, "Oh, really. Who does he pray for, the Democrats or the Republicans?" Jim said, "Actually he looks out, over the Senate and he prays for the State."

Let's be in an attitude of prayer. Oh Father, we thank You for bringing us here to this special place today, safely and we ask that You help us return to our families in a safe way. We are grateful that we live in a society today where every time we open a tap for water, lift up the phone, we enjoy luxuries in life that kings and emperors could not have imagined many generations ago. We pray today that You'll help us recognize that the best that we can do for our fellow citizens is to strengthen our families, our communities and our neighborhoods. Amen.

Pledge of Allegiance led by Senator Richard J. Carey of Kennebec.

Reading of the Journal of Sunday, June 1, 1997.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 353

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	60
Unanimous reports	32
Ought to Pass	3
Ought to Pass as Amended	16
Ought Not to Pass	13
Divided reports	12
Carry Over	16

Respectfully submitted,

S/Marge L. Kilkelly
Senate Chair

S/George H. Bunker, Jr.
House Chair

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

The Following Communication: S.C. 370

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 31, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	70
Unanimous reports	39
Ought to Pass	2
Ought to Pass as Amended	11
Ought Not to Pass	25
Re-referred	1
Divided reports	12
Carry Over	16
Pursuant to Joint Order	2
Joint Referral (Another Committee Was Lead)	1

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

Respectfully submitted,

S/Michael H. Michaud
Senate Chair

S/George J. Kerr
House Chair

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

The Following Communication: S.C. 354

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	101
Unanimous reports	80
Ought to Pass	4
Ought to Pass as Amended	30
Ought Not to Pass	45
Re-referred	1
Divided reports	13
Carry Over	7
Pursuant to Joint Order	1

Respectfully submitted,

S/Lloyd P. LaFountain III
Senate Chair

S/Jane W. Saxl
House Chair

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

The Following Communication: S.C. 355

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

May 30, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	93
Unanimous reports	78
Ought to Pass	12
Ought to Pass as Amended	35
Ought Not to Pass	28
Re-referred	3
Divided reports	10
Carry Over	4
Pursuant to Joint Order	1

Respectfully submitted,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
House Chair

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

The Following Communication: S.C. 356

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	111
Unanimous reports	91
Ought to Pass	7
Ought to Pass as Amended	45
Ought Not to Pass	38
Ought to Pass in New Draft	1
Divided reports	10
Carry Over	10

Respectfully submitted,

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

S/Robert E. Murray, Jr.
Senate Chair

S/Edward J. Povich
House Chair

has been completed. The breakdown of bills before our committee follows:

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

The Following Communication: S.C. 357

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 30, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	162
Unanimous reports	108
Ought to Pass	4
Ought to Pass as Amended	24
Ought Not to Pass	80
Divided reports	31
Carry Over	22
Pursuant to Joint Order	1

Respectfully submitted,

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

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

The Following Communication: S.C. 358

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the 1st Regular and 1st Special Sessions of the 118th Legislature

Total number of bills 144

Unanimous reports 119

 Ought to Pass 10

 Ought to Pass as Amended 42

 Ought Not to Pass 63

 Re-referred 4

Divided reports 11

Carry Over 10

Pursuant to Joint Order 4

Respectfully submitted,

S/Judy Paradis
Senate Chair

S/J. Elizabeth Mitchell
House Chair

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

The Following Communication: S.C. 359

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 94

Unanimous reports 64

 Ought to Pass 5

 Ought to Pass as Amended 16

 Ought Not to Pass 40

 Re-referred 3

Divided reports 23

Carry Overs 7

Respectfully submitted,

S/Marge L. Kilkelly
Senate Chair

S/Norman R. Paul
House Chair

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

The Following Communication: S.C. 360

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 30, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Judiciary during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	163
Unanimous reports	111
Ought to Pass	22
Ought to Pass as Amended	44
Ought Not to Pass	45
Divided reports	28
Carry Over	24

Respectfully submitted,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

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

The Following Communication: S.C. 361

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Labor during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	125
Unanimous reports	79
Ought to Pass	8
Ought to Pass as Amended	20
Ought Not to Pass	51
Divided reports	29
Carry Over	17

Respectfully submitted,

S/Mary R. Cathcart
Senate Chair

S/Pamela H. Hatch
House Chair

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

The Following Communication: S.C. 362

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 30, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	132
Unanimous reports	94
Ought to Pass	5
Ought to Pass as Amended	24
Ought Not to Pass	65
Divided reports	28
Carry Over	9
Pursuant to Joint Order	1

Respectfully submitted,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 363

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

Ought to Pass	3
Ought to Pass as Amended	22
Ought Not to Pass	121
Re-referred	1
Divided reports	26
Carry Over	6
Pursuant to Joint Order	1

Respectfully submitted,

S/Richard P. Ruhlin
Senate Chair

S/Verdi L. Tripp
House Chair

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

The Following Communication: S.C. 367

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 29, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Transportation during the 1st Regular and 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	143
Unanimous reports	125
Ought to Pass	8
Ought to Pass as Amended	34
Ought Not to Pass	81
Re-referred	2
Divided reports	14
Carry Over	3
Pursuant to Joint Order	1

Respectfully submitted,

S/William B. O'Gara
Senate Chair

S/Joseph D. Driscoll
House Chair

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

The Following Communication: S.C. 368

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 30, 1997

The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the 1st Regular and the 1st Special Sessions of the 118th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	56
Unanimous reports	44
Ought to Pass	2
Ought to Pass as Amended	21
Ought Not to Pass	21
Divided reports	9
Carry Over	3

Respectfully submitted,

S/Richard J. Carey
Senate Chair

S/Kyle W. Jones
House Chair

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

The Following Communication: S.P. 675

**THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 17, 1997

Mark W. Lawrence
President of the Senate
118th Legislature

Elizabeth H. Mitchell
Speaker of the House
118th Legislature

Dear President Lawrence and Speaker Mitchell:

On June 17, 1997, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee on June 17, 1997, as follows:

Utilities and Energy

Bill "An Act Regarding the Restructuring of Contracts between Public Utilities and Qualifying Facilities" (S.P. 674) (L.D. 1899) (Presented by Senator CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,

S/Joy J. O'Brien
Secretary of the
Senate

S/Joseph W. Mayo
Clerk of the House

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

Sent down for concurrence.

SENATE PAPERS

Resolve, Appropriating Funds to the Maine Franco-American Center (Emergency) S.P. 676 L.D. 1900

Presented by Senator MICHAUD of Penobscot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. I wanted to pose a question to anyone who may answer it. I know on the previous bill that was similar to this, there was some specific language that spoke to the Franco-American Center not being involved in the process for selection of an International Trade site. My quick review of the bill didn't indicate that that language was in there. Is it intended for that language to be in there or not, Mr. President?

THE PRESIDENT: The Senator from Androscoggin, Senator Cleveland, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Jenkins.

Senator **JENKINS:** Thank you Mr. President, men and women of the Senate. The language is not in this current bill and I understand, the way the process is, that this current bill overrides any previous bills that might have been put on the agenda dealing with the Franco-American Center. Therefore, at this point, I would request that the original language dealing with the decision of the headquarters for the FFA, Franco-American Forum Affairs, be put back into this bill, indicating that the University of Maine in Orono should not play a role in deciding where that National headquarters will be located and what part of the state, etc.. This is merely a research project and not one that should be determining where, ultimately, the headquarters for the National FFA will be located. So, I would strongly urge that that language be put back in there, allowing them to do the study but taking them out of the picture of "playing politics," so to speak.

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

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

SENATE PAPERS

Bill "An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation" (Emergency) S.P. 678 L.D. 1902

Presented by Senator MICHAUD of Penobscot
(GOVERNOR'S BILL)
Cosponsored by Representative: SAXL of Portland

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Extend the Authorization for Federally Funded Positions to Establish a Military Rebuild Site at the Former Loring Air Force Base" S.P. 677 L.D. 1901

Presented by Senator KIEFFER of Aroostook (GOVERNOR'S BILL)
Cosponsored by Representative O'NEAL of Limestone and Senators: BENNETT of Oxford, MICHAUD of Penobscot, Representative: KERR of Old Orchard Beach

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding the Restructuring of Contracts between Public Utilities and Qualifying Facilities" S.P. 674 L.D. 1899

Reported that the same **Ought to Pass**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1354

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 118th Legislature:

Agriculture, Conservation and Forestry

H.P. 200, L.D. 253 - An Act to Require a Search Warrant to Investigate Private Property for the Purpose of Forestry Examinations

H.P. 225, L.D. 289 - Resolve, to Establish the Committee to Study Maine Forest Practices

H.P. 704, L.D. 968 - An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws

H.P. 883, L.D. 1200 - An Act to Reform the Maine Tree Growth Tax Law

S.P. 373, L.D. 1232 - An Act to Provide Relief from Barking Dogs

H.P. 948, L.D. 1311 - An Act to Prohibit Clear-cutting (EMERGENCY)

H.P. 1003, L.D. 1395 - Resolve, to Establish the Maine Council on Sustainable Silviculture

H.P. 1013, L.D. 1405 - An Act to License Timber Harvesters and Deter Timber Trespassing

S.P. 456, L.D. 1430 - An Act to Regulate Professional Loggers

H.P. 1048, L.D. 1465 - An Act to Limit Liquidation Harvesting
S.P. 471, L.D. 1473 - An Act to Amend the Laws Regarding Forest Practices

H.P. 1081, L.D. 1518 - Resolve, to Establish the Maine Forest Policy Round Table Study Commission

S.P. 583, L.D. 1746 - An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices

H.P. 1246, L.D. 1766 - An Act to Improve Management of Maine's Forests

S.P. 635, L.D. 1852 - An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

S.P. 653, L.D. 1874 - An Act to Establish Limitations on Swine-feeding Operations

Appropriations and Financial Affairs

H.P. 60, L.D. 85 - An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf

H.P. 132, L.D. 174 - An Act to Increase Health Insurance Benefits for Retired Educators

H.P. 277, L.D. 341 - An Act to Open a Discount State Liquor Store in Calais

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

H.P. 392, L.D. 537 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build 3 Regional Psychiatric Facilities

S.P. 189, L.D. 607 - An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax (EMERGENCY)

H.P. 600, L.D. 791 - An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Aid in the Construction of the Edmund S. Muskie School of Public Service on the Campus of the University of Southern Maine

S.P. 282, L.D. 890 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund

S.P. 322, L.D. 1062 - An Act to Implement the Recommendations of the Judicial Compensation Commission

H.P. 1037, L.D. 1454 - An Act to Amend the Prevailing Wage Laws

S.P. 539, L.D. 1658 - An Act to Authorize a General Fund Bond Issue to Implement a Statewide Economic Improvement Strategy

H.P. 1241, L.D. 1761 - An Act to Authorize a General Fund Bond Issue to Make Necessary Improvements to the State House

S.P. 609, L.D. 1810 - An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Critical Marine Infrastructure and Technology Investments (Governor's Bill)

S.P. 610, L.D. 1811 - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of the Maine Criminal Justice Academy (Governor's Bill)

S.P. 627, L.D. 1829 - An Act to Change the State's Fiscal Year from July 1st to October 1st

H.P. 1295, L.D. 1840 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 for Development of the East-West Highway

Appropriations and Financial Affairs and Transportation

S.P. 611, L.D. 1812 - An Act to Authorize Department of Transportation Bond Issues in the Amount of \$79,500,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities (Governor's Bill)

Banking and Insurance

H.P. 243, L.D. 307 - An Act to Allow Self-referral for Obstetrical Care in Managed Care Plans

S.P. 281, L.D. 889 - An Act to Ensure Fair Claims Settlement Practices

S.P. 384, L.D. 1243 - An Act to Protect the Privacy of Genetic Information

H.P. 1097, L.D. 1540 - An Act to Establish a State Disaster Relief Trust Fund

H.P. 1256, L.D. 1783 - An Act to Clarify the Laws Concerning Claims Settlement Practices

H.P. 1305, L.D. 1848 - An Act to Create the Managed Care Ombudsman Program (EMERGENCY)

H.P. 1309, L.D. 1857 - An Act to Protect Patients of Managed Care Plans

Business and Economic Development

H.P. 447, L.D. 597 - An Act to Amend the Statutes Pertaining to Emergency Medical Services

S.P. 481, L.D. 1483 - An Act to License Interpreters for the Deaf and Hard-of-hearing

S.P. 494, L.D. 1525 - An Act to License Massage Therapists under the Board of Complementary Health Care Providers

H.P. 1124, L.D. 1580 - An Act to Improve Allopathic and Osteopathic Physician Oversight
Criminal Justice

H.P. 40, L.D. 65 - An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections

H.P. 370, L.D. 515 - An Act to Set a Fixed Rate for Housing of State Prisoners

H.P. 562, L.D. 753 - An Act to Allow Police to Take Intoxicated Persons into Custody

S.P. 235, L.D. 804 - Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles (EMERGENCY)

H.P. 637, L.D. 862 - Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders

H.P. 662, L.D. 915 - An Act to Amend the Laws Concerning Juvenile Petition, Adjudication and Disposition

H.P. 1136, L.D. 1592 - An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders

S.P. 549, L.D. 1667 - An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities

S.P. 562, L.D. 1719 - An Act Concerning Firearm Purchase Background Checks

H.P. 1321, L.D. 1870 - An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License

Education and Cultural Affairs

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

S.P. 195, L.D. 623 - An Act to Provide Opportunities for Choice within the Public School System

H.P. 768, L.D. 1045 - Resolve, to Create the Task Force on Research and Development Investment

S.P. 349, L.D. 1168 - Resolve, to Reorganize the University of Maine System

H.P. 917, L.D. 1260 - An Act Allowing Schools to Remain on the School Construction Account Priority List

H.P. 962, L.D. 1325 - An Act to Make the State Board of Education Elected

S.P. 419, L.D. 1340 - An Act to Establish a Public Education Assessment Advisory Commission

H.P. 1006, L.D. 1398 - An Act to Clarify the Law Regarding the Discipline of Exceptional Students

S.P. 442, L.D. 1416 - An Act Concerning Eligibility for Service on a School Board

S.P. 464, L.D. 1436 - An Act to Amend School Construction Laws

H.P. 1101, L.D. 1544 - An Act to Amend the Process by Which School Construction Is Approved

S.P. 517, L.D. 1601 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Legislature to Provide a Statewide System of Uniform and High-quality Education

H.P. 1158, L.D. 1622 - An Act to Require That a Course in Multicultural Education Be Included in All Teacher Preparation Programs in the State

H.P. 1175, L.D. 1652 - An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students

H.P. 1176, L.D. 1653 - An Act to Abolish the State Board of Education

H.P. 1217, L.D. 1717 - An Act Establishing a Higher Education Trust as an Instrumentality of the State

H.P. 1218, L.D. 1718 - An Act to Create a Prepaid Tuition Plan

S.P. 564, L.D. 1721 - An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees

S.P. 568, L.D. 1725 - An Act to Authorize Interlocal Agreements for Construction and Operation of Public Education Fiber-optic Transmission Systems

H.P. 1250, L.D. 1769 - An Act to Authorize Additional Adjustments to the State Share of School Funding

S.P. 599, L.D. 1778 - An Act to Establish the Maine Prepaid College Tuition Program

S.P. 622, L.D. 1825 - An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education

S.P. 639, L.D. 1861 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equal Educational Funding

Health and Human Services

H.P. 129, L.D. 153 - An Act to Provide Social Services to Children in Need of Services and State Supervision

S.P. 335, L.D. 1113 - An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature

H.P. 882, L.D. 1199 - An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants (EMERGENCY)

S.P. 407, L.D. 1302 - An Act to Amend the Aid to Families with Dependent Children Program

S.P. 508, L.D. 1570 - An Act to Require Tobacco Manufacturers to Disclose Ingredients Contained within Tobacco Products

H.P. 1129, L.D. 1585 - An Act to Provide Additional Adoption Assistance to State Employees

S.P. 551, L.D. 1677 - An Act to Improve Children's Health

H.P. 1225, L.D. 1737 - An Act to Provide for Confidentiality of Health Care Information

H.P. 1233, L.D. 1750 - An Act Concerning the Rights of Children with Special Needs

S.P. 600, L.D. 1779 - An Act Regarding Access to Medical Information

Inland Fisheries and Wildlife

H.P. 128, L.D. 152 - An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region

H.P. 304, L.D. 368 - An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses

H.P. 560, L.D. 751 - An Act to Outlaw the Use of Eel Pots in Inland Waters

H.P. 854, L.D. 1159 - An Act to Open Trapping Season on Saturday

H.P. 857, L.D. 1162 - An Act to Clarify the Duties of the Maine Atlantic Salmon Authority

S.P. 477, L.D. 1479 - An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties

S.P. 604, L.D. 1801 - An Act to Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips Are Allocated among Licensees

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

Judiciary

S.P. 31, L.D. 29 - An Act to Amend the Wrongful Death Laws

S.P. 32, L.D. 30 - An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992

H.P. 51, L.D. 76 - An Act to Amend the Uniform Health Care Decisions Law

H.P. 432, L.D. 582 - An Act to Amend the Procedures for Medical Malpractice Screenings

S.P. 261, L.D. 869 - An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule

H.P. 663, L.D. 916 - An Act to Allow Physician-assisted Deaths for the Terminally Ill

H.P. 700, L.D. 964 - An Act to Transfer Certain Tribal Holdings into a Trust

H.P. 773, L.D. 1050 - An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition

S.P. 317, L.D. 1057 - An Act to Amend the Laws Regarding Wrongful Death and Recoveries for Wrongful Death

H.P. 864, L.D. 1181 - An Act to Change the Comparative Negligence Laws

H.P. 891, L.D. 1208 - An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court

H.P. 965, L.D. 1328 - An Act to Enact the Uniform Transfer on Death Security Registration Act

H.P. 992, L.D. 1372 - An Act to Unify the Court System

S.P. 438, L.D. 1384 - An Act to Reform Procedure in Multiparty Lawsuits

S.P. 480, L.D. 1482 - An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations

H.P. 1127, L.D. 1583 - An Act to Establish the Uniform Anatomical Gift Act

S.P. 531, L.D. 1636 - An Act to Make Mediation Mandatory in Medical Malpractice Proceedings

H.P. 1179, L.D. 1670 - An Act to Limit Indemnification in Construction Contracts

S.P. 571, L.D. 1728 - An Act to Promote Professional Competence and Improve Patient Care

S.P. 572, L.D. 1729 - An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders

H.P. 1257, L.D. 1784 - An Act to Expedite the Operation of Prelitigation Screening Panels under the Maine Health Security Act

H.P. 1259, L.D. 1786 - An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act

H.P. 1266, L.D. 1793 - An Act Regarding the Activities of Nonprofit Corporations

H.P. 1277, L.D. 1807 - An Act to Provide for Commitment of Sexually Violent Predators
Labor

H.P. 154, L.D. 196 - An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

H.P. 236, L.D. 300 - An Act to Prohibit an Employer from Hiring Replacement Workers during a Strike

H.P. 418, L.D. 568 - An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage

H.P. 462, L.D. 633 - An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners

H.P. 497, L.D. 688 - An Act to Increase Maine's Minimum Wage

H.P. 610, L.D. 835 - Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law

H.P. 735, L.D. 999 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

H.P. 812, L.D. 1100 - An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System

H.P. 875, L.D. 1192 - An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

H.P. 876, L.D. 1193 - An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death

H.P. 955, L.D. 1318 - An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases

H.P. 990, L.D. 1370 - Resolve, to Create Pension Portability for State and Local Government

H.P. 1040, L.D. 1457 - An Act to Extend the Period for Payment of Workers' Compensation Benefits

S.P. 505, L.D. 1567 - An Act to Reinstate Limited Rehabilitation Benefits under the Maine Workers' Compensation Act of 1992 for Those with Long-term Disabilities

LEGISLATIVE RECORD - SENATE, JUNE 20, 1997

H.P. 1208, L.D. 1708 - Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases

H.P. 1304, L.D. 1847 - An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police

Labor and Taxation

S.P. 542, L.D. 1661 - An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security

Legal and Veterans Affairs

H.P. 517, L.D. 708 - An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements

H.P. 725, L.D. 989 - An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits

H.P. 784, L.D. 1072 - An Act Pertaining to the Sanford National Guard Armory

H.P. 1185, L.D. 1676 - An Act to Preserve Live Harness Racing in the State

H.P. 1273, L.D. 1799 - An Act to Privatize Liquor Sales

S.P. 624, L.D. 1827 - An Act to Authorize the Operation of Video Gaming Terminals by Certain Nonprofit Organizations

S.P. 626, L.D. 1828 - An Act to Preserve Financial Integrity of the Bureau of Alcoholic Beverages and Lottery Operations (EMERGENCY)

H.P. 1303, L.D. 1846 - An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike (EMERGENCY)

H.P. 1327, L.D. 1876 - Resolve, to Allow Certain Employees to Continue to Sue the State to Recover Wages Improperly Denied under Federal Wage and Hour Laws

Marine Resources

H.P. 1028, L.D. 1445 - An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities

S.P. 476, L.D. 1478 - An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties

Natural Resources

H.P. 55, L.D. 80 - An Act to Protect Internal Waters of the State

H.P. 489, L.D. 660 - An Act to Opt out of the Federal Requirement to Use Reformulated Fuel

S.P. 573, L.D. 1730 - An Act to Implement the Recommendations of the Great Pond Task Force

H.P. 1291, L.D. 1836 - An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program (Governor's Bill)

State and Local Government

H.P. 52, L.D. 77 - An Act to Change the Budgeting Process for York County

H.P. 145, L.D. 188 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State

H.P. 297, L.D. 361 - An Act to Encourage Regionalization of Municipal Services

H.P. 416, L.D. 566 - An Act to Provide Computers for Use in the Legislature

H.P. 887, L.D. 1204 - An Act to Establish the Maine Disaster Relief Laws

H.P. 978, L.D. 1358 - An Act to Amend the Procedures for Finalizing the Kennebec County Budget

H.P. 979, L.D. 1359 - An Act to Amend the Androscoggin County Budget Process

H.P. 1108, L.D. 1551 - An Act to Amend the Amount of Retainage on Public Building Contracts

H.P. 1244, L.D. 1764 - An Act to Establish an Office of Regulatory Reform within the Executive Branch

S.P. 598, L.D. 1777 - An Act to Permit the Creation of Cooperative Municipal Fire Districts

Taxation

S.P. 585, L.D. 1748 - An Act to Modernize Maine's Fuel Tax Laws

S.P. 606, L.D. 1803 - An Act to Encourage the Payment of Delinquent Taxes

H.P. 1283, L.D. 1820 - An Act to Establish a Penalty on Gains from the Sale or Exchange of Land from Which Timber Has Been Harvested

S.P. 621, L.D. 1824 - An Act to Establish a System of Tax Revenue Targeting (Governor's Bill)

S.P. 636, L.D. 1853 - An Act to Exempt from State Income Tax Previously Taxed Contributions to an Individual Retirement Account

H.P. 1307, L.D. 1855 - An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game

Transportation

H.P. 535, L.D. 726 - An Act to Increase the Bonding Limits of the Maine Turnpike Authority

H.P. 566, L.D. 757 - An Act to Create Graduated Licenses

H.P. 1138, L.D. 1594 - An Act to Transfer State Ownership of Certain Railroad Rights-of-way, Create the Calais to Eastport Rail Authority and Authorize a General Fund Bond Issue in the Amount of \$4,500,000 to Fund Establishment of Freight Rail Service between Calais and Eastport

Utilities and Energy

H.P. 169, L.D. 224 - An Act Regarding Charges Assessed against Owners of Sprinkler Systems

S.P. 576, L.D. 1732 - An Act to Provide Choice to Maine's Electricity Customers (EMERGENCY)

H.P. 1261, L.D. 1788 - An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates

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

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

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

SENATE PAPERS

Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine (Emergency)

S.P. 679 L.D. 1905

Presented by Senator MACKINNON of York
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

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

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. 1355

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES POSTAL SERVICE

TO ISSUE A STAMP COMMEMORATING JOSHUA LAWRENCE CHAMBERLAIN

WHEREAS, Joshua Lawrence Chamberlain, born in Brewer, Maine in 1828, was an outstanding soldier, educator, statesman and author during his long and distinguished career; and

WHEREAS, Joshua Lawrence Chamberlain was the living embodiment of Maine character, grit and courage; and

WHEREAS, Joshua Lawrence Chamberlain, as Colonel of the 20th Maine Volunteer Infantry Regiment, contributed greatly to Union victory at Gettysburg by his heroic defense of Little Round Top on July 2, 1863; and

WHEREAS, Joshua Lawrence Chamberlain, as Major General of the Third Brigade, Fifth Corps, Army of the Potomac, was selected by Lieutenant General Ulysses S. Grant to preside over the formal surrender of the Army of Northern Virginia on April 12, 1865, rendered a salute to the defeated adversary that symbolized hopes for reconciliation of North and South; and

WHEREAS, Joshua Lawrence Chamberlain, as commander of the militia, displayed great statesmanship in averting civil conflict without resort to arms during the 1880 Election Crisis in Maine; and

WHEREAS, Joshua Lawrence Chamberlain was a progressive educator who inaugurated a "new Elizabethan age" of learning as President of Bowdoin College, represented Maine at the 1876 Philadelphia Centennial, speaking on "Maine: Her Place in History," represented the United States at the Paris Exposition on education and wrote the classic The Passing of the Armies; and

WHEREAS, Joshua Lawrence Chamberlain is an historical figure of national significance; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the 118th Legislature, now assembled in the First Special Session, respectfully recommend and urge the United States Postal Service to issue a stamp honoring Joshua Lawrence Chamberlain; and be it further

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

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

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

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

ENACTORS

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

An Act Regarding the Restructuring of Contracts between Public Utilities and Qualifying Facilities S.P. 674 L.D. 1899

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Regarding Payments to Legislators during Special Session (Emergency) H.P. 1356 L.D. 1903

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, in concurrence.

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

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

ENACTORS

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

An Act to Extend the Authorization for Federally Funded Positions to Establish a Military Rebuild Site at the Former Loring Air Force Base S.P. 677 L.D. 1901

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

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

COMMUNICATIONS

The Following Communication: S.C. 373

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

June 20, 1997

The Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1338 Legislative Document 1887 "An Act Regarding Health and the Prevention of Smoking," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Sixty-seven voted in favor and seventy-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

The Following Communication: S.C. 374

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

June 20, 1997

The Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 863 Legislative Document 1180 "An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Sixty-seven voted in favor and seventy-six against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

The Following Communication: S.C. 375

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

June 20, 1997

The Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 123 Legislative Document 147 "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Sixty-six voted in favor and seventy-six against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/ Joseph W. Mayo
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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1358

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF BATH

WHEREAS, the Maine State Legislature approved the incorporation of the City of Bath on June 4, 1847 after it had been an incorporated town for many years; and

WHEREAS, the City of Bath has prospered as a showcase municipality in preserving its heritage and individuality as the "Gem of the Kennebec" and the "Cradle of Ships"; and

WHEREAS, the City of Bath has been uniquely successful in forging solutions to regional problems with the Town of Brunswick and the Town of Topsham; and

WHEREAS, the Bath waterfront is becoming a vibrant example of the revitalized economic development of this State's major waterways through such projects as the Rail and Sail Port of Bath; and

WHEREAS, this year the City of Bath will be celebrating its Sesquicentennial with an exciting array of events and projects commemorating the exemplary history of the city; now therefore, be it

RESOLVED: That We, the Members of the 118th Legislature, now assembled in the First Special Session, take this opportunity to commend the inhabitants of the City of Bath on

their many achievements over the last 150 years and extend our best wishes for a very happy and memorable 150th birthday celebration; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Bath City Council for presentation to the citizens of the City of Bath.

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

Which was **READ** and **ADOPTED**, in 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens" H.P. 1357 L.D. 1904

Committee on **HEALTH AND HUMAN SERVICES** 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**.

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

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

Senator **LONGLEY:** Thank you Mr. President and colleagues in the Senate. When I came here this session my number one, top priority, more than all the other issues we dealt with this year, my number one, top priority was children's health, children's healthcare. We have 38,000 children without healthcare. That's a Fenway Park full of children who do not have healthcare. What we're offered today as a, so-called, compromise is to cover one section, probably section A of Fenway Park, to cover 5,714 kids, when we have 38,000 children without any healthcare. That means when they get an earache, it doesn't get dealt with until an emergency point occurs, often after hearing impairment. It means if they have a sore throat, it becomes strep maybe for a day or two or three before they get healthcare. It means hard working parents, three out four of these kids have hard working parents, at least one parent working full-time and they can't afford healthcare. We understand why, because healthcare is costing too much. We have a crisis on the national level and on the state level. Many of us campaigned saying, we were going to try and

be leaders on healthcare. Today we have a chance to cover one section of a Fenway Park full of children, all who have not one penny of healthcare. If we added those kids who are under-insured we could fill almost three Fenway Parks. Instead, we're going to do one section, section A.

I came to work today and I grabbed books off the shelf that probably summarize my conflict. One book is a book my Dad gave me, "Never Give In," and I noticed Governor King has those same quotes, "Never, never, never, never, never, never, never, give in. In nothing great or small, large or petty, never give in except to convictions of honor and good sense." The other book I carry around is the negotiating book, "Getting To Yes." How can we get to a yes, where we create a win-win situation, that much touted win-win? In my opinion, none of us are winning today with what is proposed as a compromise for us to agree to, covering just section A in Fenway Park is not enough. We can do so much better.

There are no winners including tobacco and maybe that, for me, is what counts most. We have to take what we've been given and we haven't been given much. The 37 cent tax we're going to take and put on tobacco, not one penny has been designated to children's healthcare. Not one penny to help cover the 38,000 to 81,000 kids who are out there uninsured or under-insured. As one person put it yesterday, "The Governor has given us an apple and he's kept the orchard." With that apple, my vote today is in great hopes that seeds from that apple can help start to grow an orchard, because we, in Maine, we're scrappers. And he might not understand the importance of healthcare and the need for healthcare and what a crying shame it is that not one penny of the 37 cents is going to be put for kids.

It's incumbent on me and many of us, over the course of the next year and however long we last in office, to time and again say that healthcare, there's a crisis out there. And every which way we can, we've got to increase the number of people, good people, who simply cannot afford healthcare. We've got to help them get healthcare. We wanted it for kids. We wanted it for elderly. We got not one penny out of the cigarette tax for that. There are no winners today including tobacco. For that reason I'll be voting for this package but it's one apple out of an orchard and we're only getting the apple, not the orchard. We've got a lot of work to do and I encourage everyone to help do that work. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. I'm delighted to see this bill here today because, as I have in the past, I intend to support every opportunity that I have to raise the cost of cigarettes in the State of Maine. We have good information from other states that have done this, that it actually does work particularly in regard to decreasing youth smoking which, I think, is the main goal here. I heard a statistic the other day, forgive me a point or two but I think this is close. Ninety-four percent of the people who are life-long smokers started before they were age 16, so anything that we can do will be helpful. I believe that this combination of an increase in cost, in addition to some of the changes that we made this year regarding how cigarettes may be sold in stores will be helpful in decreasing youth smoking.

Two interesting calls I had this week, one from a gentleman who owns a tobacco store asking me to vote in favor of this bill, one from a life-long smoker who said, "I've tried to quit over and

over again. I can't do it. Please raise the cost. Maybe that will help me." I am enthusiastic about supporting this bill.

I do want to go on record with one objection, and that is the fact that the Healthcare Task Force is set up in a way that eliminates the possibility of my participation and that is a great disappointment to me. Everyone got here the same way. I got here the same way all of you did and it is not right for one person to be excluded from full participation in this body. And so, I wanted to register my official objection, but I do urge you to support the bill. It's a good one. It's an important one. It's important for our children and I hope you'll all vote in favor of it. Thank you.

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

Senator **CAREY:** Thank you Mr. President and members of the Senate. I've been opposed to the increase in the tax from the beginning. I can't see raising \$30 million and spending a tenth of it, only a tenth of it, on dealing with the subject that we're trying to cure. I do have, yet, a minor problem, so I'm basically shifting to be on the fence because this bill is a very good improvement over what we have been having. But I have to tell you that I do have a minor problem which is on page 2 of the bill in section 3, out of 4563D. We've talked about vending machines and it says, "Notwithstanding any other provision of this chapter, it is presumed that all cigarette vending machines are full to capacity on the 1st of November of '97 and the tax imposed by this section must be reported on that basis." So what we're saying is, if the machine is not full then the State of Maine will, in fact, be stealing 18 1/2 mils per pack on the people who own those vending machines, who are, in fact, servicing those machines. I think if we're raising \$30 million, it's a crime to suggest that we may be able to steal another \$50,000 or \$100,000.

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen of the Senate and good afternoon. I've already been here three hours longer than I anticipated today but, I'm sure we'll be done in a few minutes.

I rise today to, once again, complain about raising taxes in the State of Maine. I want to give you just a little history, recent history. I just called New Hampshire within the last hour because a week ago their cigarette taxes held up their state budget. It has now passed. They increased their cigarette tax 12 cents a pack which now brings them up to our present level of 37 cents a pack. Their new 12 cents a pack will be used for their kindergarten students. About 85% of the schools in New Hampshire have kindergarten so they want to fund the rest of them. It amounts to \$750 per kindergarten student. If you bothered to read, Mr. President, some of the literature that I put on your desk today, you will notice that yesterday in Washington D.C., the tax panel elected to put 20 cents more on a pack of cigarettes. Gorry, some of that's going to go to take care of the children in this country who don't have healthcare. Quite obviously, they'll probably do it.

Presently, the federal government sees fit to put 24 cents a pack on each pack of cigarettes which brings the tax in Maine to 61 cents today, taxes on cigarettes. Well, if we add another 37 cents, that's going to bring us up to 98 cents a pack plus the 20 cents, \$1.18 a pack. Surely, 61 cents tax per pack of cigarettes

hasn't slowed down smoking. We've made it illegal to sell to minors. We've made it illegal for minors to smoke, possess tobacco and yet, somebody comes up with statistics telling us that we're number one in the nation in youthful smoking. I'm not sure where they get that information, but all the taxes we've put on cigarettes hasn't worked. Hasn't worked. I don't think that this is going to work any better. What's 37 cents to somebody today who smokes? If you have a nicotine habit you will furnish that habit regardless. You will go without something else if that need be the case. If kids don't have the money, they'll steal them, flat and simple, or they'll steal something else to sell. To me, this is only a smoke screen to raise taxes again in the State of Maine.

Let's talk just a second about some of these programs. One letter on my desk today came with a study and a report which Maine's included in, it's Medicaid. It started in 1965 with President Johnson. I'm sure you all read this but maybe, in case you didn't, this was a federal, state healthcare delivery system for lower income Americans. Today, Medicaid spending is the second largest budget expenditure in many states, costing the typical American family more than \$2,000 a year. The study was done in April. Maine fared poorly in the study, receiving a grade of D-. The authors of the study arrived at this grade because the state's Medicaid burden, over time, has risen much more than the national average. Per recipient costs are well above national norms and many non-poor receive benefits. I guess they know what's going on in Maine. We've known it, ignored it not only on this but on some other things. We keep raising the benefit of the Property Tax Relief Program. You raise it just a little bit more and I'm going to qualify. Thank you very much, I think I'll take advantage of it once you get there. You're awfully close. Your intentions are fine. There are many good programs. You could come up with 100, if I gave you time to write them out, but I'm telling you we can't afford them. I mentioned three weeks ago that I felt the goal was to be number one in the nation in taxes and, by gorry, that's one goal that we're going to achieve, and I predict that we'll do it with one more legislative term. One more, we'll be number one. When that happens the tax payers in this state will turn and I hope I'm right there with them. I will be voting against this bill today, obviously. Thank you.

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

Senator MACKINNON: Thank you Mr. President, women and men of the Senate. Today is a very difficult day for me. While I certainly support the idea that we should have no smoking in our youth, that we should cut that down and cigarettes, you know, they do kill. I think it's also very important to realize that we have a law that says, "under 18, you cannot procure cigarettes" at this particular time. It would be very easy for me to sit back and say nothing, and to vote with this and go along. I'm from York County and some of things that I'm really worried about are the unintended consequences of this bill. If this bill's successful, yes, it will reach its objective, but if our law of 18 year-olds is successful, it will also reach that objective. I'd much rather have those items that we talked about, the good Senator from Waldo, Senator Longley, talked about healthcare for children in the budget, and vote for it, up or down, because I think it's that important. I think the unintended consequences of taxes, that we have a high sales tax, we have a snack tax, if we have the higher cigarette tax which we know will be about \$6.83 more a carton, we'll be driving a lot of people from York County over to New Hampshire. The consequence of that may be people moving,

may be lower taxes collected here because of the sale of our products, it may be loss of jobs because small business owners can no longer keep that plus one person on. And when that occurs then our whole economy in York County which is supposed to be very good, goes down. We'll no longer be the gateway, we'll be the fade away area of the state. Today we're starting to come back out. There are pockets in York County that are 7%, 8% and 9% unemployment now. I'm worried about those things. I'm worried about the unintended consequences of passing this. I do support the idea that we should have no smoking and the health benefits, but I will be voting against this. Thank you.

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

Senator RUHLIN: Thank you Mr. President, honorable Senators of Maine. First of all I'd like to just make some points of clarification with you. Some things that do happen with this bill and, guess what, some things that don't happen with this bill. Let's start off with the very first one. This establishes tax policy in the State of Maine for the people of the State of Maine. It is not a tax policy that is established on the basis of what our neighbor is or is not going to do. It's not a tax policy that's established on what the federal government may or may not do. It's established in the State of Maine to achieve a social goal. A social goal that has been considered by this Legislature as being a worthy social goal. As a member of the Taxation Committee, who's charged with making recommendations to you on good fiscal policy, I must add that I think when you add or make tax policy based on trying to achieve social goals, we are already walking on some thin ice. You really are if you look at taxation to achieve a steady, constant revenue stream for the cost of government. However, we have, since we were a nation, the taxation policy of various eras and so forth, up through notably, the Great Depression and we continue to, on occasion, use taxation to achieve social goals. This is not a tax that is done to raise new revenue, although it, in fact, does so. It is not a tax that's in there to create new programs and it does not do that. It is a tax, pure and simple, to achieve what has been judged a necessary and laudable public purpose of the government of the State of Maine. We have the highest youth smoking rate in the nation. That situation is untenable. How are we going to correct it? We can, again, try the great, noble experiment and do a mini Prohibition Act, here in the State of Maine and have prohibition and create criminals of our youth as we attempt to do that. The noble experiment did not work in the '20's and it will not work in the '90's, so let's discard prohibition. We have put in age restrictions. They have not worked. It is apparent. So, we have one other, and I am more than willing by the way, at some point to listen to even further suggestions on curing this problem, this health problem that's a social problem. The only one that's been presented to us is the opportunity to tax to affect a social outcome. That's what this is. Don't paint it with any other brush because this is the only brush that fits it. If you want to vote against youth smoking then you vote for this bill, pure and simple. It may not work, but at least we will have given it a try. We will have made the effort. We will have done it with both branches of government, the executive and the legislative branch working in unison. It's been a rough road to get to this point. We are at this point. We now have the opportunity to go ahead and achieve what is truly our worthwhile goal for the youth of America, this state in particular, to recognize the high cost to society of smoking, itself, to recognize that one in

three of those youths, and I want each and every Senator, please remember that. One in three of every new smoker, who starts to smoke at the age of 16, will die of smoking related problems, prematurely. That is what you're voting for today. That's what this is about, taxation to achieve a social end, to lessen the potential mortality and health problems of our youth. I hope that you will keep that in mind when you vote today. I hope you'll keep in mind that this tax does not create a new program. There is a new program recommended in the bill but it is not funded from this tax. The only thing that is funded, that's new in this and I want to correct that, that is new in this is an anti-smoking campaign to make not only the increased cost more effective in deterring people from smoking but also to go out and advertise an aid of cessation of existing smoking problems. That's the only new program. The other new program that people keep talking about isn't from this tax, no. It's from the budget process, the budget process that this state has gone on through since we were a state, and that we will continue to go through. But please keep in mind, when this roll call is done today, what it is that you're voting on, a vote to discourage and deter the smoking especially of our youth and thereby encouraging better health in the future. That is what you're voting on. Thank you.

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

Senator **BENNETT:** Thank you Mr. President, fellow members of the Senate. I rise today as one who is not necessarily opposed to increasing taxes on cigarettes but I have yet to see a proposal before this body, or frankly even considered in the public domain, that I could support. The reason comes down to the issues that others have raised which is what do we do with the money? Because whatever public ends are achieved, and good public ends are achieved by raising the tax on cigarettes, we still have the question, what do we do with the money? And it is not an insignificant question. It is a tremendously important question. My view is that our state already taxes its citizens enough, that state government already has enough revenue. We need to live within our means. New programs, new spending, if it is a priority, must come from existing resources. We must address priorities within our existing budget. This bill does not do that. Let me just speak to three specific issues however, that others may not address. I know others will more articulately deal with some of the other questions and already have, but I want to share with you some real grave concerns that I have about some of the debate that has occurred over the last couple of days with regard to this issue.

The first that I think we all have to think about carefully is that there's been a tremendous amount of unfortunate talk about a particular windfall in the estate tax revenue in this State of Maine General Fund. It has been widely reported, I heard it on the radio coming into the Senate today, I've seen it in the newspaper, about an individual named Elizabeth Noyes who passed away leaving a sizable estate. You know, I didn't know Betty Noyes personally, but I knew her by reputation and I think we all knew and respected her. Betty Noyes, by reputation, was a person of tremendous public spirit in philanthropy but she was also a very private person and someone who not only eschewed the kind of recognition for her philanthropy that she deserved, but often gave her gifts, made her generous acts in anonymity and preferred that. I find it immensely disturbing that a particular amount of money can be attributed to a tax payment from the estate or from the income, or from any other occurrence in a person or a

company's life in this state. And as a matter of fact, not only is it, in my view, offensive and unethical, it is, in fact, illegal. In title 36, section 191, it says very clearly, I'll read it to you, "It shall be unlawful, with very narrow exceptions for legal reasons, it shall be unlawful for any person who, pursuant to this title, has been permitted to receive or view any portion of the original or a copy of any report, return, or other information provided," pursuant to this title, that is their tax law, "to divulge or make known, in any manner, any information set forth in any of those documents, or obtain from examination or inspection under this title of the premises or property of any taxpayer." It is abundantly clear. I think it's a disservice to the debate and to the good work of Betty Noyes that this information has become public. And I hope that there is some effort to find out how this came about and I hope that the Governor will address this issue. That information never should have left the Bureau of Taxation.

My second point, along the same lines, is the notion of using, as an excuse for a new program or for a new spending, particular tax contribution of one individual or corporate entity of this state is, in my opinion, bizarre at best. This, I understand was created as part of a compromise. It's a compromise I want to have nothing to do with.

My third and final point is that there is \$8 million in seed money, if you will, to fund this new program which is yet to be defined. The \$6.2 million comes from, what has been called, unexpected surplus. Surplus, by its definition, is unexpected. Just two weeks ago in the Appropriations Committee, Democrats and Republicans alike tried to get an understanding from the administration of what the size of our surplus would be at the end of this fiscal year, and we could not get an answer. It was a range, a range much broader than \$6.2 million. It was a range of \$10 million or \$20 million, \$30 million to \$40 million, maybe \$50 million. At the time we were looking at numbers that said \$67 million. The truth is that surplus money, under the law, the budget that was passed by this Senate less than three months ago, surplus money in tax revenue will go into the tax relief fund and it is to be used for tax relief. Seventy-five percent of the surplus money, under that bill, goes for tax relief, 25% goes to the unfunded liability in our retirement system. Any money that we choose to take from surplus is coming from the tax relief fund. No shell game can dispute that fact, and that is what we're looking at here, nothing more than a shell game. Three quarters of the \$6.2 million of that money should be going to tax relief not new spending. In just three months, less than three months, we're already violating the promise of tax relief for Maine people by passing this bill. Give it a few more months, how much more money will disappear from that so-called tax relief fund? In short, this is, no matter any amount of rhetoric, nothing short of a tax increase to spend for new programs. Some people in this Chamber are happy with that and that's fine. That is fine. That is an honorable position, but people who espouse one thing and do another, I think, ought to be called to account. I thank you for your attention.

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

Senator **BEHOIT:** Thank you Mr. President, may it please the Senate. I hadn't intended to speak on this matter. I've had occasion, an opportunity to speak on the issue on other legislation on this subject. But a couple of comments have been made and one of them, I join with Senator MacKinnon, the Senator from York, in his assessment that this is a pretty hard

issue. I find it, Mr. President, to be a very difficult issue because this piece of legislation comes to be more acceptable to me than other bills on the subject in this session, but I still am not able to support it. Senator Ruhlman, the Senator from Penobscot, made a comment that went to address a comment before his today, and that is the comment about New Hampshire's tax policy. Senator Ruhlman seems to have said today, as I understand his remarks, that we should not be looking towards New Hampshire or any other state for tax policy because this is Maine tax policy that we're talking about. That would be all well and good except, of course, we don't live in a vacuum, here in the State of Maine. We do have neighbors. And if, in fact, the Senator was correct then perhaps we should not have voted as we did, to give financial aid to Bath Iron Works because, remember what we did there? We looked all the way toward Mississippi to see what Mississippi's policy was concerning shipbuilding, and on the basis of that policy, we thought it advisable to give some relief to our shipbuilding industry and I voted for that. We do not live in a vacuum. We have to take into account what's going on with our neighbors and I think that's only right. After all, it is public information.

Mr. President, I would conclude with this, to echo some of Senator Halls remarks which I support. Every legislative session without fail, we have to fight the dreaded legislative malady of taxitis. It permeates the State House this session, as it always does, and we have succumbed to it, some of us. It would be nice to see a session, Mr. President, where we come here inoculated against that malady so that we can give relief to the citizens of the state regarding the tax burden. I refuse, respectfully, to play a part in seeing us move from 8th to 9th place on tax burden on our citizens towards 1st place no matter what the tax may be. I just can't bring myself to do it. It doesn't seem right. And this is just the sort of thing that happens, now it's tobacco, oh, it's noxious, let's tax it some more. It's still a tax and it moves us towards 1st place. Mr. President, I just can't do it, no matter how well-founded. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. There was a reference earlier by the good Senator from Piscataquis, Senator Hall, and though it wasn't posed as a question, I would like to answer it anyway. And that was a reference to the fact that somebody, an unidentified, had some statistics that this is really an effective way to decrease youth smoking. So, I just want to give three very quick specifics about who those resources are. The first is a statement. "That numerous studies have concluded that youth are more price sensitive to tobacco tax increases than adults." That's from the National Bureau of Economic Research. The second is the statement "Given that almost no smokers begin smoking after age 20, large sustained increases in cigarette excise taxes are among the most effective means of achieving substantial long-run improvements in health." That's from the United States Department of Health and Human Services. And the final one is, "Increases in the price of cigarettes can reduce per capita consumption and the prevalence of smoking." And that is from the report published by the Massachusetts Institute of Technology Press. Thank you.

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

Senator **PINGREE:** Thank you Mr. President, women and men of the Senate. I know that we've talked for a long time and I do not intend to continue this debate for a long time further, but I did want to make two quick points. As has already been pointed out many times, we are not here today just to raise this tax and I find it very frustrating when we talk about the issue of taxes, as if they were somehow separate from the rest of the business that we do. They are simply a mechanism for us to accomplish what we think is important.

Today we're looking at this increase in the cigarette tax, as it has been well explained, because it will reduce the amount of youth that smoke. There's been some talk today about Medicaid or children's healthcare and, again, talked about in the context of just creating new programs, spending more money, increasing government spending and, in fact, looking at the report that we have at our desks saying that we got a "D" because, in fact, we were doing a very good job in Medicaid spending. I want to look at it, just briefly, from the other side. We don't spend money through Medicaid. We don't spend money on prescription drugs for the senior citizens or for children's healthcare just to raise taxes and spend money. We do it because part of our job as legislators is to perceive a need and to meet that need, and that's the program that we have before us today. Granted, much scaled down than what we'd originally talked about, but was to look at the need of children's healthcare, the perceived need and the understood need of making sure we meet our responsibility. Also to look at the problem of the cost of senior citizens prescription drugs. That's why this is in here, not because we have some desire to be the number one state in the country for taxes, that's the mechanism for what we do. And we try to do what we do very frugally and thriftily.

We put a lot of money aside this session for tax relief and we're going to continue to do that and I think that should be noted. The reasons that we are doing this today are very different than trying to become number one, and I needed to state that. I urge you all to vote in favor of what is a very minor compromise compared to what we started with but will go a long way to facing this problem that we've been unwilling to deal with and that's the problem of uninsured children and senior citizens prescription drugs.

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

Senator **KIEFFER:** Thank you Mr. President, ladies and gentlemen of the Senate. Obviously, most of this rhetoric, as we want to term it as such, was fully discussed in the debate over this subject when it was here before. However, there are a few new items and, I guess, I would just have to briefly comment on them. First of all my position on smoking has not changed since the debate here before. I'm totally opposed to not only our youth smoking but the adults smoking as well, and I speak as someone who quit smoking some 25 years ago.

I would vote tomorrow, or today, as I spoke before to totally ban the sale and possession and the use of cigarettes in the State of Maine if I thought that it would do anything towards lending better healthcare to our children, reducing heart attacks and various types of cancers in those who do smoke. I'm disappointed in the statistics that I continually hear because statistics are, I guess you can twist them around and make them say anything that you want. If a 37 cent increase will reduce smoking 15%, and I've heard \$1 will reduce smoking 20%, and

therefore, \$2 would reduce smoking 40%, and therefore, a \$5 increase would eliminate smoking all together. So, if that's the route we're using, if that's the way we want to go, let's look at a \$5 tax increase. I don't think it's that simple. The State of North Carolina has no cigarette tax at all, as I understand it. If that's true, I know from my area we have many potato trucks deliver potatoes as far as Florida and when they dead-head back, from rough calculations, if they can make, probably in the vicinity of \$300,000 to \$400,000 by bringing back an illegal load of cigarettes, I would think that's probably going to be quite attractive.

I also have to comment on this, "setting money aside." We've done this many times in the past. Originally, the lottery money was to be set aside for education, loon plate money, look what's happened to that. We've made promises of repeal of the one cent "temporary" increase in the sales tax from 6% to 5%. How much of this has ever come to be? We can't bind future legislators. And this money, so-called set aside in some special account for a purpose that sounds good to us right now may not sound so good when we're not here in a couple of years.

I, like Senator Bennett from Oxford, was very disappointed to hear that there is absolutely no confidentiality any longer among our tax returns. I think that's a very, very sad situation. If this now sets a precedent, how many of us can expect to see our names on the front page of the paper, next year or the year after, with the amount of income tax we have paid, and that being designated for some specific purpose. I think this needs an investigation and certainly, if it were under my jurisdiction, I'm afraid that there would be some heads rolling.

If this were strictly a healthcare issue, as I said earlier, I would support it in a heartbeat. I don't believe it is. I believe it's a tax issue and obvious that no one is arguing over the healthcare issue of this. We're only arguing over how to spend the money that's raised as the tax. Anything else I have said has been said before and is already on the record, for those reasons and for the reasons I've said today, I believe we can do better than this and I can't support this legislation, Mr. President. Thank you.

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

Senator **PARADIS:** Merci Monsieur President, ladies and gentlemen of the Senate. I, too, did not want to get up on this issue because we have been discussing this in our Committee since January. We have file drawer after file drawer of material on every aspect of this problem. We have a youth smoking problem in this state. It's horrendous. It's an abomination. We need to do something about it. When we had a high pregnancy rate of teenagers in this state, we did something about it. Let's get on with this. We are spending tons of money and people who have been smoking, the state tax payers, are paying the bill. It happens every day. You meet your constituents and you know what's happening. You, the taxpayers are paying the bill. And for us to keep saying that this is totally separate, this is two different issues, that doesn't even sound like it's in the realm of possibilities.

I just drove through Massachusetts, and I only drove through it, and I had the radio on, and they had the most incredible, beautiful smoking cessation program targeting everybody. I can't help but think it's going to work. We were monitoring that when we talked about this legislation. We know how to do it, let's get on with it. Let's do it.

I live on the Canadian border and you can bet your bottom dollar, the Canadians are going to keep coming here to buy their cigarettes because theirs are so much higher. I did spend my money in York County. That's where I chose to stop for a couple of days, and I'm hoping now, I'm sending invitations to my friends from York County to come up to Aroostook County for their vacation.

Again, we have done our job well in our Committee and I urge your support for this important piece of legislation. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. I was skeptical, yet, willing to believe the very people who I spend a fair amount of time with, who advocate for the legislation that's before us because they've earned my respect and confidence and their message was very simple. "We need to raise the cigarette tax because we can prove to you, Phil, that it will deter youngsters from smoking." While skeptical and believing in the people who advocate for these programs, I said, "Okay, let's find a way to raise the tax to discourage teenage smoking." And yes, I'll agree that it would make some sense to put some of that money into an education program and, in fact, I was very pleased to see, the other night at my daughters third grade, end of the year musical, tacked up against the wall in the gymnasium all of the affidavits signed by the students saying that they will never smoke or chew tobacco already underway without this legislation. So I said, "Okay, let's give it a chance." Let's do so without creating an avenue or an opportunity for government to grow and expand. And we've had that opportunity, and for reasons that I've come to believe are more political posturing and campaign positioning, we lost it, and that's okay. That's the way things go around here sometimes. Then as I sat here this afternoon, listening to the debate, I was really disappointed to hear what the dismal state of children's health is in this state, because I've heard, time and again, about the tremendous job we've done, prenatal care, live births, immunization, on and on and on, I could. We've done a good job. We've done a great job. We can be proud of what we've done for our children in this state. Yet, today, in the guise of some, perhaps, political maneuvering, in my view, we're painting the picture that we've turned our back on our children and that's unfair and untrue.

I don't understand why this bill, at least from my position, appears to be three pieces of legislation in one, cobbled together for a political solution. Bill number one says, let's raise the tax, siphon some of it off for an education program and give the rest back to the people who sign their names on the front of the check, to pay their taxes that arrive here in Augusta. Bill number two is, let's create a couple of task forces. That's okay, we do that fairly regularly, from time to time. But what despairs me more than anything, Mr. President, is that this bill, the third piece of this bill plants that seed that says we are going to pre-fund, pre-commit and be ready to pre-plan for the role of state government to grow in ways that, I predict, we haven't begun to think about. We're saying, up front, that government will be the solution to children's healthcare in Maine. And yes, government will be the solution to prescription drugs for the elderly. And you know, maybe that's the proper solution, but it's the first time in my experience here, where we set up a task force and we tell them, before they begin their journey, that here's the commitment.

Here's the financial commitment, \$8 million. Go out and do your work and we're ready to implement it.

So, rest assured that all of us in this chamber do care about the children. I, for one, am very proud of the role that this legislature, and past legislatures, has done to lend a helping hand, to reach back and to reach up, to help those in need. What disturbs me is that this bill has come together in a fashion that says, we are going to tell government that's it's okay to grow and expand. It's just a question of when. And I believe that we need to look to our families and our neighbors and our communities and our employers for those solutions, not the state government.

So, for those reasons, Mr. President, I hope you will respectfully understand that my vote, today, is not against the children or the elderly or for a principle. This says that government has grown large enough that we are not the solution to every social problem that comes before us, and that we need to look at each other and our neighbors and our communities to find those solutions. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President. Mr. President and members of the Senate. I had hoped that the amendment that I had prepared would have arrived by now. I understand that it is almost complete down at the Revisor's Office. I'm somewhat embarrassed to ask that someone even table this matter. It would have taken care of what my original complaint was about the State running around as a bandit, actually stealing money from the people who would have to pay it without getting a chance at getting their money back. And while it's not an immense amount of money, I don't believe that if we had planned on raising \$30 million out of this that we should stoop to stealing pennies. I know I had to make the explanation, so it leaves me without the authority to make the motion, but if anybody would make that motion, I certainly would appreciate it.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Senator **RUHLIN:** Thank you Mr. President, Senators of Maine. I share the concerns of the good Senator from Kennebec. I've not had the opportunity since this morning to review it with the Taxation Committee Analyst, but as I read the bill and try and reconstruct what happened some time ago, this vendor issue and the taxation of those packages of cigarettes that are in a vending machine was an item that was discussed in depth by the Taxation Committee. The transition from an existing excise tax amount of 37 cents to 74 cents was covered, I assure you, in great detail by the Taxation Committee. There were many problems associated with this by the way. When you have a new tax level going in and you have inventory, what they call floor inventory, and on a certain date it all must have the same stamp.

It could, even for the small Mom and Pop stores, institute a fiscal hardship immediately of \$2,000, \$3,000, or \$4,000 that they must come up with. The Committee was very sensitive to that. They tried to address. The language that is in this particular piece of legislation, to the best of my ability, short of having professional analysis from our analyst, appears to be the language that we, in fact, instituted at that time, after great discussion. I feel that it is. I feel that the problem that the good Senator from Kennebec has brought forward to the Senate is legitimate. I feel it could and probably will be able to be handled administratively. If, however, it is not capable of being handled administratively, I want to assure the Senate that, as Chair of the Taxation Committee, we will do what we can to bring about a legislative solution in the next Session of the 118th Legislature. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, SMALL

ABSENT: Senator: MITCHELL

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED**, without reference to a Committee, 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:

ORDERS

Joint Orders

On motion by Senator **MICHAUD** of Penobscot, the following Joint Order: S.P. 680

ORDERED, the House concurring, that Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Landfill Closure and Remediation," S.P. 88, L.D. 268; that Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Capital Expenses for Vocational High Schools," H.P. 413, L.D. 558; and that Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Address Federal and State Accessibility and Public Safety Issues," S.P. 612, L.D. 1813, and all their

accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

Off Record Remarks

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

Senator MICHAUD: Thank you Mr. President, men and women of the Senate. I present this Joint Order today to recall three bills from the Legislative files, the three Bond Issues that the Committee had worked real hard on in Appropriations and Financial Affairs. All three bonds were unanimous in Committee. All three bonds deal with important investments in Maine's future, and not only that, but all three bonds would not put us over the 90% so-called rule that we tried to live by. Currently, if you look at the 90% rule, the 90% rule will allow us up to about \$100 million in General Fund bond indebtedness. Currently, the only one that has been approved is the \$30 million, which is part of the \$56 million Highway Fund bond, so we're still way below the 90% rule for over the two years. This will still keep us below that figure. I think it's very important. The Committee worked very hard on all the bonds that we have dealt with, and the ones that came out were top priority of the Appropriations Committee. I hope that you will support this Joint Order to recall them back so that we can vote on each one of them, individually, and hopefully all three will pass and be put before the voters so that they can make a decision. Mr. President, when the vote is taken, I request a roll call.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: BENNETT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENOIT, FERGUSON, HALL, KIEFFER, LIBBY, MILLS

ABSENT: Senators: MITCHELL, NUTTING

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

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, and 25 being more than two-thirds of the Members present and voting, pursuant to Joint Rule 404, on motion by Senator **MICHAUD** of Penobscot the Joint Order **PASSED**.

Sent down for concurrence.

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

On motion by Senator **PINGREE** of Knox, **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:

ENACTORS

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

Emergency Resolve

Resolve, Regarding Payments to Legislators during Special Session
H.P. 1356 L.D. 1903

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 Senators having voted in the negative, and 26 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.

ORDERS OF THE DAY

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

Resolve, Appropriating Funds to the Maine Franco-American Center (Emergency) S.P. 676 L.D. 1900

Tabled - June 20, 1997, by Senator **PINGREE** of Knox.

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

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.)

(In Senate, June 20, 1997, under suspension of the Rules, **READ TWICE**, without reference to a Committee.)

On motion by Senator **JENKINS** of Androscoggin, Senate Amendment "A" (S-443) **READ**.

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

Senator **JENKINS:** Thank you Mr. President, men and women of the Senate. What this, in fact, does is allow the bill to be put back in its original form, basically making an indication that the Franco-American Center, itself, would play no role in deciding where the National Headquarters would be located for this international organization called the FFA, Franco-American Forum Affair. That's all it does. Those words were simply left out of this newly formed bill and that just puts those words back in again. It was a unanimous vote by the Business and Economic Development Committee, that heard this bill. Thank you.

On motion by Senator **JENKINS** of Androscoggin, Senate Amendment "A" (S-443) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-443)**, without reference to a Committee.

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

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

ENACTORS

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

An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens H.P. 1357 L.D. 1904

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENACTED**.

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

RECALLED FROM LEGISLATIVE FILES

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund Capital Expenses for Vocational High Schools H.P. 413 L.D. 558 (C "A" H-697)

(In House, June 1, 1997, **ADHERED** to **ENACTMENT**.)

(In Senate, June 1, 1997, **FAILED** to **RECEDE** and **CONCUR**.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 680, in concurrence.)

On motion by Senator **BENOIT** of Franklin, the Senate **SUSPENDED THE RULES**.

The same Senator moved the Senate to **RECONSIDER** whereby the Senate **FAILED** to **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BUTLAND, FERGUSON, HALL, HARRIMAN, LIBBY, MITCHELL

ABSENT: Senator: NUTTING

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BENOIT** of Franklin to **RECONSIDER** whereby the Senate **FAILED** to **RECEDE** and **CONCUR**, **PREVAILED**.

Off Record Remarks

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BUTLAND, HALL, HARRIMAN, LIBBY, MITCHELL

ABSENT: Senator: NUTTING

This being a Bond Authorization Act and having received the affirmative vote of 28 Members of the Senate, with 6 Senators having voted in the negative, with 1 Senator being absent, and 28 being more than two-thirds of the Membership present and voting, the Senate RECEDED and CONCURRED and the Bill was PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

RECALLED FROM LEGISLATIVE FILES

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Address Federal and State Accessibility and Public Safety Issues" S.P. 612 L.D. 1813 (C "A" S-329)

(In House, June 1, 1997, ADHERED to ENACTMENT.)

(In Senate, June 1, 1997, FAILED to RECEDE and CONCUR.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 680, in concurrence.)

On motion by Senator CASSIDY of Washington, the Senate SUSPENDED THE RULES.

The same Senator moved the Senate to RECONSIDER whereby the Senate FAILED to RECEDE and CONCUR.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BUTLAND, HALL, HARRIMAN, MITCHELL

ABSENT: Senator: NUTTING

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator CASSIDY of Washington to RECONSIDER whereby the Senate FAILED to RECEDE and CONCUR, PREVAILED.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BUTLAND, HALL, HARRIMAN

ABSENT: Senator: NUTTING

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 4 Senators having voted in the negative, with 1 Senator being absent, and 30 being more than two-thirds of the Membership present and voting, the Senate RECEDED and CONCURRED and the Bill was PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease
Senate called to order by the President.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens H.P. 1357 L.D. 1904

Tabled - June 20, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENACTED**

(In Senate, June 20, 1997, **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In House, June 20, 1997, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL

ABSENT: Senators: ABROMSON, HALL, NUTTING

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith to the Governor.

The President requested the Sergeant-at-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

The Senate called to Order by the President Pro Tem.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

The President Pro Tem requested the Sergeant-at-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Appropriating Funds to the Maine Franco-American Center (Emergency) S.P. 676 L.D. 1900

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

In Senate, June 20, 1997, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Emergency Resolve

Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine S.P. 679 L.D. 1905

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

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senator **CASSIDY** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

THE PRESIDENT: This being the first time I've ever served as Presiding Officer of the Senate it is indeed a challenge to learn how to be Presiding Officer. There are also several members of the Senate who served as President Pro Tem who had an equally daunting challenge to learn, in a short period of time, to be Senate Pro Tem and we have a gavel to present to each of the members who served as President Pro Tem. As I call their names, I'd like to have them come up and receive their gavels. First the Senator from Oxford, Senator Bennett. In case you were wondering, it's not quite as big as the one they had when they presided. Next, the Senator from Cumberland, Senator Harriman. Next, the Senator from York, Senator Libby. The Senator from Penobscot, Senator Murray. The Senator from Knox, Senator Pingree. The Senator from Cumberland, Senator Rand.

Off Record Remarks

THE PRESIDENT: We also had three Senators come up as Senator Pro Tems at the signing of special legislation, and I also have a gavel to present to them. The Senator from Kennebec, Senator Carey.

Off Record Remarks

THE PRESIDENT: Next, the Senator from Waldo, Senator Longley.

Off Record Remarks

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

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

THE PRESIDENT: We have one additional gavel to present to a Senator Pro Tem, about to escape. The Chair would ask the Senator from Sagadahoc, Senator Small, to approach the rostrum.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (6/1/97) Assigned matter:

Emergency Resolve

Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care S.P. 558 L.D. 1684 (S "A" S-406 to C "A" S-256)

Tabled - June 1, 1997, by Senator **PINGREE** of Knox.

Pending - **FINAL PASSAGE**

(In Senate, May 31, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256) AS AMENDED BY SENATE AMENDMENT "A" (S-406)** thereto, in **NON-CONCURRENCE**.)

(In House, June 1, 1997, **FINALLY PASSED**.)

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

RECALLED FROM LEGISLATIVE FILES

Bond Issue

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements
S.P. 88 L.D. 268
(S "A" S-421 to C
"A" S-213)

(In House, June 1, 1997, **ADHERED to ENACTMENT**.)

(In Senate, June 1, 1997, **FAILED to RECEDE and CONCUR**.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 680, in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **FAILED to RECEDE and CONCUR**.

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-421)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby Committee Amendment "A" (S-213) As Amended by Senate Amendment "A" (S-421) thereto, was **ADOPTED**.

On further motion by same Senator, the Senate **RECEDED** from whereby Senate Amendment "A" (S-421) to Committee Amendment "A" (S-213) was **ADOPTED**.

On further motion by same Senator, Senate Amendment "A" (S-421) to Committee Amendment "A" (S-213) **INDEFINITELY POSTPONED in NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "C" (S-446) to Committee Amendment "A" (S-213) **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. What I've done is offered a technical amendment. To do so, I've removed Senate Amendment "A" and I've replaced it with Senate Amendment "C". Senate Amendment "C" is identical to Senate Amendment "A" except for one change and that was a technical change. In part C there was an inaccurate reference to the total bond amount. That's near the end of your amendment if you wish to take a look at it. It would reference \$13 million Bond Issue which was the original bill and the current bill is \$6 million. Without making this technical change, even if the Bond Issue would pass, they would not be able to spend the funds as authorized to do so because of the inappropriate reference. So, this makes the correct reference to the amount that was intended to be referenced.

On further motion by same Senator, Senate Amendment "C" (S-446) to Committee Amendment "A" (S-213) **ADOPTED**.

Committee Amendment "A" (S-213) As Amended by Senate Amendment "C" (S-446) thereto, **ADOPTED in NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "C" (S-446)** thereto, 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

Non-concurrent Matter

Bill "An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation" (Emergency) S.P. 678 L.D. 1902

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

In Senate, June 20, 1997, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-774) and "D" (H-776)**, without reference to a Committee, in **NON-CONCURRENCE**.

Senator **RUHLIN** of Penobscot moved the Senate **ADHERE**.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: AMERO, BENNETT, BENOIT, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CASSIDY, KILKELLY, LONGLEY, NUTTING, O'GARA

ABSENT: Senators: ABROMSON, BUTLAND, HALL, HARRIMAN, LAFOUNTAIN, PARADIS

24 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator **RUHLIN** of Penobscot to **ADHERE**, **PREVAILED**.

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

On motion by Senator **AMERO** of Cumberland, **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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Discourage Smoking by Maine's Youth" H.P. 1352 L.D. 1898

Committee on **HEALTH AND HUMAN SERVICES** suggested and **ORDERED PRINTED**.

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

On motion by Senator **PINGREE** of Knox, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in 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 Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation" (Emergency) S.P. 678 L.D. 1902

In House, June 20, 1997, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-774) and HOUSE AMENDMENT "D" (H-776)**, without reference to a Committee, in **NON-CONCURRENCE**.

In Senate, June 20, 1997, **ADHERED to PASSAGE TO BE ENGROSSED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-774) in NON-CONCURRENCE**.

On motion by Senator **RUHLIN** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine (Emergency)

S.P. 679 L.D. 1905

In Senate, June 20, 1997, **FINALLY PASSED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-777)**, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

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

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:

Bond Issue

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements

S.P. 88 L.D. 268
(S "C" S-446 to C
"A" S-213)

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: ABROMSON, BUTLAND, HALL, HARRIMAN, LAFOUNTAIN, LONGLEY, MICHAUD, PARADIS

This being a Bond Authorization Act and having received the affirmative vote of 27 Members of the Senate, with no Senator having voted in the negative, with 8 Senators being absent, and 27 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation

S.P. 678 L.D. 1902
(H "B" H-774)

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

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, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine S.P. 679 L.D. 1905 (H "A" H-777)

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

ABSENT: Senators: ABROMSON, BUTLAND, HALL, HARRIMAN, LAFOUNTAIN, LONGLEY, MICHAUD, PARADIS, SMALL

26 Senators having voted in the affirmative and no Senator having voted in the negative, with 9 Senators being absent, the Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PINGREE** of Knox, pursuant to Joint Rule 508, the Senate extended until 9:30 p.m.

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

ORDERS

On motion by Senator **RAND** of Cumberland, the following Senate Order: S.O. 19

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The Chair appointed the Senator from Cumberland, Senator **RAND** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, the following Senate Order: S.O. 20

Ordered, that a message be sent to Governor Angus S. King, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day, and invite him to attend and make such communication as pleases him.

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

The President appointed the Senator from Knox, Senator **PINGREE** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Offices.

Subsequently, the Senator from Cumberland, Senator **RAND**, reported that she had delivered the message with which she was charged.

At this point, a message was received from the House of Representatives, borne by Representative **KONTOS** of Windham, informing the Senate that the House had transacted all business which had come before it and was ready to Adjourn, Without Day.

THE PRESIDENT: While we have a few moments, I just want to make a few remarks on the record. First of all, I just want to thank you all for your patience and kindness you've shown to me as a new Presiding Officer. Certainly, with my twisted tongue, sometimes, I really appreciate all the courtesies you've extended to me. I've particularly enjoyed, and I think I'll name, as the Senator wearing the most unique ties, the Senator from Franklin, Senator Benoit, and I'd just ask him to stand up to show the tie he's wearing today.

Senator **BENOIT:** Thank you Mr. President. Thank you Mr. President for pointing out to the Senate, the tie. As you all know, I had a page here today, from Sabattus and the first thing he did when I picked him up was unwrap this as a gift to me for having him here in the chamber today, which shows his good taste in ties.

THE PRESIDENT: When I spoke to you about seven months ago, I referred to a newspaper article which said, "the 118th Maine Legislature was going to face mind-numbing challenges." Then, I don't think we realized all the challenges we were going to be facing. At that time I talked about forging a new Majority and we did that many times in this Legislature, in fact, sometimes we all found ourselves in the Majority and in the Minority. I know I certainly found myself in the Minority on many of the bills I thought I wanted to get through during this Legislative Session. But together, in forging a new Majority, we did many great things in this Legislature.

Together, we paid the State's bills, reduced its debt, passed the state budget without gimmicks that simply passed the burden on to our communities and to next generations. We passed the largest increase this decade in public education. We increased the circuit breaker, tree growth, community corrections and revenue sharing. We stood up to the powerful tobacco lobby, passing a bill to reduce youth smoking in Maine and to extend basic health insurance coverage to Maine's children. And while we were working on the bill, there was a reporter here from the Readers Digest, and as you may all know, the Readers Digest has long taken a stand against the tobacco industry. And that person could not believe what was being done in the State of Maine regarding tobacco.

I want to congratulate you all for passing tougher standards for public schools. When we demand excellence, we achieve excellence. We did many things that we passed that not eventually become law but they were good things for the Senate to do. We extended Medicaid coverage to Maine's seniors that do not have coverage. To choose between selling their homes and choosing basic and necessary prescriptions. We did many things people thought we couldn't do. Utility restructuring we did an excellent job on. Massive welfare reform, strike-breaker legislation and a resolution to the charitable status of Blue Cross, Blue Shield. Certainly, one of my favorites and one I think we will go down in history for is passing the Act to end discrimination.

Certainly, we did not agree on each and every issue, but together we did the people's business and proved, once again, that Maine is not Washington, that we do things much simpler here, with more common sense, and that the politics of gridlock has no place in Maine.

Together we brought the ship of state in Maine closer to home and together we formed a new Majority that worked on behalf of Maine's people.

I want to wish you all a happy and healthy and restful time during the next few months. Enjoy your family and the exciting things that this great state offers in the summer and autumn. And most of all, thank you very much for the honor of serving you.

Subsequently, the Senator from Knox, Senator **PINGREE**, reported that she had delivered the message with which she was charged.

At this time, the HONORABLE ANGUS S. KING, JR., GOVERNOR of the State of Maine, entered the Senate Chamber and was escorted by the Sergeant-At-Arms to the rostrum. (Amid applause, the Members rising.)

GOVERNOR KING: Thank you. In thinking, which I had more time to do than I expected, about what to say at this occasion, I also made my list of accomplishments of this session. Mark has already outlined many of them. So, I think I'm going to forego that because it's really time to go home. I thought, for a few moments, we were going to do the impossible which was to adjourn ourselves in the daylight. It's never happened in my experience but there's always the next time and a possibility. I don't have a list. What I do have is thanks to each of you. Thank you for the civility, thank you for the effort, thank you for the work, thank you for the coming together when necessary, thank you for the passion of your beliefs, thank you for the representation of your constituents, thank you, ultimately, for making this unique,

difficult, complicated, sometimes cumbersome, institution work. It's an extraordinary thing. No one in this room, including me, got everything they wanted in this Legislative Session. Everyone in this room, and I sat downstairs and sort of thought about this, got something they wanted in this Legislative Session, and that's really the way it should work.

We come here every day and this becomes our workplace. This becomes our office. This becomes our familiar haunt. And I think we forget what an honor it is to be here, that there aren't all that many people in the history of this state who have sat in these seats, stood in these halls, debated, talked, argued, agreed and come together for the good of the State of Maine. What an honor it is to have this opportunity. And as we go out from here to the summer, to the wonderful state that we love for this time that's coming up, I think we ought to reflect on that. We represent the people of Maine. That's an awesome responsibility. We live in a system that puts an awesome responsibility on our shoulders. We are to speak for thousands of people, many of whom don't even know we're here or much care about what we do, unless of course, we intrude on their daily lives. It's an awesome responsibility. It's an awesome responsibility for all of us. I thank you for meeting it, I believe, magnificently in the last six months, in a timely way, in an energetic way, but ultimately in a realistic, Maine common sense way that will make life better for the people of this state. What an opportunity we've had and what an honor. Thank you for allowing me to serve with you. Good night and God speed.

The Sergeant-At-Arms escorted Governor Angus S. King, Jr. From the Senate Chamber, (Amid applause, the Members rising.)

On motion by Senator **CAREY** of Kennebec, the Honorable **MARK W. LAWRENCE**, President of the Senate, declared the First Special Session of the 118th Legislature, **ADJOURNED SINE DIE** at 9:18 p.m. in the evening.