

# MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature  
State of Maine

Volume 2

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First Confirmation Session  
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Second Confirmation Session  
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Second Regular Session  
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Pages 912 - 1844

Senator **FERGUSON**: Thank you very much, Mr. President, ladies and gentlemen of the Senate. I would urge that you do support this Joint Resolution. As the good Senator from Androscoggin, Senator Nutting, mentioned NEPOOL is meeting and they are going to make a recommendation to MERC. The compromise, as I understand it, is \$3.00 per kilowatt per month, which is still a very substantial increase from 17¢. It would be my hope that when MERC takes this under review they would modify it even further. Like the good Senator said, we do have excess capacity in the state as far as generating capacity goes. All this is a fee that's collected on our electrical bills and it is returned to the generators. So I imagine the generators are pushing to increase this as high as possible. There has been a pending potential charge of \$8.75 that is on stay by the Federal Energy Regulatory Commission and this is in the interest of all consumers in the state. I would urge that you do support the resolution. Thank you very much.

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

Senator **SAWYER**: Thank you, Mr. President, ladies and gentlemen of the Senate. I rise in support of the order. I'd call your attention to the first line, 'whereas electricity costs in the State of Maine are among the highest in the United States.' I believe that's true. I also propose to you that that statement reflects one of the top 3 reasons why investment capital does not come into the State of Maine. I also propose to you that we're not going to solve it if we limit our activity to passing resolutions. Thank you.

On motion by Senator **NUTTING** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

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

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#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/24/01) Assigned matter:

**HOUSE REPORTS** - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)  
H.P. 1295 L.D. 1765

Majority - **Ought to Pass As Amended by Committee Amendment "A" (H-532)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 24, 2001, by Senator **MITCHELL** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 24, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-553) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto.)

(In Senate, May 24, 2001, Reports **READ**.)

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **ROTUNDO**: Thank you, Mr. President, men and women of the Senate. What you have before you is the bill that's been reported out of the Education Committee to deal with the perceived need for more information with regards to the results of the fingerprinting bill that was passed in the last legislative session. There was some reluctance to come forward with this bill because promises had been made that no information would be released. However, we felt that we needed to come forward with a bill in order to correct erroneous information that had been circulated with regard to numbers and also to give people the opportunity to evaluate the effectiveness of the legislation from the last session. The language was worked out very carefully for this bill and it was done at the Education Committee's request by the Maine Educational Association, the Maine School Management Association, the Maine Principal's Association, the Department of Education, and the Attorney General's Office. The language is very narrow in scope. It allows for the release of 2 figures and I would like to read what this information would involve. First it would be the aggregate number that represents the number of educational personnel applicants who have been fingerprinted and secondly the aggregate number that represents the sum total of educational personnel applicants that the Commissioner has denied, refused to renew, revoked, or suspended a certificate authorization or approval or determined to be ineligible for employment based on the results of a criminal history record check. We did have a bill to repeal the fingerprinting law, which has been carried over to the next year so that, based on the figures that will be coming forward as a result of this bill before you, if it's passed, we could, in fact, act upon repeal of the fingerprinting law at that point in the coming year. I think it's very important that correct information come forward to the public and to the legislature. I hope you will join me in accepting the Majority Ought to Pass Report. Thank you.

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-532) **READ**.

Senator **DAGGETT** of Kennebec moved Committee Amendment "A" (H-532) be **INDEFINITELY POSTPONED**, in concurrence.

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

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

Senator **MARTIN:** Mr. President, may I pose a question through the chair to whoever may choose to respond to the question?

**THE PRESIDENT:** The Senator may pose his question.

Senator **MARTIN:** I'd be curious as to why we are going to be indefinitely postponing Committee Amendment "A" since it deals with the information that the original bill called for?

**THE PRESIDENT:** The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Mr. President, members of the Senate. Indefinite postponement of this Committee Amendment would allow for other amendments to then be offered.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending motion by Senator **DAGGETT** of Kennebec to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-532), in concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/30/01) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Full Disclosure of Prescription Drug Marketing Costs "

H.P. 778 L.D. 1022

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-517)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - May 30, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Requested)

(In House, May 21, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517).**)

(In Senate, May 30, 2001, motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED.**)

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

Senator **TREAT:** Thank you, Mr. President, men and women of the Senate. I urge you to vote against the pending motion so that we may go forward to pass this bill. I just want to remind you that this is an important measure that will assist the consumers of this state in not having to pay excessive prices on their drugs. I think it's part of an overall strategy that we have in this state which is very important. I do know that there are some concerns in the legislature and in this body that, as drafted, the committee report may pull into its ambit advertising that is regional and national in scope and that it will be a burden on the companies to comply with this. If you were to vote against the pending motion so that we can go forward with the committee report, I believe we will be in a posture where we can fix any such problems. I personally am committed to supporting any such limiting language that is being worked on right now. So I would encourage you to vote against the pending motion.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. If you were not listening to NPNB in the pre-dawn hours as I was, you may not have heard a report on regarding treatment of ear infections in children. That report contained, what is getting to be widely known information, that antibiotic treatment of outer ear infections, at least, is not an effective treatment and also contributes to developing resistance among bacteria to that and other medications. But the piece of that report that interested me was a physician who used a fascinating word. He said he has endured patients or the parents of patients who have come to him insisting that their child needed to be on antibiotics based on information they had gotten from drug advertising. What he said was that even though he takes the time to sit with them, to offer them the studies that have been done on this issue, to explain to them the dangers of unnecessarily exposing a child to antibiotics in a case where the efficacy is not only in doubt but has been disproven, nevertheless, these parents, believing they are acting in the best interest of their child, are insisting that they have a prescription before they leave the office. So I hope you will join me in opposing the pending motion.

Senator **GOLDTHWAIT** of Hancock requested a Roll Call.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. Just to make clear, I'm for the bill. I ask you to vote against my motion.

On motion by Senator **GOLDTHWAIT** of Hancock, 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 opened the vote.