

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 2, 1992 to May 18, 1993

take the choice of whether or not somebody wants to have a beer over here, then pretty soon the country that all the eastern European countries are trying to become is becoming just like the eastern European countries. I really cannot justify the need of this legislation and for that reason Mr. President I move the Indefinite Postponement of this Bill and all its Accompanying Papers. Thank you.

Senator **SUMMERS** of Cumberland moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We will have a hard time telling people in our districts that we were sincere about saving money and cutting back if, and most of the people of the people I've spoken to feel the right to do things are controlled by who has to pay for that ability, right now we as a State has as a policy that if somebody is brought into the Emergency Room they are to be taken care of and not dumped back onto the street because they are not able to pay for it. We, the State of Maine, are paying the bill. We are going to be talking about money again, a lot, and I hope people are able to find the money somewhere that we are spending on unbelted individuals and their care. I have to congratulate Senator Gould's son, I have perused the information and it is incredible data. We cannot honestly, and with a straight face, say that the rights of the people of this State are being invaded when the people of this State are paying this incredible burden that they can no longer afford to pay. We're taking it from somewhere, and like I said, I have been trained well in the Human Resources Committee that the people we are taking it from are the children who haven't had their chances yet, the elderly and the ones the State usually makes an effort to protect. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I want to weigh in on this debate on the side of being in favor of this Bill and relate to you some surprising testimony that the Banking and Insurance Committee has heard on our Statewide hearings on the Family Security Act, the Comprehensive health care Bill. I'll tell you I was prepared to hear from special interest groups and I was prepared to hear from proponents and opponents but what I wasn't prepared for, and what hit me like a thunderbolt, was the amount of people coming and testifying before us saying you must build in personal responsibility into any universal health care proposal. Personal responsibility, we've heard it from doctors, we've heard it from ordinary people, we've heard it from smokers, we've heard it from nonsmokers, we've heard it at every single hearing and I'll tell you I didn't think we would hear it. It was a complete surprise. It is almost the overwhelming message, or one of the overwhelming messages, of our hearings. Personal responsibility, people who live healthy lives, who buckle up, want to be able to have a credit on what they pay in health insurance. Correspondingly they want to know that people who are taking chances pay a little bit more. That's universal in the input and is surprised me. Probably the most eloquent person to tell us this was Doctor Richard Siegel, a family practice doctor from Bangor, and I wish the good

Senator from Penobscot was here because he serves his area and I know that he is interested in this debate, Senator Pearson. Doctor Siegel told us, I see that in this legislation you have an emphasis on primary care and preventive care and that is also true to the Clinton task force and their deliberations, but let me tell you there's not very much a family practice doctor can do about preventive medicine. There's not very much that's within our control. After you do immunizations, after you're making sure all the women who should have mammograms, that's about it. The big preventive areas are seatbelts, smoking and fluoride, that's the big preventive area. That's what we should be paying attention to. Once again I was struck by that argument. That if we are indeed in favor of reforming our health care system, which is the debate of the hour, and reforming it in favor of preventive care instead of high cost treatments in the Emergency Room and otherwise, we have to take seriously proposals like this. We have to take seriously requiring that our citizens buckle up and that we help with smoking cessation instead of funding lung cancer treatment at a much higher cost. I will be voting against the Indefinite Postponement motion and I would ask that you would to and to remember Doctor Richard Siegel and the other hundreds of people who testified in favor of taking personal responsibility into account. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to respond to comments made by the good Senator from Kennebec and I would ask you to remember who you represent, and remember that this is an issue that people at home, at least people I represent, I would argue that most people in rural Maine feel pretty strong about it, and that is how much government do we need. I remember a debate that happened elsewhere a couple of years ago where someone stood up in a different branch of the legislature and said that they could envision a knock on the door and having somebody at the door saying I am here from the government to help you. You know we have reached the point here that we have so much government in our lives that we are beginning to wonder, people in this State are very frustrated, very upset that we don't treat them like they have enough intelligence to make their own decisions. I campaigned, like most of you did, to get elected here. I knocked on a lot of doors, I talked to a lot of people. I also have a lot of contact, perhaps more than most, with everyday people when I am in their homes fixing their furnace and people in this State just don't like to be told what to do first of all, more important than that they are adults. We already have a law saying if you are a minor you have to have certain things we don't need to tell 55 year old people, 65 year old people, as far as that goes 35 year old people how they ought to live their lives when it comes to whether they ought to have a seatbelt or not. I've taken pride during my tenure in legislature having always voted for every issue the way I felt the people in my district wanted. People in this State do not want government telling them whether or not they have to have a seatbelt, it's that simple. Every single poll, every single survey I have ever seen published up until very recent times, have said the government should not be telling us what to do. People in Maine don't want this why are we shoving it down their throats? It seems to me that this is a simple vote and I request a Roll Call.

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

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

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CIANCHETTE** of Somerset who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator **BUSTIN** of Kennebec who would have voted **NAY**.

Senator **CONLEY** of Cumberland who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **PEARSON** of Penobscot who would have voted **YEA**.

Senator **TITCOMB** of Cumberland who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **CLEVELAND** of Androscoggin who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators **BALDACCI**, **BEGLEY**, **BUTLAND**, **CAHILL**, **CARPENTER**, **FOSTER**, **HANLEY**, **KIEFFER**, **LUDWIG**, **LUTHER**, **MARDEN**, **O'DEA**, **SUMMERS**, **WEBSTER**

NAYS: Senators **AMERO**, **BERUBE**, **BRANNIGAN**, **CAREY**, **ESTY**, **GOULD**, **HALL**, **HANDY**, **HARRIMAN**, **LAWRENCE**, **MCCORMICK**, **PARADIS**, **PINGREE**, **VOSE**, **THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators None

PAIRED: Senators **BUSTIN**, **CIANCHETTE**, **CLEVELAND**, **CONLEY**, **PEARSON**, **TITCOMB**

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 6 Senators having paired their votes and No Senators being absent, the motion of Senator **SUMMERS** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.

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

On motion by Senator **SUMMERS** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator **SUMMERS** of Cumberland requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.

Senator **BRANNIGAN** of Cumberland requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

Senator **BRANNIGAN** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CIANCHETTE** of Somerset who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **BUSTIN** of Kennebec who would have voted **YEA**.

Senator **CONLEY** of Cumberland who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator **PEARSON** of Penobscot who would have voted **NAY**.

Senator **TITCOMB** of Cumberland who would have voted **NAY** requested and received Leave of the Senate to pair her vote with Senator **CLEVELAND** of Androscoggin who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators AMERO, BALDACCI, BERUBE, BRANNIGAN, CAREY, ESTY, GOULD, HALL, HANDY, HARRIMAN, LAWRENCE, MCCORMICK, PARADIS, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, HANLEY, KIEFFER, LUDWIG, LUTHER, MARDEN, O'DEA, SUMMERS, WEBSTER

ABSENT: Senators None

PAIRED: Senators BUSTIN, CIANCHETTE, CLEVELAND CONLEY, PEARSON, TITCOMB

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

Senator **PARADIS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. When we adjourn I would like us to do so in memory of Jeff Fortier, Representative Kilkelly's son. Thank you.

---

On motion by Senator **PARADIS** of Aroostook, **ADJOURNED**, in memory of Jeff Fortier, until Thursday, May 6, 1993 at 10:00 in the morning.

16 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 6 Senators having paired their votes and No Senators being absent, the motion by Senator **BRANNIGAN** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

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

---

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

Bill "An Act to Amend the Laws Governing the Task Force on Defense Realignment and the Economy" (Emergency)

H.P. 194 L.D. 257  
(C "A" H-177)

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 3, 1993, **READ A SECOND TIME**.)

(In House, April 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

---

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