

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 2, 1995 to June 16, 1995

Off Record Remarks

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

In Senate Chamber  
Wednesday  
May 17, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

The President requested the Sergeant-at-Arms to escort the Senator from Hancock, Senator GOLDTHWAIT to the Rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor of the Senate.

Prayer by the Reverend George Atkinson of the Westport Baptist Church in Newcastle.

The Senate called to Order by the President Pro Tem.

**REVEREND GEORGE ATKINSON:** Mr. President and distinguished Members of the Senate of the State of Maine, it is an honor and a privilege to be asked to serve today as your Chaplain by Senator Begley. Even though I have performed this ceremony a number of times in the House, this is my first time in the Senate, and I appreciate the opportunity. Let us bow in prayer.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles"

S.P. 77 L.D. 165  
(S "A" S-135 to C  
"A" S-91)

Almighty God, Maker of Heaven and Earth, and Giver of all good, we return our heartfelt thanks for the blessings you have so freely bestowed upon the United States of America and the State of Maine, in particular. Give us the wisdom to understand, and the ability to do that which is right in thy sight. We pray that you will enable us to use the experience of the past as an aid in the fulfillment of our present responsibilities, and that our present deliberations may reflect the desire to prepare, not just for ourselves, but for future generations. We are fully aware that our future and the prosperity of this State and our country, are dependent upon the prayers of believers humbly made in this day and age. In Second Chronicles 7:14, you have said, "Lord, if my people, which are called by my name, shall humble themselves and pray, and seek my face, and turn from their wicked ways, I will hear from Heaven and I will forgive their sins, and I will heal their land." Therefore, we beseech you to inspire us today, by thy presence, lead, guide, and direct our every thought, word, and action, that whatever we do it may be good and acceptable in thy sight, and that our labors may help to preserve the causes of liberty, freedom and justice that our forefathers made preparations for. We ask all in thy Holy name. Amen.

In Senate, May 11, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91) AS AMENDED BY SENATE AMENDMENT "A" (S-135), thereto, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91) AND HOUSE AMENDMENT "A" (H-181), in NON-CONCURRENCE.

Senator KIEFFER of Aroostook moved that the Senate RECEDE and CONCUR.

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

Senator PENDERSTER: Thank you Madam President, Men and Women of the Senate. Well, we started with the best law that we could have, and we moved on to what is acceptable, and now we are up to this is what we can get. Needless to say, I am very disappointed with my colleagues in the other body, for not being able to make the tough decision. I think it is unfortunate that we have to send to referendum a decision that can, and should, be made in this body. I would like to thank my colleagues in this body who have given the issue very strong support. I happen to be optimistic about the fact that the citizens of our State will vote this in as a law, because I do know, and I sense, that they know the effectiveness of seat belts and the need to wear them. My sense is

Reading of the Journal of Yesterday.

that they will reflect that in November. As I indicated in a prior debate, there were five referendums last November, in five different States, and they were all voted in. I feel that the sentiment of the people is out there in support of this issue, and so I feel it is important to support the referendum, otherwise we have to wait another two years before we can act on this issue again. I would ask for your support for the pending motion. Thank you.

On motion by Senator O'DEA of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator KIEFFER of Aroostook to RECEDE and CONCUR.

A vote of Yes will be in favor of RECEDING and CONCURRING.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS: Senators:** ABROMSON, AMERO, BERUBE, BUSTIN, CAREY, CLEVELAND, ESTY, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT PRO TEM, Senator GOLDTHWAIT

**NAYS: Senators:** BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, HALL, HATHAWAY, KIEFFER, LORD, MICHAUD, O'DEA, SMALL

**ABSENT: Senators:** CIANCHETTE, FAIRCLOTH, HANLEY

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

Senator McCORMICK of Kennebec requested and received Leave of the Senate to change her vote from NAY to YEA.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator KIEFFER of Aroostook to RECEDE and CONCUR, PREVAILED.

**Non-concurrent Matter**

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" H.P. 262 L.D. 364

In House, May 10, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112).

In Senate, May 11, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

Comes from the House, that Body having ADHERED.

Senator LAWRENCE of York moved that the Senate RECEDE and CONCUR.

Senator KIEFFER of Aroostook requested a Division.

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

Senator RAND: Thank you Madam President, Men and Women of the Senate. I would hope that you would go along with the motion to Recede and Concur with the members of the other body on this particular matter. This bill really is simply a good government bill. It provides additional guidelines to guarantee that the money that taxpayers have given to us to take care of, and that are funneled to non-profit health care agencies, be utilized only for the programs for which they were intended, and prevent these funds from being used to support or oppose any type of organizing activity that might occur in a particular establishment. I would ask you to please support the pending motion, and I would ask for a Roll Call. Thank you.

Senator RAND of Cumberland requested a Roll Call.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator BEGLEY: Thank you Madam President. Once again, this bill may sound as though it is going to do one thing, but all it will do is create a nightmare for many of these healthcare facilities, as well as other facilities that have multiple funds which are handled in many different ways. The incident, again, came out of one occurrence, at least that we were told about. It was a situation where one party said one thing and another said another thing. If you pass this, we have been told by those people who run these organizations that it is almost impossible to be guaranteeing any of that, and yet most of them do exactly what the bill is calling for already. There is no basic need for this. There is no outcry. This is a situation whereby public funds have not been used in any managed care against any particular person's right to be concerned about unionism, or any other part of his employment. The bill should be defeated. Thank you.

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

Senator RAND: Thank you Madam President, Men and Women of the Senate. The amendment, H-112,