

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LONGLEY, LORD, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, ESTY, LAWRENCE, McCORMICK, PINGREE, RAND

ABSENT: Senator: BERUBE

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-273) **READ**.

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

Senator **McCORMICK:** Thank you, Mr. President. I would like to pose a question through the Chair to anyone who might want to answer. I am aware that the paper industry in this state contributes a lot to our economy, and we have a lot of jobs that are based on cardboard and other such things that are mentioned in this bill. I would like to know if we have any jobs based on plastics manufacturing at all. Do we have any plastic manufacturing jobs in this State? That's my question.

THE PRESIDENT: The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Mr. President, Men and Women of the Senate. Forster Manufacturing Company, in Wilton, Maine.

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

Senator **LONGLEY:** Pioneer Plastics in Lewiston, Maine.

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

Senator **McCORMICK:** I thank the good Senators for those wonderful answers. Now my next question is, do either of those plastic manufacturing operations manufacture six-pack rings? Because if they don't, we have just undercut the marketing ability of a whole new product in our paper industry by the passage of this bill.

THE PRESIDENT: The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Lord.

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. We do not manufacture any plastic rings in the State of Maine, however, we do have a recycling program in the State of Maine where these plastic rings are recycled and put into other materials for good use. We had some samples of the product being manufactured by the paper industry and I think as soon as they prove themselves to be good, and they get the cost down in line with the plastic rings, I'm sure that the companies in the State of Maine will use the other. I'd like to say this, we keep hearing about these plastic rings being out on the roadside, I said to my caucus and I will say it to the public, a slob is a slob. Whether he has paper or plastic, he's going to throw it out into the woods, so what difference does it make?

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

Senator **McCORMICK:** Just in the hopes that our little discussion about jobs has done some good, I ask for a Division.

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

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-273), in concurrence.

A Division has been requested.

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

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

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, **ADOPTION** of Committee Amendment "A" (H-273), in concurrence, **PREVAILED**.

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

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

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Update and Clarify the Election Laws"

H.P. 1042 L.D. 1461

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

Tabled - earlier in the day by Senator AMERO of Cumberland.

Pending - ACCEPTANCE of the Report.

(In House, June 19, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501) AS AMENDED BY HOUSE AMENDMENT "A" (H-524), thereto.)

(In Senate, June 20, 1995, Report READ.)

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-501) READ.

On motion by Senator LONGLEY of Waldo, Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501) READ.

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

Senator LONGLEY: Thank you, Mr. President, Colleagues in the Senate. This is a very simple procedure, and in the spirit of moving fast and getting things done that make perfect sense, I ask you to vote for this measure. It simply allows people, not enrolled in a party, who wish to help count ballots, to count ballots. It allows the election clerk, when she, or he, needs an extra person, to dial the number of an Independent. That's all it does. I know we are occasionally stuck in a two-party system. I believe in the two-party system, but still, in honor of those people out there who choose not to join a party, I urge you to vote for this measure. Thank you.

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

Senator FERGUSON: Thank you, Mr. President. I would urge the ladies and gentlemen of the Senate to oppose this amendment. It was discussed in Committee. We don't want to unravel this bill by offering amendments. This was discussed. It was taken out of the Committee Amendment, and I would urge the Senate to vote against this amendment. Thank you.

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

Senator LONGLEY: Thank you, Mr. President, Men and Women of the Senate. Briefly, as I understand

it, there were one or two people on the Committee who were, I guess, fearful of the threat to the two-party system, and so they couldn't go along with this, and in the spirit of harmony the rest went along with them. I realize it's a unanimous Committee report. I won't prolong and belabor the obvious, I just think it's a simple measure and if we believe in our party system, I think this is the least we can do to let people participate in the simple counting of ballots. 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 would urge your consideration for this measure which allows the single largest group of voters in the State of Maine to fully participate in the electoral process. Thank you.

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

Senator LAWRENCE: Thank you, Mr. President. May I pose a question through the Chair? My understanding of current election law, regarding the counting of ballots and working at the polls, is the principle that you have one person from each party at each particular function opposite each other, so that they can watch over each other and check on what's going on. My question with this amendment, would it allow an unenrolled voter to work with say a Republican or a Democrat, and what happens when we get into the situation of the unenrolled is leaning towards the Democratic candidate or something like that, or the Republican candidate. Doesn't that create an imbalance in the counting? Or does this amendment require that three people work at the same station?

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President. It's a simple measure that allows the election clerk to consider dialing the number of someone who isn't an R or a D in a case of need. Mr. President, I request a Roll Call.

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

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

Senator MICHAUD: Thank you, Mr. President, Men and Women of the Senate. To answer the good Senator's question, yes, it would create an imbalance.

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

Senator GOLDTHWAIT: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know it is a frightening thing to be confronted by an Independent. If one is working in a system where it

is customary to only have people of the two major parties, it can take some getting used to. I appreciated very much the words of the good Senator from Oxford, Senator Hanley, who, when asked the question, what is it like to have an Independent in your midst, thought for a moment and said, "Well, I'm getting used to her." I think that could be the case at the polls as well. There are thirty-four of you, and there is only one of me, and it has been surprising to me how intimidating I apparently can be. Pound for pound I am no match for you. I'm sure that likewise, Independents at the polls would not overwhelm the system. In fact, if the purpose of having electors participate in counting ballots is an overseeing mechanism, who better than someone who is not in either party to participate in that activity? I urge your support for this amendment. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President. I was all ready to join the good Senator from Waldo, Senator Longley, and the good Senator from Hancock, Senator Goldthwait, in support of this concept. However, I think the point raised doesn't have to do with any threat from Independents, what it has to do with is, as we all know, there are Independents who are Democrats by another name, and there are Independents, or unenrolleds, who are Republicans by another name. It's my concern, frankly, about the political parties that worries me. I think there could be situations where you have a Democrat watching the ballots with another person, who may be named unenrolled, but who is very, very, very sympathetic to Democrats. I think that could lead to a situation of questionable propriety. If this legislation provided that you had to have a Democrat, and you had to have a Republican, and then, in addition, you had to have an Independent, that would be wonderful. But my concern is not about Independents, I'm all for them, what my concern is is that there might be impropriety from sympathies toward one political party. That's my concern.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. My concern is not fear of unenrolled voters. My concern is, under this proposition as proposed, it would allow a municipal clerk to effectively exclude one party, and effectively have unenrolleds working with one party throughout the election, so you wouldn't have one party represented at all at the polls, or at certain functions at the polls. That's not the principle of our electoral process. The principle of our electoral process, in counting of ballots, is to have both parties balanced, to prevent any kind of implication, not the occurrence, but the implication of fraud or corruption.

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

Senator **HALL:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This particular issue was discussed fully in the Committee on Legal Affairs. They gave it serious thought. It's been

around before, when I sat on that Committee. I do believe in the two-party system, and that is why I will be voting in opposition. Also, it is with great pleasure that before the week ended I was going to be able to vote with my good friend from Penobscot, Senator Michaud.

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 enjoying this debate a great deal. One reason is some of the language I hear from the good Senator from York, Senator Lawrence, who is concerned that this amendment might effectively exclude someone from that process, a whole party in fact. What about the language in the membership of the Legislative Council, and of this body, which effectively excludes anyone who is not a member of either majority party? There are a legion of examples of language referring to the two majority parties, which effectively excluded anyone else who happens to be a duly elected member of this body. I'm also interested in the description, just a bit earlier, of someone who assured us that he really likes Independents, but maybe not at the election polls. It reminds me of the age-old arguments made against any member of a minority group. I assure you that they are really good friends of mine. Some of my best friends are Independents, but I really don't want them at the polls. I urge you to support this amendment. Thank you.

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

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. I oppose this amendment, and not for personal reasons concerning any member of the Chamber, because the public's business can never be personal. It's that the Committee took this issue and considered this issue. Their report reflects this issue, and I think that has some weight. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LONGLEY** of Waldo that the Senate **ADOPT** Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501).

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

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: CLEVELAND, GOLDTHWAIT, HARRIMAN,
LONGLEY, McCORMICK, MILLS,
PINGREE, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, ESTY, FAIRCLOTH, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LAWRENCE, LORD, MICHAUD, O'DEA, PARADIS, PENDEXTER, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: BERUBE

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator LONGLEY of Waldo to ADOPT Senate Amendment "A" (S-303) to Committee Amendment "A" (H-501), FAILED.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "A" (H-501).

Senator BEGLEY of Lincoln requested a Division.

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.

24 Senators having voted in the affirmative and 8 Senators having voted in the negative, Committee Amendment "A" (H-501) ADOPTED.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Under unanimous consent and under suspension of the Rules, the Senate RECONSIDERED its action whereby the Bill was TOMORROW ASSIGNED FOR SECOND READING.

The Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-501).

House Amendment "A" (H-524) to Committee Amendment "A" (H-501) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-501), as Amended by House Amendment "A" (H-524), thereto, ADOPTED, in concurrence.

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

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

An Act to Authorize Municipalities to Pay Employees Biweekly
S.P. 259 L.D. 695

Tabled - earlier in the day by Senator AMERO of Cumberland.

Pending - PASSAGE TO BE ENACTED.

(In House, June 20, 1995, PASSED TO BE ENACTED.)

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

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you, Mr. President, Members of the Senate. One of the questions that has been raised about this bill, one of the issues that I think we dealt with successfully in Committee, is the status of those municipal employees who may have bargained, or who may yet bargain for the right to be paid weekly, notwithstanding the provisions of this bill which would permit the municipalities to pay biweekly. I simply want to state that my understanding of this language, and my understanding of the discussions we had in Committee, that although the bill, if passed, would permit the municipalities to pay biweekly, that certainly their bargaining groups would be free to bargain for something less and could be paid on a weekly basis. Indeed, if there are bargaining groups that are currently being paid on a weekly basis by contract, nothing in this bill would interfere with those rights.

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

Senator BUSTIN: Thank you, Mr. President. I appreciate the sentiments of the good Senator from Somerset, Senator Mills, and concur with his assessment. I wish that all working men and women in this State were organized and had contracts, but sadly that fact is not true. I fear that when the people who get paid weekly who aren't under contracts, and who suddenly realize that their paycheck is going to be changed to a biweekly, you are going to have your phone inundated with their requests for you to change this legislation. So, rather than put yourselves through that, perhaps you ought to vote with me and vote against the pending motion.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.