

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

Senate

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Ronald J. Mallett of Old Town be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BRANNIGAN, LAWRENCE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Ronald J. Mallett, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

COMMITTEE REPORTS

Ought to Pass As Amended

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act to Clarify the Law Concerning Aquaculture"

S.P. 531 L.D. 1559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-322)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-322) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" H.P. 1085 L.D. 1451

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-587)**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ACCEPT** Majority **OUGHT NOT TO PASS** Report in concurrence

(In Senate, June 8, 1993, Reports **READ**.)

(In House, June 8, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The legislation before you today, if you were to reject the Ought Not to Pass Report, would be the biggest step that this legislature can take in bringing democracy back to the people of the State of Maine. We have heard, over the last few years, of efforts to impose term limits, efforts to place limitations on candidates and what they can or cannot do, but there is nothing more fundamental to giving back the government of the State of Maine than campaign finance reform. L.D. 1451 was the result of the hard work of a number of us on the Legal Affairs Committee and let me just

explain what it will do. It will cut the average cost of campaigns in half, it will create the Maine Democracy Fund, which is a \$4 per tax filer per year contribution to the Maine Democracy Fund, which will enable a pure public financing of campaigns in the State of Maine. Some people may say that what we are doing here is assessing a tax on the people of the State of Maine, and I would say yes, in fact we are. But I have had more people come to me and say you have got to do something about the influence of money in elections. Whether that is real or perceived, in politics perception is reality. That small sum of \$4 per tax filer would go to the Maine Democracy Fund in order to provide for that full financing and eliminate the outside influences of private money in Maine's public election process. This is a rather complex Bill so I would urge you, during the course of the debate, to take a chance, if you haven't already, to review it and cast your vote in favor of the people of the State of Maine, in favor of eliminating special interest money in Maine's election process. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If you believe in the public funding of campaigns this is your instrument. If you really feel, as I do, that it is up to us to raise our own money, it is up to us to run our own campaigns and not have the taxpayers pay for it at the rate of \$4 per person per tax return, then this is not your particular Bill. I would hope that you would support the Ought Not to Pass motion. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If you are waiting for someone to tell you that this is a tax increase I am here to tell you that it is a tax increase. It is \$4 for each individual who files and income tax return. This may be the future, but it is not today and I do not believe that the people are screaming for this just now. As a matter of fact they would be screaming if we did pass it because of the price tag to them that goes along with it. I do agree that election reform is needed and later on we will see some Bills that will do a much better job. I urge you to vote against the Minority Report. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a tax increase, no doubt, but I look at all the money that this will save. I said some mean things about my friends, the lobbyists, the other night, and a lot of it simply was not true. I like Chris Hapstead all of the time, I like Ed Gorham most of the time and sometimes I even like Donny Buxton, but that really isn't the point. These people are not Red Cross workers, they get paid very well. Whatever the lobbyists get paid, they are underpaid. What is it worth to a company to get an 8% decrease in their electric rates by passing it onto the residential. Because that is what happened last winter. It will cost people \$4, but they will more than save that on the things that do not get by this chamber. If this is in the future then so is savings that people need in the future. It is time for people to understand this is their government and if they don't pay for it

then somebody else will pay for it, and somebody else it not paying for it for nothing. 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 am very proud to be a sponsor of this piece of legislation and I think that the public is screaming at us. They are screaming at us that they want their democracy back and this Bill will do it. It is a very simple proposal. The proposal money is to get private money out of politics so the biggest wallets don't have the biggest say. That is what this Bill does. You may say, as the Senator from Piscataquis did, that people don't want to pay for elections, I say they are already paying for elections. They are paying very dearly through our current system, via special tax breaks that are gotten here by monied lobbyists, by loopholes, by lack of health care reform. You name the next one yourself. The question is whether we pay \$4 through the front door or whether we pay hundreds of dollars a year through the back door. This Bill gets our democracy back and I urge that we pass this Bill. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Listening to this debate it seems to me that this is kind of a poll tax, or at least a tax to finance campaigns, and being a member of the Taxation Committee I haven't seen this issue come before us. It would seem to me that if we are going to raise taxes this should come out of the Committee on Taxation, so I would like to move that this be re-referred to the Committee on Taxation. Thank you.

Senator **SUMMERS** of Cumberland moved that Bill and Accompanying Papers be **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, sit on the Taxation Committee, when I'm not sitting someplace else, and I will tell you that we have plenty of work to do. We are going to be meeting tomorrow, we are going to be meeting Friday, we may end up meeting Saturday, all in preparation of what happens with the budget, and I will tell you that this thing doesn't belong in Taxation, it belongs in the dead file. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me just state that between 1984 and 1990 we have seen an increase in the average cost of elections from \$5560 per election to \$15,516 per election. If that isn't cause for taking the bull by the horns I don't know what is. Mr. President, I request a Roll Call.

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

Senator **WEBSTER** of Franklin moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

THE PRESIDENT: The Chair would inform the Senator from Franklin, Senator Webster, that the motion to recommit takes precedence over the motion to Indefinitely Postpone. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Summers. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would certainly hope that you vote against the motion to commit. Thank you.

Senator **SUMMERS** of Cumberland requested and received leave of the Senate to withdraw his motion to **COMMIT** Bill and Accompanying Papers to the Committee on **TAXATION** in **NON-CONCURRENCE**.

THE PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Webster to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

On motion by Senator **HANDY** of Androscoggin, 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 **WEBSTER** of Franklin 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?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, O'DEA, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **BUSTIN, HANDY, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE**

ABSENT: Senators **BALDACCI, BRANNIGAN, LAWRENCE**

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **WEBSTER** of Franklin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

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

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1038 L.D. 1390
(C "A" H-528)

Tabled - June 9, 1993, by Senator **CAHILL** of Sagadahoc.

Pending - Motion by Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.)

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BUTLAND** of Cumberland, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-528), in concurrence.

House Amendment "A" (H-593) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**.

On motion by Senator **BUTLAND** of Cumberland, Senate Amendment "A" (S-317) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**.

Committee Amendment "A" (H-528) As Amended by House Amendment "A" (H-593) and Senate Amendment "A" (S-317) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"

H.P. 1099 L.D. 1486
(C "A" H-563)

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence.)