

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

First Special Session (Continued)
May 20, 1997 to June 20, 1997

First Confirmation Session
October 6, 1997

Second Regular Session
January 7, 1998 to March 24, 1998

Pages 981 - 1977

On motion by Senator **HARRIMAN** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (5/29/97) Assigned matter:

JOINT ORDER - relative to establishing the Joint Select Committee to Oversee Maine Yankee Atomic Power Company
H.P. 1345

Tabled - May 29, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In House, May 29, 1997, **READ** and **PASSED**.)

(In Senate, May 29, 1997, **READ**.)

On motion by Senator **CAREY** of Kennebec, Senate Amendment "A" (S-347) **READ**.

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

Senator **CAREY:** Thank you Mr. President, members of the Senate. The Joint Order originally called for a new committee of seven people and this amendment wipes that out. This is on the Maine Yankee's continuing study and it would have the Utility Committee do the work. We realize that there is a shortage of funds and that the Legislative Council has, in fact, limited the amount of money that could be spent on it and the Utility Committee is in agreement with that. We would also, then have a subcommittee of the Utility Committee do the work and report when its work is done to the full Committee, so that we can come back to the Legislature with any information that we can gather, realizing that much of the information that Maine Yankee is going through is going to be rather confidential. Thank you Mr. President.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-347).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/29/97) Assigned matter:

Bill "An Act Regarding Health and the Prevention of Smoking"
H.P. 1338 L.D. 1887
(H "C" H-723)

Tabled - May 29, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 28, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-723).**)

(In Senate, May 29, 1997, **READ A SECOND TIME.**)

On motion by Senator **MILLS** of Somerset, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "C" (H-723).

On further motion by same Senator, Senate Amendment "A" (S-349) to House Amendment "C" (H-723) **READ.**

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

Senator **MILLS:** Mr. President and men and women of the Senate, thank you. The proposed amendment, you may recall that the bill in its form with House Amendment "C" appended to it, would represent a 37 cent tax on every package of cigarettes, that is an increment of 37 cents and, as a matter of interest, that also generates an increase in the sales tax. As you may recall, our sales tax is superimposed on the final price of the product so that when you increase an excise tax that is part of the price of the product, you also increase the sales tax revenue by 6% of the increase in the excise tax. Both of those elements are reflected in the fiscal information that is provided with the bill. The amendment, both House Amendment "C" and my amendment to it, both address what disposition to make of the funds that are generated. The Fiscal Office projects that a 37 cent tax will generate approximately \$30.8 million in the second full year, the first full year that it will be in effect which is the second year of the biennium. So it's an annual revenue producer of just under \$31 million. Both versions deal in the first instance with how to fund a smoking cessation program and how much to allocate to such a program. In the amendment that I lay before you, I am proposing that we spend \$2.9 million per year, or just under \$6 million per biennium on such a program. I am informed that the media portion of that program which is one element that practically everyone seems to agree on, would cost on the order of \$1.6 million per year. That is money spent beyond that would probably constitute a super saturation, or an unnecessary saturation, of the media market, but a program that would be funded at a level of \$1.6 million would do a very adequate job of circulating to the public and revealing to the public these rather phenomenal video ads that are available to us virtually free of charge from the other states that have spent tens of thousands of dollars in development costs to produce them. And so it seems a shame for us not to spend some amount of money to give circulation to these products that are so readily available to us. The other \$1.3 million per year would be allocated to the Department of Human Services to do field work in smoking cessation along lines that are very similar to what was proposed in the original bill.

Now, how would the amendment that's before you dispose of the other revenue? And that's the key here. We have presently

a low cost drug program for elderly folks with only a few diseases that receive any honorable mention as being qualified for disposition or for participation in the program. The bill that I lay before you would add certain diseases that many of us would recognize, but I think would be surprised to know, are not covered by our present Low Cost Drug Program. They are Multiple Sclerosis, Parkinson's Disease, Thyroid, Glaucoma and bone density loss treatments. By adding these five rather notorious diseases to the current program, it will cost only \$330,000 per year. This is a program that is partially subsidized by the pharmaceutical manufacturers and it has a co-pay provision so that the participant actually pays, I think it is \$2 per prescription to participate. This is in place of creating a rather large and wholly new effort to create a Medicaid-funded program that is outlined in the original bill.

The other element of this bill is a \$4.1 million cost that would be associated with raising the federal, the Medicaid eligibility criteria for coverage for children. On the yellow sheet that was handed out to you earlier, there's a thorough outline of our current program. The proposed amendment here would simply raise the family income eligibility requirements to an even 150% of poverty. So that we don't have the situation that we have now where we have in some families, the older children are not covered even though the children under 6 are covered. And you have a rather, I think, awkward difficulty in administration of the program so that the proposal before you would elevate the eligibility slightly to a level of 150% and make it uniform for all children over 1 year old. My own sense is that the elevated above that as the bill itself proposes, that is to go to 185% of poverty, would get you into a category where many people might elect to take public assistance in preference to the group health insurance that is more commonly available at those income levels. And this would represent a public erosion of the private efforts that are already in place.

The final and fourth element involved in the spending side of this amendment is to add \$5.1 million per year to the Circuit Breaker Program by expanding eligibilities at lower income levels, so that both more people would be qualified for Circuit Breaker assistance and those who do qualify would be entitled to a somewhat larger benefit. The details of the formula are spelled out in the bill. Leftover in residual is about \$19 million that is not spent by this amendment and would, as I understand it, flow into surplus and be available in the General Fund. That's the amendment in outline and thank you for your attention.

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

Senator **LONGLEY:** Thank you very much Mr. President, colleagues in the Senate. I applaud the efforts of my colleague from Somerset County, Senator Mills, but in Politics 101, about Chapter 3, is usually about coalition building and bringing in all the parties. And, absent the Governor's interest in any healthcare whatsoever, I will be voting against this motion right now because we just haven't accomplished our task of building a coalition that can make anything related to healthcare happen. Thank you.

The Chair ordered a Division. 1 Senator having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "A" (S-349) to House Amendment "C" (H-723), **FAILED.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "C" (H-723), in concurrence.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/19/97) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees" S.P. 188 L.D. 606

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-258)** (4 members)

Tabled - May 19, 1997, by Senator **DAGGETT** of Kennebec.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 19, 1997, Reports **READ**.)

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **MILLS:** Mr. President, could I ask for anyone who might care to answer to have a brief explanation of what the Minority report would do?

THE PRESIDENT: The Senator from Somerset, Senator Mills 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. The bill in front of us deals with off-track betting laws and the Minority report, as amended by Committee Amendment "A", has a series of payments that would allow for reduced payments to off-track betting, from off-track betting parlors depending on the amount of money they raised.

On motion by Senator **CASSIDY** of Washington, 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 Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you Mr. President. I hope that the Senate will vote to accept the Minority report so that we can then amend the bill, to send forth a bill that will be more

appropriate. I'll be glad to speak to that at the time, but I do hope that we will accept this Minority report.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL**

ABSENT: Senator: **RUHLIN**

Senator **BENNETT** of Oxford requested and received leave of the Senate to change his vote from YEA to NAY.

Senator **ABROMSON** of Cumberland requested and received leave of the Senate to change his vote from YEA to NAY.

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-258) **READ**.

On motion by Senator **DAGGETT** of Kennebec, Committee Amendment "A" (S-258) **INDEFINITELY POSTPONED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-348) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. I hope we will defeat Senate Amendment "A". What this does is basically take care of off-track betting parlors that are in financial difficulty in one part of the state and exclude another off-track betting parlor in another part of the state that is also facing financial difficulty. The whole point of lowering the fees that they pay in was the idea that, well, better to receive some money from these off-track betting parlors than to have them go out of business and then the state receives no money instead of getting all the money, a sliding scale, according to how much you take in. This will narrow it down to just a couple of off-track betting parlors and I don't think that that's fair. I think if we're going to do a policy for