

# MAINE STATE LEGISLATURE

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**Pages 981 - 1977**

wish to answer. The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY**: Thank you Mr. President. There are seven.

On motion by Senator **PINGREE** of Knox, 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 Franklin, Senator Benoit.

Senator **BENOIT**: Thank you Mr. President, may it please the Senate. As you all know, I have talked at some length on this issue and I'm not going to be making any long, drawn-out statement again. You remember what we said about this. It's really just a matter of fairness. That's all it boils down to. All we're asking in the Unorganized Area where I live, and where I have many of my constituents, is a matter of fairness. You have your Planning Board. The membership is made up of those folks within the jurisdiction of the Board, 100%. All we're asking of seven members on LURC is that four members, just four members, come from the area that LURC represents and works with. You can have the other three, we're not asking for 100%. We think we should have 100% in fairness, the same as you do, but we're not asking for that. We're asking for four of the seven members. Can't you bring yourself, please, please, to recognize fairness here? That's what it's about. LURC is our Planning Board. We have two members now under law from our jurisdiction, two members of seven. You've got five and you know the history of LURC, because the law is drawn as it is, for 25 years, ladies and gentlemen of this august body, for 25 years Franklin County has yet to have a member on LURC. We're heavily LURC'ed. We have a division office of LURC in Rangeley. We live with LURC 24 hours a day. Can't you bring yourselves to give us four members of seven on this important board, please? Thank you Mr. President.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, O'GARA, SMALL

NAYS: Senators: CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Senator **PINGREE** of Knox 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.

**ORDERS OF THE DAY**

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

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

Tabled - May 30, 1997, by Senator **PINGREE** of Knox.

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

(In Senate, May 30, 1997, on motion by Senator **MILLS** of Somerset, under **SUSPENSION OF THE RULES, RECONSIDERED** whereby House Amendment "C" (H-723) was **ADOPTED**. On further motion by same Senator, Senate Amendment "A" (S-349) to House Amendment "C" (H-723) **READ** and **FAILED ADOPTION**.)

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "C" (S-413) to House Amendment "C" (H-723) **READ**.

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

Senator **GOLDTHWAIT**: Thank you Mr. President, ladies and gentlemen of the Senate. When I testified on the cigarette tax bill in Committee, I told a short story about my grandfather who actually drowned, but he drowned in his bed. He was a lifetime smoker and the end-stage results of that were that his lungs filled up with fluid. Unfortunately, drowning that way takes a lot longer than drowning at sea, so he spent a long and difficult night when I was a five-year-old and I remember that quite clearly. And it was only many years later when I became a nurse that I started understanding something of the physiology that went into that.

The point is that that process takes time, and the earlier you start as a smoker, the earlier you die as a smoker, so one of

three kids who start smoking will not come anywhere close to their life expectancy. Your body has a system designed to, in fact it has several systems designed as cleaning systems and the one that operates in your lungs starts out with Plan A. I don't know if there's a Joint Order about talking about nasal hairs on the floor of the Senate but I'm going to do that for just a minute, because that is Plan A in the defense of your body from particulate matters that might get into your lungs. If that system is overcome, the next system are also hairs, very tiny, almost microscopic ones that are in your respiratory tract that act in a sort of a sweeping motion to clean out any particulate matter that happens to get past the first line of defense. One of the effects of cigarette smoke is that it kills off those little hairs and leaves you without your natural cleaning system and so, Plan C for your body is to cough, and that becomes the cleaning mechanism and that's what smokers' cough is all about. When you end up in the end stages of lung cancer as a result of smoking, the best analogy I can make is your lungs look like that last piece of chicken that you forget to take off the barbecue grill and it sits there for a couple of hours and turns into a kind of shriveled-up black thing, and that's where your lungs go if you're a lifetime smoker. And so, as I looked at the various options for increasing the cigarette tax, they looked pretty good to me.

Strangely enough, the piece of this issue that has caused all the problems is that it raises some money, so even though many people here agree that increasing the cost of cigarettes, if it's going to keep kids from smoking is a good idea, it all fell apart when we started talking about how to spend the money. And the two major proposals had to do either with tax relief or with healthcare. But even within those proposals, there was not a lot of agreement on what kind of tax relief, which program, how much. Or regarding healthcare, do we put more kids on Medicaid, do we increase Medicaid reimbursement, do we do it through mental health, dental health, medical health, what exactly are we talking about? Again, there was relatively little consensus. At this point my feeling is that since we really have some good evidence that says that if the cost of cigarettes increases, the amount of smoking, particularly youth smoking, goes down. I don't care what we spend the money on. I don't care if we spend it on tax relief or healthcare or BIW or periwinkle management or whale disentanglement. I just want to raise the cost of cigarettes. The intent of the program was not to raise revenue. It was to decrease smoking, so the revenue is sort of an accidental by-product of this effort to do that. We know that smoking causes health problems, serious health problems, expensive health problems. We know that if we increase the cost of cigarettes, youth smoking will decrease. We know that there is public support for an increase in the cost of tobacco products and we know that there is public support for a prevention program. What this amendment does is it retains the original proposal for an increase on the tax on tobacco products. It retains the proposal for the prevention program, funded at \$5 million for the biennium and it puts all the rest of the revenue into the Tax Relief Fund, which means that when we come back next year, we get to start over again deciding on the allocation of that, but it does get protected by certain parameters. Now there are people who say that you shouldn't raise a tax and then use it to reduce taxation. Well, the purpose of this bill and this amendment is not to offer property tax relief. It is to get kids to stop smoking. We have to do something with that revenue and probably the most brilliant feature of this amendment is it is the only one out there which will pass the next step of this process. This amendment will not be vetoed.

**THE PRESIDENT:** The Chair would warn the Senator that she cannot refer to possible future actions by either the House or the Governor.

Senator **GOLDTHWAIT:** Thank you Mr. President. I apologize. This plan, if supported, will meet the original goal of this amendment which is to reduce youth smoking. You have a choice now and that choice is to either uphold the goal of reducing smoking among our young people or to go on for some indefinite period of time arguing about the various merits and options of what to do with the money. I would prefer, since we are the grown-ups, to put that arguing off for a while and to simply begin the piece of the program which would cause a decrease in youth smoking. And we can do that today. We can do that by voting for this amendment. The consequences of not doing that are very serious for our children, and so as we are sort of drawing the lines in the sand here about who is where on this issue, it's important to remember that we're really drawing a circle and our kids are in that circle. The choice that you're looking at today would offer protection for our kids against the availability of tobacco products with the resultant improvement in their lifetime health. I think it is so important that it is an issue on which we need to overcome our differences about exactly how some of the pieces of this program would ultimately work and take that step today to make sure that we have done everything possible we can do to reduce youth smoking. That is my one and only goal in this. It has been my goal since these bills started being introduced. I honestly believe that this amendment will do that job and I urge you to support the amendment, not to put it off, not to wait, not to go through long series of further refinement. We can do this today. We can make this difference today and I hope you'll join me in supporting the amendment. Thank you.

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

Senator **LONGLEY:** Thank you Mr. President, colleagues in the Senate. Although I genuinely respect all efforts such as my colleague from Hancock County, Senator Goldthwait, all efforts to reach agreement, I've got four words in response. Been there, tried that. A version presented before us right now came out of Taxation with a minority of four in support, went to the House, went down 109 to 33.

**THE PRESIDENT:** The Chair would caution the Senator that she cannot refer to actions of the other body.

Senator **LONGLEY:** Oh. And then came to the Senate.

**THE PRESIDENT:** That, she may refer to.

Senator **LONGLEY:** Twenty-five to ten, against. We've been there. We've tried that. Thanks for trying again, but no thanks.

The Chair ordered a Division.

On motion by Senator **HARRIMAN** of Cumberland, 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 Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. I rise today because I want to commend Senator Goldthwait on her diligence and commitment to this issue. I want to commend her for a sincere and honest effort to try to find some middle ground to succeed at the primary goal of passing this legislation so that we can prevent our young people, encourage our young people, from beginning to smoke. It's an extremely laudable effort.

I am not going to support the amendment at this time because I recognize that there is great sentiment and a desire to proceed forward to request the Governor to enact the bill as it's been developed to date. And as the bill's been developed, it's a very worthy goal within that bill, goals to provide funding for insurance for children who have no health coverage, provisions to expand the Drug Protection Plan for the elderly senior citizens. All of which are necessary, all of which are worthy and all which, I hope, are succeeded to be done. But I want to speak for a minute because I think that central element of looking for common ground may become critically important as we proceed. I hope that the effort put forward here succeeds. If for some reason it does not, if for some reason the Governor finds that he cannot support this legislation,

**THE PRESIDENT:** The Chair would, again, have to caution the members. We cannot discuss possible action of the Chief Executive.

Senator **CLEVELAND:** Thank you Mr. President. If we should not be successful, I want to encourage the body, the members of this Chamber, to recognize the importance of succeeding at the goal of increasing the tax on tobacco for the explicit purpose, the explicit purpose of discouraging the use of tobacco by our young people. We know that we have one of the highest rates in the country of young people who are smoking. We have the highest rate of young adults between 18 and 30 who smoke tobacco. We know that as many as 100,000 young people may begin to smoke tobacco in this state. We know by fact that 1/3 of those who do smoke and begin as youngsters will die of smoking-related illnesses, one-third of the young people here. One out of every three of those young people sitting right there will die of cancer if they begin to smoke. We know that we spend \$50 million a year in Medicaid, public dollars, for smoking-related illnesses. \$50 million a year in Medicaid and tens of millions of dollars more in private insurance funds every single year for smoking-related illnesses.

I've had some personal experience, some constituents of mine, Germaine Ashley, a woman who began to smoke in her early years as a teenager, in her older years found that she had to have her lung removed. Sometime later, she found that cancer had spread to her throat and she had to have surgery on her throat. The cancer became so severe that she found it difficult to eat and ultimately even swallow water. For months and weeks, she went without food and dropped to 67 pounds and died of cancer. Irene Bernier, another constituent, a woman who began to smoke when she was a youngster, smoked all of her life, developed emphysema, wound up in a long-term health facility, attached to a breathing machine and oxygen, died an excruciating death from lung cancer. Cecile Brown, another woman, smoked when she was a teenager, started young because it was the thing to do, has developed severe

emphysema, can barely walk up a flight of stairs without stopping. Carmen Cleveland started smoking when she was a teenager, smoked for 50 years, cannot walk up a flight of stairs without stopping several times because her lung capacity is so diminished and her emphysema is so bad that she is literally out of breath. All of these people have something in common. They started smoking when they were youngsters. Every single one of them is a member of my family. And they have either died, or the quality of their life has been dramatically diminished. And I have seen them die in agony asking for death to come sooner because the morphine couldn't keep the pain away. That is how insidious nicotine is.

The consequences to our young people are death and debilitating disease. The consequences to our public treasury is ranked in the fifty millions of dollars. These are no small matters. Yes, it's important what we do with the tax revenue as it comes in and those decisions have to be made. They have to be made by us and they have to be made by other members of this government, but those are secondary, as important as they are, to the primary goal of encouraging our young people never to get addicted to this treacherous drug. Common ground can be found on this issue. We must not let those well-meaning goals of how to spend the money become so paramount that we don't find the common ground.

Today I want to encourage each one of us who have that decision to be made because I know each of us are compassionate. I know every one of us care. I know the members of the other branch of this government care. And to be leaders means that we must find ways to come to solutions and resolutions. We cannot accept as an outcome that it was someone else's fault, that someone else wasn't willing to compromise, that someone else wasn't willing to see our point of view. When my constituents and yours are in the hospital attached to oxygen bottles, it is little comfort to know that it was someone else's fault. It does not have helped the quality of their life one iota to say, "This was a good program but someone else didn't make it happen, so I couldn't support this laudable goal." The only winners in that kind of strategy are the tobacco companies, the merchants of death and their advocates. They're the only ones who will win in that strategy. I rise to speak one small voice for those individuals, the young people, that we may put in law a tax increase that will prevent some of them, not all, but some of them from ever getting addicted to this monstrous drug. I will be voting for this proposal because it's a good proposal, not that the amendment isn't good as well, but I'll be voting for the bill as it is. But I plead with you, I beg you that if we don't succeed, don't accept any excuse that it was someone else's responsibility. It is our responsibility. None of our constituents can come and sit in our seats. We are the only ones whom they have entrusted to do that, this seat and the single seat of the Executive Branch. Those are the ones they have entrusted to do this. We must not give them any excuses why we have not succeeded. We can succeed. It only requires the will to do that.

When I listened to the State of the State Address and the impassioned plea of the Governor's friend, Henry Jones, who died and suffered from cancer and pleaded with that young man, Angus King, if ever he should have a chance to do something in his life, if ever he should be given the privilege to act on this enormous problem in our society, that he should do so. I hope his pledge to succeed isn't an empty promise on his tombstone that it was someone else's fault that I didn't succeed. He and all of us have a responsibility to succeed at this task. We cannot

allow the tobacco industry to win this by default. I beg you never to give up and, before we adjourn finally, to find a resolution to this, even if it means compromising some of our principles so that we can come back and fight the good fight in a future budget, in a future appropriation to achieve the secondary goals that we wish to achieve as well, additional health service, additional drug coverage for those people who desperately need those services as well. We can do both. It is not mutually exclusive to do them separately.

**THE PRESIDENT:** While we are debating, I just want to refresh members on the rules as referring to actions of the House or the Executive or a court. Mason's Manual says, "It is unparliamentary and inconsistent with the independence of a legislative body to refer to the name or the office of the Executive in order to influence the vote. It is irregular and unparliamentary for a member in one House of a legislative body to quote or refer to a vote by which a measure passed in another house. Any matter awaiting adjudication in a court should not be debated or discussed in a legislative body." Mason's also says, "It is inappropriate for a member in debate to use the name of an Executive for influencing the votes of members."

What this essentially means is that we are an independent body. We make our decisions on our own. We should not be influenced by whether the House, a court or the Chief Executive is going to take a different opinion. That opinion is irrelevant. We are to decide issues on the merits as we see them. Mason's does say, "It is in order in debate to refer to the Executive or the Executive's opinion whether either in approval or criticism when such references are relevant to the subject under discussion and otherwise conforms to the rules." So it is in order to refer to the Executive's opinions but we should not and cannot discuss possible actions by the Executive, by a House, by a court in our deliberations. We are an independent body and we decide issues on their merits.

The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. I rise in opposition to the amendment, and given the way the amendment's applying on this piece of legislation, we've got the wrong title, here, that we're working with. It's not a tobacco tax at all. It's a luxury tax. Senator Goldthwait from Hancock hit the nail on the head when a moment ago she said what we're trying to address here is a problem of a high incidence of smoking among our youth here in Maine, and that is an unfortunate statistic, and so we're trying to get to the problem. Trying to get to the problem. We're putting 37 more cents on the tax thinking that perhaps that will deter our youth from purchasing cigarettes and we'll then address the problem. It's already been argued here and I believe it to be the case that the 37 additional cents will not do the trick. And the example I use is the fact that we also have our youth in Maine using a lot of marijuana. We're near the top in the country there as well, and marijuana is illegal. Illegality doesn't do the trick, therefore, how will 37 more legal pennies do the trick? So what we have here is an effort to come at some kind of an educational program so that our youth will be advised not to smoke. Instead of adding four or five pennies to the price and coming up with enough money for that program, we're adding 37 cents. That's why I call this a luxury tax. We've got too much money now. We don't even know how to spend it. Some want to spend it one way for tax relief, some another way for insurance for children and some, still another way, for the

elderly. We're in a quandary. It's ironic to me, being in the top 10 in the nation on tax burden, concerning our citizens, that we put on what I call a luxury tax now to come up with money, and here we are arguing how we're going to spend this money. It's a luxury we can't afford. There are some who have the dreaded legislative malady that I call "taxitis" here, who will not be satisfied until we're closer to first place in the nation concerning tax burden on our citizens. I think that's real unfortunate. So, here we are talking about money. On the one hand and, I guess we're between a rock and a hard place, on the one hand we feel we've got to jack the price up so high that youngsters may not purchase the cigarettes, thereby giving us so much money we don't know how to spend it. Now if we really want to attack the situation, add four or five or six pennies to the price, to the tax, and come up with enough money to address the problem we're trying to address, which is an education program, because to me this is a smoke screen. Thirty-seven cents, all this money for new programs? And I can tell you from where I'm coming, I will not be voting for any tax increase on cigarettes because my constituents have had it. The tax burden is high enough, and here we are trying to determine how we're going to spend money. It's ironic. What a luxury to be in, I suppose. It's unfortunate to see what we're trying to do concerning the tax burden on our citizens. It just isn't right. That's why I shall be opposing this amendment and any effort to raise a tax in any event. Thank you Mr. President.

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

Senator **MACKINNON:** Thank you Mr. President, women and men of the Senate. As I left yesterday, after I said that I could not vote on any, obviously I'm like the rest of you. We go home and we think of what we're doing and where we're going and what's best for the people that we represent. As a former principal of a high school with 1100 students, and I think that if you've been in the buildings you know that the bathrooms are probably one of the biggest issues we have with smoking. And I'd be foolish if I sat here today and said, "Well, I can't raise taxes. I can't do this."

Senator Benoit has just given an alternative that I like, personally, to say that we only have to raise enough money for the prevention, because that's what we said we were going to do is to stop smoking for our youth and hopefully preserve them. As we know, 10 years ago we weren't saying anything about secondary smoke. Secondary smoke kills too. Today I'm going to vote for this amendment because I think it gives an alternative. The things that I heard were, "Yes, don't raise taxes, but also give us some relief." If we can at least give some of the money back, because I don't know why we're raising more money than we have to, to start the prevention program, because I'm certainly in support of that, but at least it would go back to the taxpayers of the State of Maine in a relief. Not for new programs, I hope, but for a relief program for property taxes and property taxes only or to raise the income tax. I don't care how we do that but I would hope that we'd support some type of measure to stop youth smoking, to make sure that we do preserve ourselves for the next century, to make sure our children have a place to survive and have a smoke-free environment, and because of that, I will support this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY**: Thank you Mr. President, men and women of the Senate. I've sat here for the last couple of days and listened to this debate and you know, just thinking about the time I had when I was smoking. You know, if you raised the taxes on cigarettes to \$5 a pack, if a person is addicted to nicotine they're going to pay \$5 a pack. It's as simple as that. This whole intent of this bill, to deter smokers, I just don't think it's going to have a whole lot of effect no matter what we put on for tax. I do think though, that the key and the most important part of this whole issue is to stop our young folks from beginning to smoke in the first place. Unfortunately this tax that we have, we're talking about the 37 cents per pack and, then of course as you remember, you also have to add 6% to that increase because you pay sales tax as well when you purchase the cigarettes. Some of the statistics that I have read unfortunately, it seems as though there's a distinction in income levels as to the number and percentage of people that smoke. And unfortunately, the lower income people tend to smoke more than higher income people, and all we're doing here is just putting another burden on those folks.

We need to continue to educate people on smoking. I think during the debate last week on some of the other issues pertaining to the accessibility of smoking in restaurants, we saw some statistics where a few years ago, 75% of seats in restaurants were smoking seats and today 80% of the seats in restaurants are non-smoking. I mean, people have the message. Obviously as you know, hopefully we can no longer smoke on the verandah here. I mean, you know, people are getting the message that smoking is bad. Folks that don't smoke don't like to have smoke around and so on and so forth. I have four children. They grew up in a house where I smoked for twenty-some years and not one of my children smoke because they knew how terrible it was and they were into sports and their teachers at school told them. The education that we've done through television, through the state, we need to continue to do that, but I'm not going to support a tax increase. I don't care whether it's five cents or \$5 on cigarettes. I think it's just another scam to the folks no matter what we do, whether we raise this tax to lower another tax, we're still taxing them. I think we need to put some money aside through our budget to continue to educate our youth, and I think that's our hope to curtail this throughout the state. So I'll not be supporting this amendment or any increase on any tax, here, this session. Thank you.

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

Senator **MILLS**: Thank you Mr. President and men and women of the Senate. Just briefly, the people who have been studying the smoking phenomena for the last 30 to 50 years, down at the Center for Disease Control and other public entities, have spent literally millions of dollars studying the relative impact of price versus usage and have concluded, with some reliability, that a 37 cent increase in our market price for cigarettes, plus the sales tax increase, would reliably result in about a 14% reduction in usage by youth. Is that a lot? I don't know. It's not going to solve the problem entirely by any means, but it's a significant step and it becomes even more significant when you put it in these terms. About 4500 kids a year take up smoking. Of those that take it up, one-third will die of a smoking-related illness, that is an illness like lung cancer that is a direct product of habitual use of cigarettes. So, if we put a price of 37 cents a pack on

cigarettes as an increase, it will result in saving approximately 200 lives per year. So the issue is, "Is it worth 37 cents a pack to save the lives of 200 kids per year?" I think, put in those terms, there's only one answer to the question. I do urge you to vote for the amendment.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS**: Senators: FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, RUHLIN, SMALL

**NAYS**: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, HALL, JENKINS, KIEFFER, LAFOUNTAIN, LONGLEY, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT**: Senator: KILKELLY

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ADOPT** Senate Amendment "C" (S-413) to House Amendment "C" (H-723), **FAILED**.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "B" (S-412) to House Amendment "C" (H-723) **READ**.

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

Senator **PARADIS**: Thank you Mr. President, men and women of the Chamber. The purpose of this amendment is to put to rest the discussion about staff and return the focus to where it belongs, making sure Maine children and the elderly get the healthcare they desperately need. I share your concerns regarding having one dime more than necessary to be spent on administration. We want the cost of administering the extended benefits to our children to be as little as possible so that the healthcare providers, the ones who are really needing these services are going to be there. There's no doubt in my mind that we are trying to stay within the scope of this issue. Many, many times over the history of this Legislature, we have tried to get things to pay for themselves. We charge fees for people who get services. There's no doubt, again I want to repeat that a lot of what is the cost of the Department of Health and Human Services are these hospitals, these healthcare provider costs. Anything we can do to lower that is definitely going to lower the taxes of the people of the State of Maine. So the connection is really very clear here. The amendment requires the Department of Human Services to provide the Medicaid coverage in the bill with 34 staff. Twenty-four to provide for the expanded children's Medicaid and 10 for the prescription drugs for the elderly. Only half of these are paid for with state funds. The 24 staff are the same number

as the Department estimated it needed last year to cover the same children. In Massachusetts, Medicaid coverage using the tobacco tax covered over 300,000 new people and used fewer staff than this. We rarely have to reinvent the wheel in Maine because usually larger states surrounding us usually beat us to the punch. We are asking the Department to do more with less staff than they asked for, but we all have to do more with less and we think that this is sufficient, so I urge your support of this amendment. Thank you.

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen. I thought there were probably six or seven more people who were going to speak, so there was no hurry to push my button. But my button was pushed when I read on the back of this amendment, 17 new staff. Well, that's state-funded positions but total on this was 36 new job positions, but it's interesting to see that we're not supposed to count the ones that perhaps the federal government may pay for. You know that federal government, that's down quite a long way from here. They keep sending us millions and millions of dollars and I don't know, a lot of people forgot where they get all that money, I guess, but I haven't because I notice that I not only have to send a great big check to the State of Maine for income taxes, but I send a great big check to Washington, D.C. also. I consider that's part of my money. It just kind of feels ironic that we don't always include it in the right places. This is still a jobs bill and I do appreciate the fact that it's been slimmed down from 132 to 36 and maybe if I keep harping about it, we can get it down even further. I noticed in some material that I read here a little while ago, Massachusetts, you remember that "Taxachusetts," down very close to us, we go through that little strip of New Hampshire where we pay a dollar first and get into that state, how bad they were on taxes. And I never thought I'd see the day when we'd be higher than Massachusetts. They instituted a similar program, so I'm told, down there with zero staff people and, I think maybe, it's hard to believe that we should look at Massachusetts for our guidance but that's how far we've gone. Really folks, I'll be voting against the pending amendment and any more that you can come up with. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, men and women of the Senate. I just wanted to address that concern briefly and I am one of the people who's very happy to see these numbers go down from 132 to 36. I, too, asked the Department if they thought they could do with no new people. I would be happy to do this with no new people. It was their consideration that given the work that they had to do, they had to add these people and, of course, I wish we were able to do it for less cost because it would mean that we could provide more direct service to those people who need it. I am concerned that we called this a jobs bill. Job creation is actually something that is done for very different reasons. I think we have to think about this as the means to do something that we want to do and that is increase availability of drugs to senior citizens, healthcare to children who no longer have it. Those are the issues that are addressed in the bill. The amendment is just a fiscal note for that bill. It is not a bill to provide jobs for people, to fill out eligibility forms, that's not

what we're talking about today. We're talking about healthcare for children. We're talking about drugs for senior citizens. We're talking about smoking cessation and we're talking about a tax on cigarettes. I think it's important we focus our discussion on that. We do not look at other departments and say, for instance, that we hire game wardens to provide them with jobs. We hire them to do something in the field that we need to have done. That's all we're asking for here today and I hope people will support the addition of a far-improved fiscal note and give their congratulations to the Committee and the people who worked very hard to do the work that had to be done to change this as significantly as it's been changed.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "B" (S-412) to House Amendment "C" (H-723), **PREVAILED**.

**THE PRESIDENT:** Is it now the pleasure of the Senate to adopt House Amendment "C" as amended by Senate Amendment "B" thereto, in non-concurrence?

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

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

**NAYS:** Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MICHAUD, MITCHELL, SMALL**

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, **HOUSE AMENDMENT "C" (H-723) AS AMENDED BY SENATE AMENDMENT "B" (S-412) thereto, ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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