

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

HOUSE

Thursday, March 16, 1978

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Herbert L. Reid of the Church of World Brotherhood, Fairfield.

Reverend REID: Dear God, despite our politics, help us that we may never forget that united we stand and divided we fall. Amen.

The journal of yesterday was read and approved.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the Legislature, on Bill, "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970) have had the same under consideration and ask leave to report:

That the Senate recede from its action whereby it accepted the Majority Ought Not to Pass Report; accept the Minority Report; Read the Bill Once, Read and Indefinitely Postpone Committee Amendment "A" (H-999); Read and Adopt Conference Committee Amendment "A" (S-553), submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A".

That the House recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted House Amendment "A" (H-1035) and Indefinitely Postpone same; Read and Adopt Conference Committee Amendment "A" (S-553), submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A" in concurrence.

Signed:
Messrs. KATZ of Kennebec
USHER of Cumberland
— of the Senate.

Messrs. WOOD of Sanford
MACKEL of Wells
— of the House.

Came from the Senate with the Conference Committee Report read and accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (S-553) in non-concurrence.

Report was read.
On Motion of Mr. Wood of Sanford, the Conference Committee Report was accepted in concurrence.

The House receded from its action whereby the Bill was passed to be engrossed; receded from its action whereby Committee Amendment "A" was adopted and the Amendment was indefinitely postponed.

Conference Committee Amendment "A" (S-553) was read by the Clerk and adopted in concurrence.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

Messages and Documents

The following Communication:
STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON APPROPRIATIONS
AND FINANCIAL AFFAIRS
March 15, 1978

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine
Dear Speaker Martin:

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 108th Legislature.

Total Number of Bills Received	12
Unanimous Reports	9
Leave to Withdraw	1

Ought Not to Pass	1
Ought to Pass	1
Ought to Pass as Amended	5
Ought to Pass New Draft	1
Divided Reports	3

Respectfully submitted,
Signed: KATHLEEN W. GOODWIN
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
MAINE STATE RETIREMENT
SYSTEM
AUGUSTA, MAINE
January 18, 1978

Honorable James B. Longley
Governor of Maine
State House, Augusta
Members, 108th Legislature
Dear Governor Longley
and Members of the Legislature:

In accordance with the provisions of 5 MRSA, Section 1005, the Trustees of the Maine State Retirement System herewith submit an annual report and a review of the financial condition of the system for the fiscal year ending June 30, 1977. This report includes the following:

Report of the Actuary for the year ending June 30, 1977	1
Report of the Investment Consultant	1
Report of the Executive Director Group Life Insurance	1
Underwriter's Report for the Policy Year Ending June 30, 1977	1

Membership of the Board comprises two members appointed by the Governor subject to review of the Joint Standing Committee on Veterans and Retirement and the confirmation of the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member selected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association and one member who is a recipient of a retirement allowance through the System selected by the foregoing members.

During the year ending June 30, 1977 the following Board members were named: by the Governor, Llewellyn W. Jensen, John O'Donnell, and Frank B. Tupper, representing retired teachers; Fred L. Kenney, representing other retired members of the System; and Leslie Hilton, representing the Maine State Employees Association.

During the past fiscal year several changes in the investment management were made by the Trustees, namely, the appointment of three new equity managers: David L. Babson & Company, Inc. of Boston, Massachusetts; Merchants National Bank of Bangor; and Merrill Trust Company of Bangor, were assigned segments of the System's equity holdings for management. In addition, the Board has nominated Morgan Guaranty Trust Company of New York as the manager of an \$8,000,000 segment of the fund under its pooled cimminged pension trust fund, which are represented by fixed income direct placement medium and long term lease-backs and private placement investments.

Funding request for the "non-contributory" teacher group was made during the past legislative session and was denied in the budget process. Expenditures for retirement benefits to this group, together with interest application, have exceeded appropriations and other credits as of June 30, 1977 by an amount of \$91,079,898. The report of the Actuary dated June 30, 1976 revealed that the accrued unfunded benefit contribution payment period of the System would be 19.6 years if additional funding was provided for the "non-contributory" teacher group, whereas if no additional funding is provided for this group, the total unfunded accrued

benefit contribution payment period would be 26.2 years.

The Trustees have met with the representatives of their investment managers twice during the fiscal year to review the performance and planned investment programs. The investment performance for the fiscal year ending June 30, 1977 was 2.68%, on a total return basis, i.e., the "time weighted rate of return."

Very truly yours,
Signed: WILLIAM G. BLODGETT

Executive Director for the Board of Trustees
Maine State Retirement System

The Communication was read and ordered placed on file

The following Communication:
STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 15, 1978

The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin

It is with pleasure that I report to you that the Committee on Marine Resources has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total number of Bills Received	4
Unanimous Reports	3
Ought to Pass	1
Ought to Pass in New Draft	1
Leave to Withdraw	1
Divided Reports	1

Sincerely
Signed: BONNIE POST
House Chairperson

The Communication was read and ordered placed on file.

Orders

An Expression of legislative Sentiment (H. P. 2230) recognizing that:

The Bangor Halfway House, Maine's first public alcoholism treatment program and a living reminder of the resilience of the human spirit and of the generosity of the Maine community, is celebrating the 10th anniversary of its founding

Presented by Mr. Tarbell of Bangor.
The Order was read and passed and sent up for concurrence.

An Expression of legislative Sentiment (H. P. 2255) recognizing that:

Frank Philbrick and Ruth Nowell of York will enter the state of holy matrimony on the 27th day of March 1978.

Presented by Mr. Valentine of York.
The Order was read.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: Many of you may be wondering why I have put in an order because two people are getting married. If we did this each time a couple got married, we would have a pretty full order sheet.

Many of us last night attended a function for a couple of young individuals that we all know to show the prospect of marriage is still in vogue, even for those who ought to know better. The reason for putting in the order, Mr. Frank Philbrick and Miss Ruth Nowell, who will be married in about a week and a half, are both 88 years old.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H.

P. 2261) recognizing that:

A. Temple Bowen, Acting Director of Administrative Services for the Department of Conservation, has been elected Chairman of the New England Section, Society of American Foresters Presented by Miss Brown of Bethel (Cosponsor: Senator Redmond of Somerset)

The Order was read and passed and sent up for concurrence.

On motion of Mr. Hughes of Auburn, the following Joint Order: (H. P. 2262)

WHEREAS, the Probate Law Revision Commission has been working for several years on a revision of the probate laws and administration, and will shortly have draft legislation ready for legislative consideration; and

WHEREAS, the draft legislation and the commission report will be lengthy and complex, and thus will require careful and detailed study of the proposals and draft legislation prior to the beginning of the 109th session of the Legislature; and

WHEREAS, the proposals and report also need to be publicized and made available to the general public for their comment and consideration prior to any legislative action; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on the Judiciary be authorized to receive and print the recommendations, report and draft legislation of the Probate Law Revision Commission, and to study the recommendations, report and draft legislation; and be it further

ORDERED, that the committee also be authorized to hold hearings throughout the State prior to the 109th session of the Legislature on the recommendations, report and draft legislation; and be it further

ORDERED, that the committee shall complete this study no later than 45 days prior to the First Regular Session of the 109th Legislature, whichever date the committee so designates, and submit to the Legislative Council, within the same time period, its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the Probate Law Revision Commission.

The Order was read and passed and sent up for concurrence.

On motion of Mr. Garsoe of Cumberland, the following Joint Order: (H. P. 2264) (Cosponsor: Mr. Brennerman of Portland)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 40 to read:

40. Study order reports.

(1) All committee hearings and working sessions on study orders referred to committee during the first regular session of a Legislature which are to be reported to the second regular session of that Legislature shall be completed by no later than the first Wednesday in November preceding the convening of the second regular session and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in final draft form by no later than the first Wednesday in December following.

(2) All committee hearings and working sessions on study orders referred to committee during the second regular session which are to be reported to the first regular session of the next Legislature shall be completed by no later than the first Wednesday in September preceding the convening of the first regular session of the next Legislature and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in final draft form by no later than the first Wednesday in December following.

(3) All committee hearings and working ses-

sions on study orders referred to committee during the first regular session which are to be reported to the first regular session of the next Legislature shall be completed by no later than the first Wednesday in September preceding the convening of the next Legislature and any proposed legislation accompanying such reports shall be submitted to the Director of Legislative Research in complete and final draft form no later than the first Wednesday in December following.

(4) In every instance, proposed legislation accompanying study order reports shall be complete and final form and shall be introduced in the appropriate House during the first week of the regular legislative session following convening in January.

(5) Any committee which finds that it is unable to comply with the foregoing dated shall submit, in writing, a request for an extension of reporting dates and submission of proposed legislation with the reasons therefor to the Legislative Council no later than September 10th prior to the next regular session of the Legislature. The Legislative Council shall consider the request at its next regular meeting and notify the committee or its decision forthwith.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I just want to point out what I think is a drafting error. I would like to call you attention to Item 2 of that study order and wonder if committee hearings and working sessions on study orders can be submitted to the Director of Legislative Research in final draft?

The SPEAKER: The Chair would answer in the affirmative. They can at the present time under the present rules.

Mrs. MASTERTON: Can a hearing and working session be submitted to the Legislative Research Officer?

The SPEAKER: The Chair would advise the gentleman that basically it is how you read it. If you will notice the initial sentence, if you will keep everything before the 'and' in one sentence, two independent clauses there, you will be all right. That is how the present one is drafted as well.

Thereupon, under suspension of the rules, the Order received passage and was sent up for concurrence.

On motion of Mr. Connors of Franklin, the following Joint Resolution: (H. P. 2263)

Joint Resolution Supporting

the Position of the

National Rifle Association

on Proposed Gun Control Legislation; and for Other Purposes

WHEREAS, the National Rifle Association has been and remains this country's most effective spokesman against the erosion of the constitutional right to keep and bear arms; and

WHEREAS, the National Rifle Association correctly maintains that the control of guns by government would leave law-abiding citizens unarmed while criminals would continue to possess and use guns; and

WHEREAS, the Constitution of Maine and the second amendment to the Constitution of the United States guarantee the right of law-abiding citizens to keep and bear arms; and

WHEREAS, the FBI Uniform Crime Reports prove that the overwhelming majority of all crimes, including homicide, are committed by hardened repeat offenders, who are already barred from possession of all firearms by federal law; and

WHEREAS, reliable, objective public opinion polls have revealed consistent public support for private firearms' ownership and opposition to additional controls, a fact borne out by the overwhelming defeat of a handgun ban referendum in the State of Massachusetts; and

WHEREAS, every conceivable form of additional gun control would require enforcement techniques which offend constitution protections and threaten civil liberties; and

WHEREAS, firearms-related sports are an important part of the state's economy, and measures restricting access to firearms, such as reducing the number of dealers in rural areas, would adversely affect these sports; and

WHEREAS, laws are aimed at the swift and certain punishment of those convicted of the use of a firearm during the commission of violent crime have repeatedly proved effective in reducing gun violence; and

WHEREAS, the position of the National Rifle Association on these crucially important issues represents the viewpoint of the vast majority of Maine citizens; now, therefore, be it

RESOLVED: That we, the members of the 108th Maine Legislature hereby go on record as being in support of the position of the National Rifle Association on the subject of gun control legislation; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to each member of the Maine Delegation to the United States Congress and to the National Rifle Association.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, I would move indefinite postponement of this Order.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that this Joint Resolution be Indefinitely Postponed.

The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope this morning that you will not postpone this Resolution. I think that this Resolution has a lot of meaning. This country was founded by many people who sacrificed ever so much for the freedoms that we enjoy today, and I think when we start, as a federal government or a state government, telling the people of this state that they cannot keep and bear arms is an infraction of the Constitution that we have supported, that we have fought for and so many people have died for.

I can support this Resolution this morning very easily. They talk about crime — sure we have got a lot of crime. We have a lot of murders, but the majority of the murders that are committed in the homes are committed with knives and not with guns. The vicious criminals on the streets who commit these vicious, heinous crimes of murder are using guns and they would continue to use guns. They would use guns because they can buy guns. We are not going to outlaw guns in this country; this country was built in guns.

Ladies and gentlemen of this House, I am very proud this morning to be able to stand and support this kind of a Resolution. I have guns in my home and I expect to keep guns in my home. I know my neighbors have guns in their homes and they are going to keep guns in their homes, and when the government starts telling us that we can't have guns in our homes, then I am telling you, the day of rebellion is not far away.

Mr. Speaker, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I am very much against this Resolution, as most of you know, because for the last three terms that I have been here, I have tried to sponsor some kind of gun legislation, a 72-hour waiting period, which really is a good piece of legislation but has been clobbered every time I have brought that to this House.

For some 30,000 Americans each year, the

world disappears in a shattering blast from a gun, and more than 11,000 murders a year are committed in this country. Our nation also suffers 13,000 suicides by firearms or explosives a year, and most of them firearms. Some 27,000 fatal gun accidents, totally unpremeditated tragedies, happen.

To answer a question of the gentleman from Westbrook, there are an estimated 35 million handguns and revolvers in the country. There are about 2 million added onto those totals each and every year.

The police departments say that every 16 seconds a new handgun is sold, and every 19 minutes, somebody dies by the blast of a handgun — every 19 minutes somebody dies by the use of a handgun. I can go on and go on and go on, but let me get back to this Order, which I think is absolutely asinine.

First of all, the title should read: "Joint Resolution Supporting the Last Stand of Masculinity," because that is exactly what it is. We have to have the guns because we have to have our masculinity, and I think most of the population feels that is so, so they make a last stand to keep that gun. We have mass slaughter in this country because of the vast amount of handguns that are loose, and don't let anybody kid you, when somebody tells you, especially the NRA through its pamphlets, that handguns are for your protection, that is a lie, because more people, more friends and relatives are shot who own guns for protection than those killed for burglary, robberies, felonies and what not, that is a fact.

Let me get back to this Joint Resolution. In number 3 'Whereas,' WHEREAS, the Constitution of Maine and the second amendment to the Constitution of the United States guarantee the right of law-abiding citizens to keep and bear arms, the Supreme Court of the United States, on at least two occasions, has had trouble defining exactly what that means, who can bear arms.

In number 5 'Whereas,' WHEREAS, reliable, objective public opinion — okay, that is a bold-face lie, because I know of at least three opinion polls taken in this state where the citizens of this state have supported more gun restrictions of some kind. At one of the Maine Democratic conventions, I got up on the floor and moved a 72-hour waiting period at the convention, and I was opposed by a member of the other body, and we overwhelmingly won. The Harris poll, the Gallop poll, has said in its recent poll that over two thirds of the citizens of this country support stricter handgun control.

When Governor Curtis was in office, he and Senator Hathaway both took polls in this state, and the members overwhelmingly said, yes, we are in favor of stricter handgun control. And when I presented a bill to this body on three different occasions, we built in a provision that stated, if the bill was passed, if somebody, say, in Kittery wanted to go to Aroostook County to buy a handgun for hunting purposes or target purposes or whatever, he or she would not have to go there and wait three days. We have a mechanism where they could write a letter and have it processed and sent ahead of time and when they got there, all they would have to do, if everything was in order, would be to pick it up.

Number 9 "Whereas," I am not going to go through all of them, but number 9, because of what I have just said is a slap in the face to the citizens of the State of Maine and to this body of the legislature.

In the next Resolve, "That we, the members of the 108th Maine Legislature, hereby go on record as being supportive of the proposition of the National Rifle Association on the subject of gun control legislation "and that is false."

Those of you who support this particular Resolution are saying, in essence, that you support all the violence, all the crime, all the murders, all the suicides that are taking place not only in

the State of Maine but in this country. That is exactly what you are doing.

Last week, we passed a Joint Resolution in this House on harp seals, on the mass slaughter of harp seals, and now we are talking about human beings and you bring in an Order like this that says sure, go right ahead. The slaughter of human beings doesn't make any difference. The only difference comes when we are talking about chickens, dogs and cats and that kind of thing. As far as talking about human beings, just let my gun alone, just don't bother it.

I don't think this body goes along with that assumption, and I would certainly hope that overwhelmingly we shoot down this particular Resolution. I would hope that you would support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: My friend from Portland is very dedicated in his beliefs and I respect him for it; I am dedicated in my beliefs and my beliefs are, there is no way that they are going to legislate guns away from criminals. You are going to legislate one away from me and everybody else in this House that is honest and abides by the law. I will either register my guns or turn them in or whatever the law said and those people are not going to do that, that they are still going to have guns. If I were a criminal and a lot of people in this House could do it, anybody who ever served in the service could do it, in 20 minutes time I could make a zip gun to kill anybody that I disliked. It would be very simple to do.

This morning I firmly stand behind my friend from Westbrook, Mr. Laffin, and I would like to concur with his statements.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, a parliamentary inquiry? My review of the Joint Rules, specifically, Joint Rule 4, states that when any measure shall be finally rejected, it shall not be revived except by reconsideration. The rule goes on to state that nothing can be recalled from the legislative files except by a two-thirds vote.

My question to you, Mr. Speaker, is, considering the fact that this Resolution and one virtually identical to it was rejected in the other body, how appropriate this Order is before us and what would happen should we pass it.

The SPEAKER: The Chair would inquire of the gentleman from Franklin, Mr. Conners, whether this is the same Resolution that was introduced and defeated in the other body?

Mr. CONNERS: Mr. Speaker, this is the same Resolution with an amendment with one or two words deleted from the amendment.

The SPEAKER: The Chair would advise the gentleman that it would depend on whether the words are "the" and "there" or "a" and "and."

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, an inquiry? I have heard on many occasions it stated from the Chair that the actions of any other body have no effect on our conduct in here, and I would suggest that the gentleman's inquiry would not challenge the germaneness.

The SPEAKER: The Chair would advise the gentleman from Cumberland, Mr. Garsoe, that the statement made by the gentleman from Cumberland is an accurate one. The gentleman from Lisbon Falls, Mr. Tierney is also accurate; it depends entirely on where we are at this point.

The Chair does not have the original Order that was introduced in the other body and is not in a position to make that determination at this point. The Chair would, however, advise the members of the House that if the two are identical, that matter may not be considered by the other body again, unless, of course, it would be

by motion to reconsider. The Chair is not in a position to rule on that, since he does not have possession of the Order that was, in fact, defeated in the other body.

The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, a point of information. The two words that I find that are different in this particular Joint Order, the one sponsored in the other body was sponsored by Mr. Pray and the one that was sponsored in this body was sponsored by Mr. Conners, those two words are different.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, you have ruled on your ruling that you do not know the other one and, therefore, you just have ruled that this was germane for us to take up this morning.

The SPEAKER: The Chair would advise the gentleman that he has just been given a copy of the Senate Resolution and he will look at it momentarily.

(House at Ease)

The SPEAKER: The Chair would advise the members of the House, pursuant to the requests of the germaneness of the measure presently before us, the difference between this Resolution and that which was defeated in the other body deals with one word which was removed from the resolution clause and that is the word "complete." Everything else remains identical to the Resolution that was defeated in the other body.

The Chair would advise the members of the House that the Chair is not in a position to determine how the presiding officer of the other body would rule, simply to indicate that based on the rules, when the measure gets to the other body, it will be declared not germane. However, the Chair would, at this point, advise the members of the House that it is proper for us to debate this measure, keeping in mind the final results of that measure.

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Members of the House: I would like to thank the Speaker for his very fair and accurate answer to the parliamentary inquiry, and I think it points out just one of many reasons that individuals can go home and tell people that they voted against such a Joint Resolution and it is the reason I am going to vote against it, and that is, even if we pass it, it is not going anywhere because it says right on the top it is a Joint Resolution and when it goes to the other body, they are not going to be able to deal with it.

I think the point is clear that this is just some kind of political game that is being played here, for Lord knows what reason, and I am not going to have anything to do with it and I am going to vote against the Resolution.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I like it when certain members of this House want to put in something, we always get into the legal tangle that the membership doesn't have the right to do it but they come up with some form of rules that we live under, and I don't believe half of the members of this House know what the rules are that we live under. We have too many rules here anyway. The thing that Representative Tierney was talking about has no bearing whatsoever on what we do here. What they do down the other end of the hall, that is their business. What we do here is our business. His statement has no bearing whatsoever on what we do here compared to what they do down there.

I hadn't planned on getting up again, but I have to take exception to some of the things that Representative Talbot from Portland has said. It is very plain to see that my good friend from Portland opposes the death penalty, he opposes polls concerning that, but he has all kinds of polls on gun control. I question those

polls. I also question Mr. Talbot when he gets up and he makes the statement that the people of this state don't want guns. That is a lie and I don't believe that, because everyone that I talk to, they want to keep their guns.

When you, we, on the floor of this House and he can't debate an issue, he jumps all over the federal and national and crimes all over the country, and when I do it, I am ruled out of order. The Chair let him do it this morning, so I am going to pursue that. I don't think it is the business of this House how many guns are manufactured, whether there are two thousand or two million a year. I think what this Resolution is concerned with is what we do here in the State of Maine, and that is just what this Resolution does.

I know in fact — I don't know who is doing it and I could care less, but someone in this House is using my stationery to pass around and I have a copy of it and it is not even my writing, they have been writing to certain members of this House. They don't sign my name, but I happened to get this one back. They talk about pulling things in this House, well, we have some people in this House that pull a lot of things too. At least if I have something to say, I stand in this House and say it, whether you like it or whether you don't. I don't write it on notes and not sign my name to it. I take exception to many things that have been said here this morning.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Members of the House: Just a couple of brief comments. We have had a number of organizations, people that have attempted, over the years, to take away our right to keep and bear arms, and in this present administration in Washington, we have several bills in there to take away our right to own private-owned handguns so that we can have our handguns for sports, pleasure, hunting with them, for target shooting and for legal purposes. They want to take away every handgun of the law-abiding citizens in the country. If this goes through, it will form another bureaucracy that cannot be controlled with the input and the black market in guns, Our criminals will still have them. It has been proven over the years. The New York City Sullivan Law has been proven that it is ineffective, and this is my concern in entering this Resolution here this morning.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Members of the House: I understand your desire to move this along but, unfortunately, the way the question is posed and the way maybe many people want to report this vote, is that those who are in favor of, on the one hand, total confiscation of all guns and, on the other hand, those people who want to be able to shoot it up any time they want, and it is not as easy as that. I think some of us have to be able to make some of the distinctions that are involved and not allow people to over-simplify the results of this or any other vote.

What the Resolution, in fact, implies is that anyone who doesn't vote for it must be in favor of confiscating and taking away all guns, also endorsing an unidentified, in a complete sense, policy of the National Rifle Association.

I think here in Maine we realize that that legitimate hunting and sporting weapons are something that has been historically part of our society and something this is not, because of the political nature of things, going to be tampered with nor ought they be.

On the other hand, there is another kind of weapon which is purely designed to kill people. It is not a hunting weapon, it is not a target weapon, it is not used for trapping, for the killing of animals through trapping, it is used for killing people, and they are not very good. In fact, they are so lousy that most manufacturers in the United States don't even manufac-

ture them, but we have a lot imported into this country from other places. It is a kind of weapon which, according to many reports, are bought by people for their own self protection and that three out of four times, when it is used, according to a study commission authorized by President Eisenhower, it is used against the individual.

There has been much discussion about this and, unfortunately, I think all weapons have been lumped into one place, and I am very concerned that a reaction may take place wherein people will want to confiscate every single weapon and register every single weapon, not making a distinction. As long as we try to blur those lines and don't recognize the legitimate problems that are primarily confined to urban areas, I read a study that was sanctioned by the National Rifle Association trying to associate the ownership of handguns and a reduction in crime, and it has indicated that fewer handguns were owned in cities than in rural areas and there was more crime in cities than in rural areas. What they used to measure that, and it is downstairs in our Law Library, is the incidence of hunting licenses. I don't know how many hunting licenses there are in Manhattan but I bet you that there aren't that many and there are a lot of handguns and there is a lot of violence.

The question of constitutionality has come up over and over again, and it is something also that this Resolution asks me to endorse, and it indicates that there is a constitutional right to bear arms and it has been confused and confused.

There have been four, not one, not two, not three but four United States Supreme Court decisions which have continuously linked the right to bear arms with the existence of the well-regulated militia. These decisions go back as far as 1875 and the latest one was in 1939. In the United States vs. Miller, the courts said, "With obvious purpose to assure the continuation and render the possible effectiveness of such a militia, the declaration and guarantee of the second amendment was made. It must be interpreted with that end in view."

What I am concerned about is several things: (1) the blurring of all firearms in this proposal; (2) asking us to accept as policy things that we don't know yet, accepting all the NRA's position; (3) indicating a position of constitutionality which has been overturned by the Supreme Court on four different occasions.

I think there is a rational way to go about the issue of dealing with firearms in our society, but I don't think this is the way to do it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and, more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Members of the House: I support the United States Constitution which guarantees the right of our citizens to bear arms. However, in case my position on this sensitive issue has been misunderstood by my friend, the gentleman from Westbrook, Mr. Laffin, I have long been and shall continue to be an advocate of small gun registration. This is one positive step to remedy the so-called Saturday night special and the slaughter of human beings, and I want to make that point clear.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I rise in support of Representative Laffin's motion because I feel, very simply stated, that there is no way to remove the guns from the hands of the outlaw, so why in the world should we try to remove

guns from lawabiding citizens?

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Briefly, there is one aspect of this Resolution which has not been mentioned. I plan to vote against it and I plan to vote against it not based on the merits of the question, I will not address that, that has been done adequately. I don't feel that this particular deliberative body here to pass laws — I read the Constitution the other day — that for the welfare of the state has any business dealing with this question, dealing with movies portraying homosexual activities, or having to do with the activities of the Canadian government and people in Canada, I don't think we have any business supporting or not supporting a private organization, and I shall go home to the people in my district and say, I voted against this Resolution and I voted against it because it had no business in the Maine Legislature.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this Joint Resolution be indefinitely postponed. All those in favor will vote yes those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Benoit, Berry, Boudreau, A.; Brenerman, Bustin, Clark, Connolly, Cox, Curran, Davies, Diamond, Dudley, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Mahany, Martin, A.; Masterton, Mitchell, Nadeau, Najarian, Pearson, Quinn, Raymond, Spencer, Talbot, Tarbell, Tarr, Tierney, Torrey, Twitshell, Valentine, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dutremble, Elias, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Higgins, Hunter, Hutchings, Immonen, Jackson, Jalbert, Laffin, Lewis, Littlefield, Lougee, MacEachern, Mackel, Marshall, Masterman, Maxwell, McBreairty, McHenry, McMahon, McPherson, Nelson, N.; Norris, Palmer, Paul, Perkins, Peterson, Plourde, Prescott, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Teague, Tozier, Truman, Violette.

ABSENT — Bennett, Burns, Durgin, Jacques, Kany, Lunt, Lynch, McKean, Mills, Moody, Morton, Nelson, M.; Peakes, Peltier, Post, Strout, Theriault, Trafton, Tyndale, Whittemore, Wilgong.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-four in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, the Resolution was adopted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Sprowl of Hope, Recessed until twelve o'clock noon.

After Recess 12:00 Noon

The House was called to order by the Speaker.

Mr. Drinkwater from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1978. (Emergency). (H. P. 2260). (L. D. 2197) Reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1986)

Report was read and accepted, and the Resolve read once. Under suspension of the rules,

the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1164) on Bill "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
MORRELL of Cumberland
HUBER of Cumberland

— of the Senate.

Messrs. McBREAIRTY of Perham
HIGGINS of Scarborough
PERKINS of Blue Hill
MORTON of Farmington

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1165) on same Bill.

Report was signed by the following members:

Messrs. JALBERT of Lewiston
CARTER of Winslow
Mrs. NAJARIAN of Portland
Mr. PEARSON of Old Town
Mr. GREENLAW of Stonington
Ms. GOODWIN of Bath

— of the House.

Reports were read.

(On motion of Ms. Goodwin of Bath, tabled pending acceptance of either Report and later today assigned.)

Divided Report

Majority report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1166) on Bill "An Act to Revise the Method of Computing Legislators' Expenses" (H. P. 1996) (L. D. 2077)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
HUBER of Cumberland

— of the Senate.

Mr. JALBERT of Lewiston
Mrs. NAJARIAN of Portland
Messrs. PERKINS of Blue Hill
PEARSON of Old Town
GREENLAW of Stonington
Ms. GOODWIN of Bath

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. MORRELL of Cumberland

— of the Senate.

Messrs. HIGGINS of Scarborough
MORTON of Farmington
CARTER of Winslow

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion to accept the Majority "Ought to Pass" Report. I guess my main reason for doing so, I rise hesitantly, I might add, I am sure that I am not going to win friends and influence probably even fewer people by doing so, but my main objection to this bill is that I consider it a backdoor approach to raising legislative salaries. I know there are a lot of people here who would say that the cost of rooms and meals have gone up considerably in the last few years and I would have to agree with that. There are

others who would say the cost of a room being \$15 or \$18 a night and that leaves approximately \$10 or \$5 for food and meals would lend credibility to the argument, but I think we all know and realize that most of us who do stay in Augusta, we do so on a weekly basis and rent rooms.

My own particular instance, I have a room at the Senator Motel and it cost me \$51.50 a week. I deduct that from my \$125 allowance, which leaves me \$73.50, and I think it is more than an adequate amount to live on. If you divide it by the five days that we are in session, it is \$14 a day and I think that that is really enough money, unless people are going out and drinking the infamous three martini lunch, is more than enough for a substantive living here in Augusta.

In addition to that, I am sure that those of us, I don't so much but there are a lot of people who come down the day before and do get their expenses for the day before the legislative session and, therefore, they are receiving \$150 a week, and if you remove the \$51.50 from that, or \$55, or whatever the case might be, that leaves you \$95 for the rest of the week, and that figures out to around \$19 a day. I just don't think that the legislature should be passing on increases in their own compensation, at least that is the way I see it, as compensation, at this point in time.

I would agree that the cost of rooms have gone up and that food has gone up, but I don't think there is anyone here is really losing out under the process, and I think the idea of expenses is to compensate us for our actual expenses. I see this as a move to reimburse us for more than that and I don't think it is fair and I think it deprives credibility to the people back home. There are a lot of us here who rent houses and split it two three or four ways and the cost of that is considerably less than what I am paying a week, I am sure, even if you include the utilities.

As I said, I think if the legislature wants to deal with raising pay, that is an issue that should be addressed and I could probably support a move of that nature. But I think we ought to address that straightforward and headon and not try an end run and try to make the people back home believe that then we are up here that we actually need more than that amount because I don't think we do. I think \$125 or \$150 a week is adequate to reimburse us for our actual expenditures.

I hope that today you would not support the motion to accept the Majority Report and, Mr. Speaker, when the vote is taken, I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I don't care too much to take issue with any member of the Appropriations' Committee, and certainly that includes my good friend, and I mean my good friend and colleague from Scarborough, Mr. Higgins.

I haven't always been in the position that I am in now. I would feel that I was looking out for myself if I did not go along with this proposition. I think that there are some things that people back home are not aware of. A lot of them aren't even aware that we are here. I think the gentleman from Scarborough, Mr. Higgins, would agree with me there and those that do know that we are here, I think they would like to have us get back home. In any event, I think if there was a little money left for some members, I don't think there is anything wrong with that.

I don't know what quarters my dear friend wanders around but I think they are pretty good quarters and I think probably he would find out, if he would use his pencil, I know he can do it well, that we are getting overpaid.

As far as the pay raise is concerned, I would like to go along with that also, but this is the proposition that is before us now, and at quar-

ter of seven this morning, I was watching Cliff Reynolds on Channel 6 and Massachusetts gave themselves a \$4,000 raise yesterday. He started to rattle off some states that were up in the \$17,000, \$18,000, \$20,000 or \$25,000 bracket. I want the members of this House to know this, that little do you know just how bad off some members are.

It was not too many years ago, believe it or not, when a member of this House, who was very, very proud came to me and told me that he had no money to live, so I helped him. Would you believe it, I had a place at that time and he demanded on doing something for me and, believe it or not, he washed dishes. That made me sad. If the people back home don't know these things, it is high time that they are told these things. I wasn't all that sorry about this until I heard Cliff Reynolds today, and if they can whack away at \$40,000 a year up, and start rattling off the states that are getting up to \$20,000, I think probably we could go along.

I am looking at the signers of the "Ought Not to Pass" Report here and the Senator from Cumberland, Senator Morrell — I think if you would take a ride up around the Brunswick area and look around and see the name Morrell on certain places — I am delighted for him, he is a personal friend of mine — you will see that he is not exactly in the welfare lines. Mr. Higgins himself, I think he has just admitted that he is pretty well off. Mr. Martin —

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe, who will state his purpose for rising?

Mr. GARSOE: Mr. Speaker, a point of order? I think the gentleman is entering an area of personal reference that is uncalled for.

Mr. JALBERT: Mr. Speaker, I will back away from my position.

The SPEAKER: The Chair would advise the gentleman from Cumberland, Mr. Garsoe, that from time to time, many of us discuss the welfare or lack thereof of corporations or of individuals that may or may not be in this body. These people are not in a position to defend themselves. The gentleman from Scarborough, Mr. Higgins, is present. If he wants to tell the members of the House how wealthy or poor he is, he may wish to do that.

The Chair would suggest, however, that the gentleman from Lewiston, Mr. Jalbert, might refrain from discussing the wealth of any one member or the lack thereof.

Mr. JALBERT: Thank you Mr. Speaker, Far be it from me to ever discuss what situation the gentleman from Cumberland, Mr. Garsoe, is in. It would bomb you out of the water — on a per diem basis, I am talking about now. I am glad that the gentleman brought it up. There is never a session that we don't tangle at some time or another. I don't know what the score is, but I think the gentleman from Cumberland, Mr. Garsoe, would have to say that this time here, I think it is not even a photofinish.

In any event, my basic reason for having signed this measure here is that I can remember, and you believe it, I can remember I wasn't eating too many tenderloin steaks here. There was no such thing as McDonald's, and even McDonald's is pretty expensive; I was just brown bagging it. As Ms. Goodwin from Bath tells me, if you don't like it, go back to your peanut butter nabs and that is exactly what it was, and that is the reason why I signed this thing here, because I know for a fact that we are not all millionaires. I am certainly not addressing myself to my very dear friend on the left, and I love him.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: Very briefly, then I will defer to the gentleman from Stonington. I would just like to respond to the gentleman from Scarborough. I don't care if this is the back door, I don't care if this is the front door, I don't care if it is a second story window, this is

a public vote and everybody will know where we stand. I don't mind discussing my own personal finances. I guess that is my business and if I want to share it with you I will, but this year I filed an income tax on adjusted gross income of less than I was making 10 years ago as a secretary and that is absolutely ridiculous. I didn't expect to come up here and get rich, but I didn't expect to come up here and go broke. I would remind you that if this doesn't pass, there will be no increase in expenses or salary until the 110th Legislature.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I won't take too much of your time. Most of you know that I am not coming back next year, I am not planning to run for reelection. I think the major reason is the fact that I can't afford it anymore. I have gotten a lot of press around my area about why I am not running. I had a second-page news article and most of it was about the fact that I couldn't afford to do this anymore. Since this article has come out, I have gotten nothing but comments from people, people that worked for my opponent last time, people that supported me and people that I am not sure which way they went, but they were upset that I couldn't come up here and make a decent wage and when I told them what I was getting and what I got for expenses and what it cost me and things like that, they couldn't believe it. If that is any sentiment of the rest people in the state, I don't think there is any problem in the state, I don't think there is any problem at all with us raising this up to \$35 a day.

I guess it just really bothers me that some of the elitist statements that I have heard around here about how some people can come up here and afford it and others can't. It really bothers me that I am in this situation and it bothers a lot of my constituents as well and I think my constituents are fairly much the same as a lot of other people's in this House.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: As one of the two sponsors of this bill, I can assure the gentleman from Scarborough, Mr. Higgins, and other members of the House, that this is not intended as a backdoor approach to increase salaries. As a matter of fact, I think probably a number of people know that when I introduced this proposal to the Legislative Council, I asked to introduce a bill that not only increased expenses for legislators but also increased salaries. The Legislative Council, in their wisdom, decided that it was not appropriate to introduce a salary increase bill, so we left this particular mechanism.

I think the reason why we ought to vote on this, and perhaps it is unfortunate that it has generated so much controversy and debate, but I think perhaps it is just as well that it be clearly addressed, is that the last time the legislator's expenses were raised was in 1974. Four years, if you just calculate inflation an average of 8 percent a year, we talk about 32 percent inflation over a four-year period of time. This particular proposal would increase the legislative expenses 40 percent, and I would venture a guess that within the next two years that inflation will have, in fact eaten up, pun intended, the legislative expense increase.

I would also submit that if there are some people who they do not need to claim \$35 per day for legislative expenses or, in fact, it does not cost them that much, I suppose that each individual legislator would have the option to only claim the amount that they feel it costs them to stay up here.

I do think that one of the main reasons why this legislature has a difficult time in attracting more people to run is very simply not only the salary compensation but also the expense compensation. It seems to me that if we ad-

dress the salary compensation this time, that we can attempt to address the expense compensation so that when a person does come up here to live, they can live on the amount that is allowed and not have to dip into the salary which the legislature provides or other income that they earn in order to live here.

I think it is a responsible bill. I think the people back home, when we explain to them the situation, at least I find in my district they feel rather supportive of this type of an increase.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I have been very concerned about this bill. I will tell you one of the reasons why. Four years ago, under the leadership's good wisdom, they adopted a program whereas we have courtiers come here from each district. I have been fortunate to have five in two years. One of our larger topics that we talk about is motivating young people to take a part in the future of this government. When they find out what we are making, most of that goes out the window.

Now, I hate like heck to see a legislature like this made up of wealthy, old people or people that are on pensions entirely, because I think you are denying the broad spectrum of people that should participate. If we should go on like what the former speaker who voted against this said, we would have just the wealthy here. I don't believe that is what we want.

The second reason that I voted for it is for yours truly. I have a very good reason for doing that too, because if any of you are aware of how I do my business, I pay everything by check, so what I speak about I can verify right to the nickel. When we went to that dinner last night, I had to give a check for that because I want to know exactly how much it is costing me.

During the month of January, the wife and I went behind \$57, and this is only on the expense account that we get. If I go back in my district when I have 13 towns, which I do probably three times out a month, I don't do it any more than that because of my health and because of the lack of funds, when you go in a district like that, it takes an extra tank of gas to do it, say nothing about the wear and tear on the tires and the rest of the car. During the month of February we went behind another \$10 beside that. Now, how long are you going to do that? If I wanted to live with four in a group, we probably could do it, but is this what we want the legislators to do down here, have to bunch up like a bunch of grapes? I don't think that is what we want.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: I think we should all keep in mind that the issue of expenses covers more than just what our expenses are here in Augusta, more than just our motels or our apartments or our meals. In addition to having to have a place to live up here, most of us have a place to live at home. I think we are required to be a resident of our districts in order to serve in the first place. I think, particularly for those like myself, for example, who do not have families living at home, I have a house sitting down in York right now on which I am paying mortgage payments, property taxes and utility bills to heat the place. I have got the heat turned down to about 45 during the week and I turn it up when I go home on the weekend. That is the residence that I have to maintain and a number of other people here in this body have to do the same thing, so we are talking about not only the expense of being up here but the expense of maintaining a home in our home districts that we don't even live in.

We also get reimbursed for travel, going back and forth here. We get reimbursed for one trip up and one trip back; yet, we all know that we have to go back quite often during the middle of the week to attend meetings and

functions as part of our duties as a legislator. So I think we should keep in mind that we are talking about more than just what it costs to stay in a motel room or an apartment or to buy a meal in Augusta. We are also talking about what it costs to maintain dual residency a good portion of the year.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that I have the reputation in this House of being free spending. However, I look at this proposed legislation before us and I am one of the few legislators that I think can live on the legislative expenses that are being passed out now simply because I live in the City of Lewiston and I am able to go back every evening and spend some time with my family. I sympathize with those who can't that. I really see the problems that people are having in expenses. I firmly believe — I don't drive a Volkswagen and it is expensive enough to drive the automobile that I have back and forth here to the legislature, and especially when our leadership decides that we are going to have afternoon sessions and I go to my office and come back, let me assure you that it does cost me money to travel back and forth, even though I live in Lewiston.

I do support this legislation that we have before us, only because of some of the things that some of the speakers have said earlier today. I think the legislature is a people's house and I hate to see it come to a point when the only people that are represented here in the legislature are — and I hope none of you take this as a personal attack — but I think the time has come for the taxpayers to become members of the legislature and those are the people who can't afford to be legislators. Quite frankly, they cannot afford to become legislators because they have a job which they can not take a leave of absence from and if they do, they lose that job. These are the people that are making \$10,000, \$15,000 a year and doing everything in their power just to keep their families above water. These are people, and I have met a lot of them which I have a tremendous amount of respect for, who say, well, what is going on in Augusta? Why are so many things being passed? Why are so many things being funded? I am the one who ends up paying for it. Sincerely, they would like to be members of the legislature, but when I sit down and talk to them and tell them what they are going to get for expenses and what they are going to get for a salary, realistically they can't be a member of the legislature and they know that.

I hope that everyone here feels as I do, my family comes first. If my wife didn't work, I couldn't be here and I am not ashamed to say that. I am fortunate that my wife is working.

I hope today that you will unanimously, to a person in this House, support this legislation, because I think it is going to do a lot to help those people who are serving in this body and possible entice someone else to participate in government.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Several people have asked me what the price tag is on this. The price tag is \$200,000.

Now, while I am on my feet I hope that you heed the words of the gentlelady from Bath, Ms. Goodwin, when she proudly says she can't afford to come back here, and I hope that is not going to be a fact, also when she says that we can't give ourselves anything at the next trip around or the time before. It will be two more sessions before anything can happen. I hope also that you heed the honest words of my dear friend from Lewiston, Mr. Biron. He lays it right on the line, honestly, just the way it is.

The SPEAKER: A roll call has been requested for the Chair to order a roll call, it must have the expressed desire of one fifth of the

members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am a bit sorry today to get involved in this, but I guess if I didn't feel so strongly about it, I wouldn't have. I am sorry that the gentleman or some people seem to indicate that each individual person's wealth here should get involved. I can assure, my good friend Mr. Jalbert, that I do not qualify into that particular category. That is not my particular issue. My particular issue or problem with this piece of legislation is a matter of principle. If you want the \$10 a day, I could vote for it as a salary increase. I have no problem with that whatsoever. It is not my intent to try and deprive this body or the other body, for that matter, of qualified and interested individuals who want to serve here in Augusta. I can assure you that I feel the pinch as much as anyone else does. I just don't think that I can go back home and say to the folks that I am spending more than \$25 a day here in Augusta for expenses. If you want to pass a pay increase, then let's vote on a pay increase. I hate to see it go around and under the auspicious of what we are actually spending here, because I don't at least personally and people that I know, I don't think they are spending that much and I think that \$14 a day, as I indicated before, is what I have left over after I pay my room rental and I think that is adequate.

If I might just comment on one other thing, and that was the remarks from the gentleman from York, Mr. Valentine. I don't think that it is up to this body here or up to the State of Maine to reimburse us for our expenses at home while we are here; that is what our salary is for, to reimburse us for expenditures while we are here in Augusta and not to maintain a place back home.

I know in my job I don't get an expense sheet for running my house and I am sure that most everybody else here doesn't either. That is part of living, that is part of what you have to take out of your salary every week. The expense part is simply to reimburse us for the expenses while we are here in Augusta to eat and to sleep and whatever else we might want to do.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to tell you that I totaled my car coming up and down here and it cost me something like four years expenses on this.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief this morning. I don't think there is any question that expenses from the last time the expenses were raised in this legislature have gone up probably considerably more than the meager amount that we are talking on this morning. So, if we have been taking what we have been getting now over the past several years and it has been more than enough, I just can't understand it. I just can't understand the good gentlemen's argument, Mr. Higgins argument.

I noticed on the report that apparently other than Mr. Higgins, most of the people that signed the "Ought not to Pass" Report are commuters, so they are not affected by the cost of staying in Augusta and living away from home and they probably turn in an entirely different type of an expense account than the people who are forced to stay here.

I would say that the folks on the Appropriations Committee who voted for for this increase were a little close with what they gave

us. I think that in order to be fair, they should have given us several dollars more, but being things the way they are, and I will close with the fact that in the tax packages we have coming down the line and in the Appropriations Act that we have coming down the line, most everyone in the state is getting something, and I would certainly hope this morning that we don't take the masochist view simply because we think that people wouldn't understand; I am sure they would understand. I am sure every citizen in the State of Maine realizes the crunch that the cost of living has created.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Going over the bill, the bill allows for increasing the meal allowance from \$12 up to \$17 a day. It also increases the mileage allowance from \$13 to \$18 a day. It says that each member shall, as far as mileage allowance, they will be reimbursed for the actual mileage incurred during the travel back and forth during the day at 13 cents a miles. I don't stay here, so I probably don't know as much about this as I should. Do the people that stay in Augusta also get paid for the actual room expense or do they get the allowable \$18 a day anyway?

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I stay up here; I get \$25 a day. I get my mileage one day, that is \$9.13 or \$9.30, but you get \$25 a day for your food and your room regardless of if you stay overnight Saturday night. You don't get paid for that nor Sunday night.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Bath, Ms. Goodwin, that the House accept the Majority "Ought to Pass Report". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA: Bachrach, Beaulieu, Bennett, Benoit, Berry, Biron, Birt, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Caroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Lizotte, Locke, Lynch, Mackel, Machany, Marshall, Martin, A., Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Spencer, Stubbs, Talbot, Tarr, Teague, Tierney, Trafton, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY: Aloupis, Ault, Austin, Bagley, Berube, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dudley, Garsoe, Gould, Higgins, Huber, Hunter, Hutchings, Immonen, Kane, Laffin, Lewis, Littlefield, Morton, Paul, Peltier, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Tarbell, Torrey, Truman.

ABSENT: Gillis, Jacques, LaPlante, Lougee, Lunt, MacEachern, McKean, Mills, Moody, Palmer, Peterson, Strout, Theriault, Tozier, Tyndale, Whittemore.

Yes, 95; No, 40; Absent, 16.

The SPEAKER: Ninety-five having voted in the affirmative and forty in the negative, with sixteen being absent, the motion does prevail.

The Bill read once. Committee Amendment "A" (H-1166) was read by the Clerk and

adopted and the Bill assigned for second reading later in the day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1860) (L. D. 1923) Bill "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency" (Emergency) (C. "A" H-1162)

(H. P. 2173) (L. D. 2174) RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (Emergency) (C. "A" H-1167)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 740) (L. D. 2195)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Ms. Goodwin of Bath, tabled pending passage to be engrossed and later today assigned.

Passed to Be Enacted

Emergency Measure

"An Act Concerning the Charter of the Guilford-Sangerville Water District" (H. P. 2161) (L. D. 2170) (S. "A" S-537)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 124 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 1 were taken up out or order by unanimous consent:

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1978 (H. P. 2242) (L. D. 2194)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 116 voted in favor of same and 7 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children" (H. P. 1934) (L. D. 2005) (S. "A" S-530)

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company) (H. P. 2136) (L. D. 2158)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bill passed to be enacted and the Resolve finally passed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Hickey of Augusta, Recessed until 3:30 in the afternoon.

After Recess
4:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Joint Order — Relative to Amending Joint Rule 23 — Cloture (H. P. 2254) Read in House March 15

Tabled — March 15, 1978 (Pursuant to the Rules)

Pending — Passage

Thereupon, the Order received passage and was sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

House Report — "Ought to Pass" — Committee on Marine Resources on Bill, "An Act Making Certain Substantive Revisions to the Marine Resources Statutes" (H. P. 1939) (L. D. 2019)

Tabled — March 15, 1978 by Mrs. Post of Owls Head.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the third tabled and today assigned matter:

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-1161) — Committee on Taxation on Bill, "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law" (H. P. 1969) (L. D. 2049)

Tabled — March 15, 1978 by Mr. Palmer of Nobleboro.

Pending — Acceptance of the Committee Report

Report was accepted and the Bill read once. Committee Amendment "A" (H-1161) was read by the Clerk.

Mr. Carey of Waterville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1168) was read by the Clerk and adopted.

Mr. MacEachern of Lincoln offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-1174) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendments "A" and "B" thereto was adopted.

Under suspension of the rules, the Bill was read the second time.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like someone to explain that amendment.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: House Amendment "A" to Committee Amendment "A" means that people would still be responsible for paying their taxes, even though they were going to take the state to court on the tax bill. We did not put an interest rate in here should the state lose, because the courts, in all probability, not only will set the penalty to the state, they would also set whatever the interest rate is at that time to go back to the person who had been aggrieved.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" thereto and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Senate Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-538) — Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (S-539) Committee on Health and Institutional Services on Bill, "An Act to Establish the Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136) — In Senate, Minority "Ought to Pass" Report Read and Accepted and the bill passed to be engrossed as amended by Committee Amendment "B" (S-539)

Tabled — March 15, 1978 by Mr. Goodwin of South Berwick.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves that the House accept the Majority "Ought to Pass" Report in nonconcurrence.

The gentleman may proceed.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: We have before us a fairly complex and, some people have told me, dull issue, and I think it is in a sense, but it also is an issue that has a lot of effect on what we are going to be doing and what the people of this state are going to be doing in terms of paying hospital costs for the next many years.

The Health Facilities Information Disclosure Act is before you from a bill that was originally introduced for the Governor in the last regular session, last year. The Governor's bill that was introduced last year was a bill that was to establish a state rate review board to develop uniform systems of date collection and a mechanism for mandatory rate review, and it had the authority for that board to establish rate review.

During the hearing, the department came in and asked that only the first part of that bill, which is the establishment of a state board, be developed. At that time, it sounded very simple. We thought that it needed some additional work, so we studied the bill over the interim period between the last session and this session. During that time, the Hospital Association came to the committee with an idea that they thought they would like to present to us. That particular idea was to have this state board that is going to be established, and I guess they have no qualms about that, have that state board given the authority or the responsibility to approve voluntary budget review organizations that the hospitals may want to set up.

They came to us with an idea such as 'carrot stick' approach that would say basically that the state board would approve a voluntary organization. If a particular hospital did not get involved in a voluntary organization, that state board would then have the authority to review and comment and act almost like a consumer agency over that particular individual hospital's budget in the hopes that they could maybe embarrass them into lowering their rates or something of that nature, the idea being that most hospitals would not want to have that done to them, so they would go into this voluntary program that would be run by the hospitals and then the hospitals could show us how good they were in being able to hold down their rates and their increased costs and so forth.

It sounded pretty good, and I guess most of the members of the committee decided that it was worth looking into and we continued working with the hospitals on this. So it came down to, after we reported a bill out that had this particular measure in it and then there were subsequent changes that were proposed, subsequent negotiations that went on between the department, our staff and the hospitals, the

problem being over how much authority this particular state board was going to have over the voluntary program, and we finally ended up last week coming with this particular divided report.

What I would like to do is explain briefly the report and what the bill does. First and foremost, and probably the most important, the bill establishes an independent state board. This board is going to be made up of 10 members, 8 of whom will be appointed by the Governor, subject to review by the Joint Standing Committee on Health and Institutional Services and confirmation by the legislature. The Commissioner of Human Services is going to be an ex officio member, voting member, and the Superintendent of Insurance, or his designee, will serve as an ex officio non-voting member. Out of the state board's membership, one member shall be appointed from a list of three names submitted by the Hospital Association, one from three names submitted by the Maine Health Care Association, which is a nursing home group; one member shall have had at least five-years experience in the field of health insurance and the administration of health care service plan; five members shall be appointed as consumers of health care who have no direct affiliation with any health care facility or institution. This board will basically have the responsibility to (1) establish a uniform system of reporting financial and other relevant health care data so that after comparisons can be made among similar types of health facilities, an accurate picture of overall health costs can be made; (2) further have the responsibility to report back to the legislature and Governor on what they find, recommendations that should be done in terms of controlling health care costs.

Subsequent to that, they also, in both reports, have the responsibility to approve voluntary budget review programs, and for those hospitals that don't participate in a voluntary review program, they also have the authority to review and comment on those individual hospitals' budgets.

The majority report differs in the way that it approves a voluntary program. In the majority report, the state board exercises up-front approval of procedures of the voluntary program. In other words, what is going to happen when this bill passes; if it passes, is that the Governor is going to appoint a board and they are going to get started and everything, and the Hospital Association is going to develop a voluntary board and the voluntary program is going to come to the state board and say, we want approval. Under the majority report, that approval will be conditioned upon the voluntary program meeting certain procedural requirements. Then the voluntary program can go ahead and begin to try to control rates and have budgets submitted to them from the hospitals and work on keeping rates down, however they want to develop it, based on the procedures set by the board.

Another important difference with the majority report is that in July 1, 1981, the state board, which will then have the expertise and data necessary, would have the authority to not only review and comment on hospitals that aren't in a voluntary program, but also to mandate rates and budgets for those hospitals, but only for those hospitals that are not involved in a voluntary program. We continue that concept, but if the voluntary program works, we will let it work.

Also in the majority report, one condition for a voluntary program is that the majority of the board of that program be a majority of consumers. In the minority report, only one third has to be consumers.

I feel another major flaw in the minority report that I think is very very important to consider, and I am not a lawyer, but I think it is important to consider, I have discussed this with the Attorney General people, they have

been before our committee, and that is the question of anti-trust laws. Under the minority report, we need an exemption in there for the anti-trust laws. There is an exemption given. It is the opinion that this volunteer program would be going against anti-trust laws. The problem with that is that we cannot exempt hospitals or programs from the federal anti-trust legislation, and the State Attorney General is the one person who is authorized to enforce those. So even though we tell him he can't enforce the state laws, he can still enforce the federal laws.

Under the majority report, according to an opinion given by the Attorney General and according to court cases, because the state has up-front capabilities to approve the procedures and, in a sense, have a little more control over the voluntary program, this exemption is not needed.

I would urge you today to go along with the majority report. I think it gives us our best chance to develop a good cost containment program for the future, and I would hope that you would support the majority report.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, hope you will go along and support the majority report on this bill. Last weekend, I was called by the President of the Hospital Auxiliary in my town urging me to vote against this bill. I didn't know what she was talking about when she called me because I hadn't heard of the bill, it was still in committee, but I did tell her that I would check on it and get back to her. When I got back to Augusta, I got in touch with some of the committee members and they explained to me what the bill would do with both reports. Then I called the lady back and asked her why she called me to urge me to vote against the bill. She explained that the executive director of the hospital to which she is an auxiliary member called her and told her that it was a bad bill. I said, what were his objections? She stated to me that if this bill passed, this board could come into the hospital and check into an individual's medical and hospital records, that they could come in and get all kinds of personal information to which they weren't entitled. I was quite sure that this wasn't true and I told her so. In fact, I told her I felt that it might be unconstitutional to pass anything like this. I again checked with the committee members and found that in fact that wasn't in the bill.

I am sure that some of you might have gotten some calls similar to the one I got over the weekend, and based on misinformation, and I am not making any allegations that people are lying, but I don't think that they knew what they were talking about when they urged people to vote against this thing.

I think this is a good bill. Hospital costs have continuously increased over the past 10 years to the point where it is almost impractical to get sick. Somewhere, somehow, somebody has got to put the brakes on this thing. I think this is one step in that direction. I think this is a people bill, it is a bill to take care of the people who have to pay the bottom-line costs in the hospital, and that is the patients. So I sincerely urge you to vote for the majority report.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I feel that this is another of these bills that wants to spend a great deal of money in order to supposedly save money. I wonder if you realize how many organizations and supervisory bodies are already looking into the question of hospitals and hospital costs. First of all, there is the federally mandated PSRO, which is the Peer Standards Review Organization. This sets up committees in hospitals which oversees medical evaluation, utilization of facilities, records review, tissue and transfusion review and drug use evalua-

tion.

In addition to that, we have this Health Systems agency which, I understand, limits their amount of equipment and additions into hospitals. We have the State Health Planning and Development Agency. We have the Hospital Licensing Board and the Division of Hospital Licensing which carries out the policies of the board. We have the Maine Hospital Association. We have the Pine Tree Organization which checks up on what the PSRO is doing. We have the Joint Committee for Accreditation of Hospitals. We have Medical Care Development, which was originally the Regional Medical Program. We have Hospital Services Program carried on by the Human Services Department which certifies all health care for Medicaid and Medicare. We have Medicaid Surveillance which surveys nursing homes, hospitals and doctor's offices to check on whether the state is getting its money's worth out of Medicaid. We have the Emergency Medicaid Services Program, we have the Health Education and Planning Program, and each hospital has a board of trustees whose principal endeavor, I am quite sure, is to cut costs. Now we are proposing to have a board which will add another layer of oversight onto the hospitals at the cost of \$100,000 for the first year and goodness knows what after that.

Mr. Goodwin has assured us that the hospitals themselves will kick in, as he put it, \$250,000 for this program. I hope you realize that the hospitals get their money from the charges they make to their patients and that any additional costs that they may kick in in order to oversee themselves in yet another way will add to the cost of patient care. This is inevitable. Also, in order to send in all the reports that are going to be required under this legislation, they will probably have to hire one to three more people to make out all the reports, and that, again, will add to the cost of patient care. Everytime you add another of these reporting bodies, you do add to the cost, and I do not understand why it is conceived that more and more oversight bodies are going to make anything any cheaper. Therefore, I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to respond and ask you not to go along with the motion to indefinitely postpone this, and for one very clear reason. The hospitals themselves have asked for and are supporting this legislation, the minority report. They are willing to put \$250,000 into a voluntary program. They came in and wanted it.

The Representative from Brunswick has talked about a lot of organizations, but nowhere in this state today is the data collection and a uniform system of reporting and a compilation of data, nowhere does it exist. The hospitals themselves are lobbying down here in the hallways for this report, for the minority report. They are lobbying for this bill; they worked for it; they wrote it.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, the hospitals have been threatened with the same stick that we have; namely, that the federals are going to come in and do it for you. I think it is time we stopped buying these threats all the time. The bill hasn't even passed in Congress yet. They are all running scared. That is why they came down and said they would rather have this than something worse, and that is what it amounts to.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Members of the House: I think this House, this afternoon, should heed some of the remarks made by the gentlelady from Brunswick, Ms. Bachrach.

In caucus today, I made the comment that the utility laws that were written in 1913, in my honest and humble opinion, were written by the utilities. But you know, you are talking about a \$350 million business here in the State of Maine, Ms. Bachrach. The combined total earnings of the utilities in this state is \$244 million; yet we have a governmental agency that oversees and operates to protect the people of this state, as well as the utilities themselves, in good business practices. I think that is the whole principle that Mr. Goodwin and members of the committee in Report A are trying to establish.

I don't know why in heaven you would be afraid to spend \$100,000 when you are going to be overlooking a \$350 million industry. To use the arguments here in this House today that if, in fact, we established and spent that kind of money that we would be increasing the hospital rates or the user rates of those hospitals is a farce, and I will tell you why it is a farce, because I believe in the old theory of the government principle of protecting people. And as Mr. Goodwin stated here just a few moments ago, in his opinion, and I know in my opinion for the ten years I have been here, Report B is a report that was written by the hospital industry.

I have battled with the utilities of this state as a member of this body for eight years, and anytime that lobby inferred to me that they were in support of a bill before my committee, it used to frighten me, because I knew from past experience that their interest wasn't with the consumer out there, it was with their investors.

I think the members of this House should take a good look at the bill that is before us and do not be fooled by all the support, the alleged phantom support that Ms. Bachrach is talking about. Report A is the report that I would hope this House would support.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I think that the gentleman from Bangor, Mr. Kelleher, supplied us with the levity that we need this afternoon. I would like to see the day when he is going to be scared to walk by some lobbyists because they might be drafting a bill again, but you hear things around here.

I would like to ask a question of a young man that I have grown to have a great deal of respect for his ability in the area of health and institutional services, the House Chairman, Representative Goodwin of South Berwick. How this bill ever winded up a party line affair is beyond me, anyway, but regardless of that fact, assuming that we could not get Report A by, the majority report, would we then be better off to have no bill at all or buy the minority report?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: It is a good question, because it is one that has been asked quite a bit. I will tell you right now, to be up front about it, I think it would be a mistake to send the minority report down to the other body. What I would do is, I think the important thing is that we need to get a state board established to begin to develop the data and the uniform systems of reporting. I think that to send down the minority report as written would be a vast mistake because of the problems that are going to develop that are going to overshadow what I consider a more important function, and that is the initial

collection of data and developing of uniform systems reporting. Therefore, what I would say is that is we cannot get the majority report, probably the next best step the we should take is send the bill down with simply the establishment of the board and let us spend a couple of years collecting the data and developing the expertise and we will deal with the voluntary program in some future session.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Mrs. Gill.

Mrs. GILL: Mr. Speaker and Members of the House: I would like to clarify something right away. Report B was not written by the lobby, it was written in cooperation with the department, the committee and we had some input from the lobby. That is what they are there for, to ask questions and get answers from, just like the department.

Going back to Representative Goodwin's statement, using the 'carrot stick' approach, reminds me, because a rose smells better than a cabbage, it doesn't mean it will make better soup. You and I know, with everything as costly as they are and we are trying to curb inflation, turning to a diet of rose soup isn't going to solve any of our problems. In fact, within a very short time, we would be right back where we were in the first place, looking for something more substantive as a solution to our difficulty.

I would just like to share with you some of the expenses involved in some of the states that have rate control in effect. Connecticut, their initial budget is a \$500,000 budget. In Maryland, it is \$510,000; New Jersey, \$2,373,000; Washington, \$1,641,000. So this is a lot of money to start these programs up. When these voluntaries are willing to try themselves.

This is what I propose, in Amendment "B", the minority report, it encourages the voluntary participation; namely, the hospitals to look at themselves. We are constantly being told that the medical system is in a crisis state because of the rising cost of the medical profession and the medical profession portrayed as greedy individuals. I don't believe that. They are there to heal the sick, and when you and I need them, that is where we go. I think we should put the problem of rising costs right where it belongs. There is inflation.

Everybody knows Sylvia Porter. She has given a lot of publicity to the democratic John Quinn while he was in his job, but she had an article in the Portland paper, under "Your Money's Worth," which is her column, and it says: "Inflation by itself accounts for close to half the annual rise in medical costs. Hospitals are paying out more and more in salaries, which represents about two thirds of their budget, and more and more for gas, electricity, food, other goods and services they provide."

In 1966, I purchased a home. It cost me \$19,000. On today's market, my home, if I wanted to sell it, according to Representative Carey, who is a realtor, told me I could get \$65,000 for it. My home is the same home I bought 12 years ago or 13 years ago. In fact, it is probably in need of a lot more repair right now. But what has happened in this 12 years is inflation. I am sure that those of you here remember that the first walking shoes that your children bought, I remember them, the first pair that my Stephen, who you have seen around here, wore cost me \$6. Now the same shoes would be \$15, for the very same thing. So this is inflation. We all know about coffee and sugar, gas and fuel, what has happened to these — that is inflation.

You can all think of many examples, I am sure. My point is, besides inflation if general, what the medical care system faces now is skyrocketing costs due to the additional programs, such as Medicare and Medicaid. These programs are with us. We have to live with them, but let's place the blame where it belongs. Open-ended programs with wide eligibility encourages the usage of all available services. The doctors in hospitals are not administering

these programs; the bureaucratic agencies are.

We are involved in this legislation purely because of the threat of federal legislation, as we were in Certificate of Need, but I ask you, can a government who can't even deliver the mail on time qualify to mandate and administer programs that would benefit little old Maine? Can a strong state board work effectively when the state is having difficulty now in reimbursing these same hospitals for Medicaid fees? Can the state, as the majority report suggests, effectively take on another responsibility when they haven't been able to maintain their performance of annual audits for hospitals? Doing audits for hospitals from 1973, 1974, 1975 and 1976, this last fall leads me to believe that it would be very difficult, indeed, for them to develop an effective rate-setting mechanism. Allowing the voluntaries who are critically looking at themselves to reduce in-house costs where they can will not reduce the quality of care when you and I expect and need it.

Let me cite a few examples where hospitals are doing this. I contracted probably half a dozen various size hospitals within the last month to ask what they specifically were doing to contain costs in their hospitals. I will share some of these things with you. One hospital that I contacted talked about their biomedical engineer who, if they had one on their staff, would cost approximately \$20,000 a year; plus, the hospital would also be obliged to purchase \$100,000 worth of various testing equipment to maintain coronary care, monitors, telemetry apparatus, stress testing equipment, and everything that is mechanical in a hospital. So this particular hospital is saving that way, because they belong to a bank and there are about 30 hospitals involved with in the State of Maine, and for approximately \$10,000 a year, they can pick up these services and have all their equipment maintained and taken care of.

Some of the hospitals share legal opinions when they are involved with common interest to the hospitals. They share computer systems where their business office and payroll functions are taken care of, and one of the hospitals stated that they save \$90,000 a year by being on a computer program where they didn't have to do in-house business and payroll functions.

There is a group purchasing activity as far as pharmacy drug purchases are concerned, and I even had one hospital tell me that their change-over to generic drugs where the bioequivalency was proven by the therapeutic committee has saved them considerable amounts.

There are seven hospitals in the southern end of the state who work together in health planning consortium, and they explore share services and try to provide a forum for the dialogue in preventing duplication of facilities and services. They are also involved in house-keeping services, utilizing a company where they can get them a lot cheaper by not having the in-house large staff that is needed and all the equipment that is needed to go with it, so they are able to save here.

There are many many areas where they are trying to save costs, and these are just a few. I could go into very many more, but I don't want to take the time because there are other speakers. But we have to be aware that as an industry figure, the hospital's wage and fringe benefit is over 50 percent of their costs. The minimum wage that we just passed calls for a 45 percent increase, and this is going to have a ripple effect in the hospitals. It is going to increase their costs even more, and we have to remember that they are not a profit industry.

There are a lot of areas where the state mandates through different departments. One hospital told me that the fire marshals demanded that they have a special flooring used in the operating room because of explosives, gas used in the operating room, when they indeed don't use explosive gases, so they had to go to an additional expense of over \$20,000 to put in a floor

when it really wasn't necessary.

We pass many laws and the federal government passes many laws that require them to make additional changes in their buildings and services, and one of them was the rehabilitation act, which we all know is needed. It handles handicapped people and allows them to gain access in various services, but the cost of this is borne by the hospitals. The drinking fountains had to be lowered, putting Braille buttons in, widening doors to toilet facilities and so forth, this has a huge impact on the industry.

I think the hospitals are trying to look at themselves critically and come up with cost saving areas, and I think we should give them a chance under the minority bill, if we could see that the majority committee amendment gets killed, and go on from there. The voluntaries should be allowed to have their chance. We all believe in local control, we hear this all the time, and I think this is an area where we ought to try it first before we go the other route.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, I would request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, it would be a real mistake to indefinitely postpone this bill at this time. The hospitals are perfectly willing to have rate review but they do not want rate setting, so let's get this indefinite postponement out of the way.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, you just said that those who had something to say against the bill could get up now, and I would like to say the three reasons why I will vote to indefinitely postpone the bill. The first is, one of the things in the bill is that there is an appropriation of \$100,000, which implies that they will be hiring staff. This staff cannot implement the law, I guess, as we were told earlier this afternoon, for close to a year. I would assume that they will act according to one section of the bill that says that they will have the power to apply for and receive federal grants. If they are successful and get a three to one return, it would give them a budget of \$400,000, which seems that next year or the year after, if federal grants dry up and someday it may happen, that would mean that the state would have to pick up the tab for another layer of bureaucracy.

My second reason for opposing it is that some of these costs we are responsible for; some have been out of necessity. Increased minimum wages, for example, are carried across the board from the lower paid to the higher paid staff, regulations affecting environmental controls and this sort of thing.

My third reason for voting against it is that state agencies many times have been unable to contain costs within their own departments, and I would submit that the legislature, perhaps, is a case in point. I am told that according to the Appropriations Act, the budget for the legislature this coming year is \$5-something million. Years ago, it was something like \$770,000, which tells me it is close to an 800 percent increase.

The SPEAKER: The pending question is on the motion of the gentlewoman from Brunswick, Ms. Bachrach, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bennett, Berube, Carter, F.; Cunningham, Devoe, Garsoe, Hunter, Hutchings, Jackson, Littlefield, Lougee, Masterman, McBreairey, Peltier, Peterson, Raymond, Shute, Smith, Sprowl, Stover, Stubbs, Tarr, Torrey, Whittemore

NAY — Aloupis, Bagley, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, G.; Goodwin, K.; Gray, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterton, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Neslon, N.; Norris, Palmer, Paul, Peakes, Pearson, Perkins, Plourde, Post, Prescott, Rideout, Sewall, Silsby, Spencer, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman. The Speaker.

ABSENT — Ault, Biron, Boudreau, P.; Carrier, Cote, Dudley, Dutremble, Gillis, Gould, Green, Henderson, Jacques, Lunt, Maxwell, McMahon, Mills, Quinn, Rollins, Strout, Theriault, Tierney, Tyndale

Yes, 26; No, 103; Absent, 22.

The SPEAKER: Twenty-six having voted in the affirmative and one hundred three in the negative, with twenty-two being absent, the motion does not prevail.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to defeat the motion to accept the majority report so that we can get to Report B. My reasons are very simple and I won't go into a lot of detail. These bills have plenty of detail in them. You have got I don't know how many pages of pink paper in each one of them, 16 I guess it is, so they are very very much alike. They both provide for the rate review, they both provide for a volunteer budget review organization. The difference between these two bills, ladies and gentlemen of this House, is whether or not you want to put the hand of Big Daddy on the hospitals and eventually set the rates. That is why they wanted to have this bill in the first place, because they did not want to have the federal government setting rates, and it is perceived that with the voluntary board and the voluntary system, that we will be doing things adequately here in the State of Maine so that it will not be necessary for federal government to move in.

I will take the paper that the gentleman from South Berwick had distributed on the 10th. At the very top of it, on Page 3, the differences are very clear in the bill. If you go with Report A, which is the matter before you now — although I understand we have permission by the Speaker to sort of discuss them both together — you go to Report A, which is the report before you now, you will note that it is mandatory but advisory with the report through 1981. You move over to the right and it is mandatory and regulatory if you go with Report A. If you go with Report B, you have mandatory but advisory throughout.

I would also point out to anyone who is concerned, the bill calls for a self-destruct in 1983 of the whole procedure. So that is where the bottom line is on these two reports, A and B. Do you want to go mandatory or do you want to go local control and self-regulation? I think that is what the wave of the future is. Some of us who were battered about a little bit by that wave back in November are still afloat and swimming around and creating some more problems, and I think we want to continue to let

the hospitals be in the position that they don't eventually run into mandation. If you go with Report A, that is what you are going to get in 1981, the state is going to be setting the rates. I don't want it, I don't think you do, and I urge you to vote no on Report A.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just clarify how I see the two reports, in light of the last speaker's remarks:

I think it is important to look at both of these reports and to remember that in both reports we are talking about a partnership effort, a mix of private and public working together to try and control the rising costs of health. In no way should we assume that there will be a mandatory program of rate review under the majority report by 1981. The majority report does allow for the creation of a mechanism which could be used to approve rates in 1981, if the voluntary effort is unsuccessful. And in looking at both the reports, we should be perfectly aware that in both cases at any time that the voluntary board does not meet performance standards set by the state board, approval can be withdrawn for that board, and at the time, under both reports, the hospitals would report directly to the state board.

I would like to deal with another issue that I think is basic to the difference between the two reports. It is an issue that concerns me a great deal because it has to do with our anti-trust laws. I think perhaps it is being treated entirely too lightly in the minority report, and I guess I am one who believes that anti-trust laws were created for a pretty good reason back in the early nineteen hundreds.

In the minority report, we seem to have some type of exemption from the State Sherman Act, and I say some type of exemption because in talking with the Attorney General's Office, the extent of that exemption is very unclear, and also in our Attorney General's opinion, it has been made perfectly clear to us that in no way does this exempt any activities by the hospitals or the voluntary board from federal prosecution under the federal anti-trust laws. I think this is pretty serious. We are asking our little hospitals to sort of hang out there in the wind and face possible prosecution under the anti-trust laws. The Attorney General's Office has said that the greatest risk comes not from the state but, in fact, from consumer groups and other health organization groups. If, indeed, prosecution is faced, we all know what legal fees are, and there are substantial fines that these organizations would face. Again, those would be borne in the cost of hospital costs to the individual consumers.

I would suggest to you that it is not in our interest today to pass a minority report which seems to be in flagrant violation of our federal anti-trust laws. I hope you will support the majority report.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to, I guess, like the partnership that the gentledady describes as perhaps the partnership of marriage, and between Report A and B, I think I can liken the partnership of marriage as being Report B, but the partnership of marriage in Report A would be the partnership that after 1981 I would be married not only to my wife, who I am very happy with, but to my mother-in-law and the whole rest of the family.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman Goodwin stated earlier, in January of last year, the Governor and the Department of Human Services brought before us a bill which would have just set up the independent state board, but I think that you should know that also the hospi-

tals and the doctors and Blue Cross appeared before us in testimony at the public hearing and they complained that the bill had been unilaterally prepared without adequate input from their Maine Hospital Association, or what they called knowledgeable providers. Well, our committee turned the bill down, as you know, and we did the study over the summer. Now we have come in to you with a majority and a minority report.

Mrs. Gill stated earlier that part of the reasons and problems was inflation, but the committee was cited statistics that showed nationally that hospital costs have far outstripped the over-all cost of living increases and hospitals alone have accounted for 40 percent of all health care spending, but Maine has been the highest in its rate. In its rate of increase in 1973, '74 and '75 it has been the highest in New England, and we have had the third highest rate of increase in the nation. Well, I do not think that the minority report adequately addresses these problems.

Now, the question before you, and I think it is an important one, is, would the VBRO, or the Voluntary Budget Review Organization, intervene in Maine? We have the problem in Maine, as I stated, and I think that it is more serious than we realize. Nationally, our hospitals have increased 15 percent per year in the last two years, but in Maine it has been between a 25 and 30 percent increase in the last two years. I think you should ask yourselves, can a voluntary organization have a serious impact on that problem and that problem has already been so well developed that I say, no, I do not think so.

The minority report, which was, by the way, offered by the Maine Hospital Association, who happened to be the creators of the VBRO's, or the Voluntary Budget Review Organization, is not capable of addressing any problems that we have in Maine, and what I think is more important is that the minority report does not put in place the necessary mechanisms that are going to be necessary to control the rates that we are going to be facing in the future.

Already this session, we have addressed the Certificate of Need, and we have taken the first step in trying to do something about the rising costs, but the steps that we took only dealt with construction and services. This is going to deal with the existing services and the problems that we have right now, and we can only address this if the state is going to be doing the regulating.

The majority report would create the mechanism that we need, and I think it could probably actually do something about the crucial situation that we have. It puts this necessary machinery into operation and it is going to allow it to review and approve the rates. It is not going to be setting the rates; the legislature is going to be determining that.

Mrs. Gill also mentioned about budgets from other states and she did cite Connecticut's budget. She gave us both budgets, but I also have some statistics on Connecticut and I found that Connecticut has established a state board to try to control their hospital costs and it has succeeded so well that its hospital costs are increasing at a much lower rate than the national level. That is what we are trying to do for Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I was present this afternoon, before I begin my remarks to the merits of the bill, at the Democratic caucus, very much interested in what was going to be discussed and the points that were going to be made. I have to say that I was shocked, I was dismayed at the low level to which the debate sunk. In my naivete and innocence, I have spent the last two days.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I object. I think we are supposed to keep our remarks to the bill.

The SPEAKER: The Chair thanks the gentleman from South Berwick. The Chair would suggest to the gentlewoman from Augusta, Mrs. Kane, that she keep her remarks to the bill.

Mrs. KANE: Thank you, Mr. Speaker, and I will try to keep my remarks to the merits of the bill in what I hope is a House of gentlemen.

The SPEAKER: And ladies.

Mrs. KANE: And ladies. We have had so many inaccuracies and red herrings drawn across this issue that it is almost difficult for me to discern what the issue is. The issue is not that hospital costs have risen — they have and nobody denies that; the issue is not that it is expensive for people to obtain medical care — it certainly is, and it may be hard for some to believe but the members who signed the minority report are concerned about this and our own consciences feel that we are doing something about it with our report. I, in good conscience, signed the minority report because I felt that it would do the best job and I would like to explain the reasons why.

Under both reports, once the voluntary board gets started, the state board would have control over it. The state board would be able to withdraw approval, as the gentlewoman from Auburn, Mrs. Trafton, so plainly and convincingly stated, very strong club over this voluntary board would be able to withdraw approval if the standards of performance were not met that were dictated by the state board or if the procedures that the voluntary board used were not likely to enable it to meet those performance standards. So, I think that that is a pretty strong club, and that convinced me to vote with the minority report.

This bill, contrary to the information of some, to my understanding, and I would like to see someone prove different, was brought in as a compromise between the hospitals and the Department of Human Services and was worked on by our aides who have worked very, very hard on this, and I hate to see someone else get all the credit. Ron Deprez. The main difference between the majority and minority reports is that the minority report would allow the hospitals to get started right this summer, which they very much want to do, working out their own organization and their own procedures rather than waiting for the state board to get started and then have to have the procedures approved.

I feel, although it is not, I am sure, the intent of the majority report, the majority report would sabotage all the efforts of the voluntary organization by keeping it hanging until the state board could finally get around to being ready to approve procedures.

The second major difference is, as Representative Trafton stated, the anti-trust provision. I don't feel that the minority report treated this issue lightly. If she has some information from the Attorney General's Office that I don't have in the decision was sent to all of us on the committee, I would sure like to see it, but my understanding of the opinion was that neither of the two bills protect the voluntary board or the hospitals from federal anti-trust statutes. I am really touched at her concern for the hospitals, the little hospitals all over the state, but neither report, without an exemption, would protect the voluntary board or hospitals from state anti-trust statutes and I certainly have no information to the contrary and I would like to hear it if there is some. The Attorney's General opinion sure said this. The difference, of course, between the two is that we did take the trouble in the minority report to exempt the hospitals that Representative Trafton is so concerned about, from anti-trust suits, because we were concerned about it.

The third major difference, as had been frequently stated on the majority report, on the

voluntary board, there would be a majority of consumers. We freely admit on the minority report that there would not be a majority of consumers, there would only be one-third representation from the hospitals, one-third consumers and one-third, third party payers. Anyone on the committee, and everyone on the committee who has been involved in this, knows that there is nobody hotter to trot on rate regulation than third-party payers, which is principally Blue Cross-Blue Shield. Although there are not a majority of consumers on the board, it is not a majority of hospitals either. It is only one-third hospitals, and for something that is supposed to be their own board, they don't even control it.

The fourth difference between the two reports is that as of July 1, 1981 in the Majority Report, there would be mandatory rate setting by the state board for all hospitals that were not participating in a voluntary program. I think this is getting the cart before the horse and I think this is something that occurred to all of us on the minority report. The presumption is that the voluntary effort will fail and, of course, we would have to have the state board step in. It is a little premature; I think the 109th could deal with this issue, especially inasmuch as in both reports the state board is to report to the legislature and the governor in January, 1980, with his recommendations as to whether there should be mandatory rate setting, and here we are, in 1978, deciding that there should be in 1981. This is sort of a reverse sunset; this is going to happen unless the legislature does something about it. It very well could be that if the Governor should veto an attempt to change the statutes, it would take two-thirds of the legislature to prevent this from happening in 1981, when the legislature and the state board don't think it is a good idea. So we feel we should wait until we have more information before we make our decision on this.

Finally, I have a little quote that I would like to read. I was very much impressed by the gentleman from Lisbon Falls, Mr. Tierney, last week when he quoted from Shakespeare on a bill and I have to admit that I am not as learned as he, but I do have a quote and I think it is very appropriate and I hope no one will think I am making light of this issue, but if you listen very closely, I think you will see there is a lot of truth in it although it is humorous. It is a quote from Dr. Suess, one of my son's books.

"Oh, the jobs people work at. Out west near Hotch-Hotch, there's a Hotch-Hotch bee watcher. His job is to watch is to keep both his eyes on the lazy town bee, a bee that is watched will work harder, you see. Well, he watched and he watched, but in spite of his watch, that bee didn't work any harder, not much. So then somebody said, our bee watching man just isn't bee watching as hard as he can; he ought to be watched by another hotch-hotcher. The thing that we need is a bee watcher watcher. Well, the bee watcher watcher, watched the bee watcher, he didn't watch well, so another hotch-hotcher had to come in as a watch watcher, and today all the hotchers who live in Hotch-Hotch are watching a watch watcher watching watch, watch watching the watcher who is watching that bee, you are not a hotch-watcher, you are lucky, you see."

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: The majority report also would allow the voluntary board to get going immediately, and I would refer you to Page 14, Section 6, language which was specifically put in here to allow the voluntary board to immediately get going and to develop their criteria which, down the road, would be approved by the state board.

In answer to the gentlelady from Augusta, Mrs. Kane, the problems with the anti-trust problem here, it seems ridiculous to me to talk about giving protection to the hospitals by

giving them a state exemption, when we are all aware that the federal laws, indeed, are as strong if not stronger than state law.

In terms of the majority report, because we will be giving the state the lead in this and they will be approving the criteria that are developed by the voluntary board and are directing the activities of the voluntary board, the Attorney General's Office feels that they would not come under any violation of the anti-trust law. It has to be very clear that the state is the lead agency in this.

Finally, I am afraid I don't have any quotes from Benjamin's books, he is only seven months old, but I would give you a quote from the Finance Officer and he told me that in the last 10 years medical care costs in this state, in our budget, have risen 1,115 percent.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: In response to the last quote from Dr. Suess by Mrs. Kane, I would like to point out that the state is the bee watcher in the minority report watching the hospitals do their thing, the way they have been over the last several years.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: There has been an awful lot of rhetoric flying through the House this afternoon on the anti-trust laws. After reviewing the Attorney's General opinion and also in light of other Supreme Court cases, no matter whether we adopt the majority report or the minority report, it is going to be necessary for us to have an anti-trust exemption, and I just wanted to clear the air at this point and defer until such time that it is proper to present an amendment so as not to affect, one way or the other, the votes on the majority and minority reports.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: Hospital costs have fair outstripped over all costs of living increases. I want to tell you that in human terms, this means that Americans work approximately one month of the year to pay for their health costs. In hearings before the Congressional Sub-committee on Health in 1977, there was some comparative data that proved that Maine has the highest rate of increase of medical costs of any state in New England. These things you have heard before, you know it, you know we have a problem, we have all recognized that the hospitals know we have a problem, third party payers know we have a problem and most importantly, we who pay the costs in health care and health protection know we have a problem.

Now, this afternoon we have another problem; we have two reports before you, and what we are dealing with is this you can't run a business on bad information. The majority report is a very reasonable one. It allows a voluntary organization, which is made up of hospitals and third-party payers, to establish their criteria for information, and if it agrees with the state board, it can begin immediately and we can begin the process.

We are talking here about a reasonable measure of authority, and that is what that majority report is about — who controls the controller. Are we going to have a weak board or a strong board? The majority report asks for a strong board. It is not a state board, it is not an arm of the state, please remember that.

I will not prolong my remarks but I have much to say because our committee worked long and hard, as many of your committees have on this, and we have reams of information but not doubt most of you now understand the issues and are now ready to vote.

I ask when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I would just take issue with one remark made by the gentlewomen from Portland, Mrs. Najarian, and I see she isn't here. I think she missed the point of my little story just a little bit, probably because she hasn't read it a 185 times like I have, but I feel that we have the bee, which is the hospital, we have the bee watcher, which is the voluntary board, and we now have a bee watcher watcher, which is the state board, and how much farther do we want to go? I think that that is the point.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to clarify a few points and then I hope we get to the voting on this.

First of all, there have been several things thrown around regarding the cost of this. Representative Berube pointed out that she felt this was going to get out of hand. I would like to give you a few examples of what is happening in some other states.

One example, Minnesota, which I think is an excellent example to use for a couple of reasons — first, Minnesota has a program that the majority report is almost identical to. The Minnesota program is actually a little bit tougher, a little bit stricter in the law, but the up front procedure approval type of thing is very similar in our majority report. Minnesota has 174 hospitals; I think Maine has either 53 or 56, I am not sure. They have got 174 and the total cost of their program, which has been in operation for over two years, is \$125,000 and it seems to be working pretty well.

A couple of other states are very similar, but I would like to point out to you that we have got a \$350 million industry. If we spend a couple hundred thousand dollars to save one percent increase in costs, we are more than making up for that, because that increase in costs is coming out of our pockets here when we have to vote in increase the medical care account, which has skyrocketed in the last five years, and it is coming out of our pockets when we are out there paying our Blue Cross premiums or whatever premium we have to pay for insurance.

I think if we can look at some of the results in the other states, they have been helpful in keeping costs down. I don't want to throw out a lot of percentages, but Connecticut has been very successful in this, and they have had a mandatory program going on for some time.

I would also like to point out that I think one of the major factors why I support the majority report is this anti-trust problem. I really feel the hospitals are making a mistake, and I don't understand where they are coming from on this, because they wanted and we can only give them an exemption from the state anti-trust law; yet, the Attorney General and the people in his department have told me that they are in a position to enforce the federal anti-trust laws and would look very closely at this if this passed.

It seems to me that if I were a hospital, especially a small one, and I didn't have much to spend on legal fees, legal costs, that I would want to certainly be protected and wouldn't mind having someone overlook my procedures in terms of reviewing my budget, if that was what I was going to have to do to be protected, and under the majority opinion, I don't know where the gentleman from Bangor, Representative Tarbell, is coming from, but I think I am going to trust the Attorney General's opinion before I am going to trust his. I have got it right here and I will read from it. I will read you this whole paragraph. "Industries do, of course, exist in which normal economic controls fail to secure an open and competitive market for goods and services." — obviously, the hospital

industry. "When such a situation arises, there may be a need for regulation of the industry. Courts, however, have made it clear that such regulatory activities will be immunized and immune from anti-trust liability only if that activity is controlled and dominated by the state" and there is a whole series of court cases that back that up. I just came from the Attorney General's Office this afternoon, and going over this, the wording that I got was that there is a much less chance, almost nonexistent chance, of any anti-trust action being brought under the majority report. Of course, you are not going to get a definite answer, you will never get a definite answer from a lawyer, and that is no offense, it is just that the way the law is, you know that you cannot get a definite answer from a lawyer.

The major problem with this whole thing, I think, is perception, perception of what the two reports will do. Under the majority report, basically you have the voluntary program, and they can get started right away and it is going to take them a good six to seven months to even be prepared to get going on this, if not a year. They are not ready to move on this and it is going to take them just as long as it would take a state board to develop their procedures to get their hospitals to go along with it. Once they get going, they are going to come to the board and the board is going to approve their procedures up front where everybody knows where they stand. The board in the meantime is going to develop their data systems, their uniform reporting system, which they would do under both reports, they are going to be developing their performance standards, which the voluntary program will have to meet in a year or two, which they do under both reports. The only difference is that up front control of the procedures. There are some real important reasons for that as well. As anyone here knows that has any background in accounting or any familiarity with it, there are a lot of different types of accounting procedures you could use to move money around in budgets or to present something that looks good but is really padded. Anything that has been around here for awhile, especially working with some department heads, could probably verify that.

What we want is to make sure that the board and the voluntary program are up front in their dealings, that everybody knows what they are dealing with. I don't think that is too much to ask. And down the road in 1981, up until 1981, if any hospital chooses not to go into a voluntary program, they are going to have their budgets reviewed and commented on by the state board. Then, in 1981, the board would have the authority to — only on those hospitals that are not in the voluntary program, so if the voluntary program works, this is going to be effective, I mean, the hospitals aren't going to be affected by this power to set mandatory rates, but that is what the Governor wanted in the first place, initially, to have the state board have complete control, with no voluntary boards or anything, just setting the hospital budgets.

I think this is a good compromise between what the hospitals wanted and what the Governor wanted, and the Governor through his department heads wanted. So I think the matter is perception, and I don't think we are going to run into a lot of major problems with this majority report. I think we are going to be safer. I think the hospitals are going to be in a better position, even though they don't and I don't understand why they can't see that, if they were really sincere in what they wanted to do, and that is to try and hold down the costs. If they are just trying to pull and end run around the federal legislation that is coming down or state mandation, then I can see why they want the minority report.

I want to make one last point, because the federal legislation supported by the Carter Administration is working its way through Con-

gress and it does have an exemption for state programs, but within that law that is written, and it is going to go through some more committees, but I think what the essence of it is going to be is some very very stiff criteria as to what states are exempted, and under those criteria as they presently stand, the minority report would not qualify. You have to have up front control by the state to qualify for a state exemption under the federal program. I think that is important to remember as we are voting on this so we won't have to go through this whole debate next year or the year after.

I think the matter is of perception. I sincerely believe that under the majority report, in a couple of years, the state board and the hospitals are going to be able to work together and they are going to be able to work together to control costs in a partnership type arrangement.

The SPEAKER: A roll call has been ordered. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that this bill has been one of the most controversial bills that has come up before our committee this year, and as several speakers have mentioned before, it has consumed many of us intellectually as well as emotionally, as you can well see.

I think one thing must be said, and the issue here really comes down to an issue of control, control of dollars, control of the health care delivery system here in the State of Maine, control over the policies which shape them, and what it comes down to is not just the difference in perception, it comes down to what the people in this state are going to pay for in terms of health care. If you realize how many people have been contacted by their local hospitals, and I think if you listen to the debate today, you have heard different representatives speak of 'we,' it is like a collective, it is like a group soliloquy, 'we'. If anyone wants to think that this bill, this minority report, was not drawn up, controlled and dominated by the Hospital Association in this state, or the physicians in this state, or Blue Cross-Blue Shield in this state, or the Department of Human Services in this state, they are wrong, because they did control it.

What happens here is that a small group of people control totally, in my estimation, the development of health care policy and also the way health care is paid for. The problem throughout the country of a \$300 billion health care cost is not the problem of the citizens, because they don't know why, they just pay. They don't have any choice. Your father, my father, your family, my family, I don't care what their political persuasion is, they pay. And the difference in this room today and other legislatures throughout the country and in the Congress today, and they are debating it just like we are, and the hospital associations and the physicians and all the rest of them are right there debating it in the same way, using the powers that they have. Thomas Jefferson once said that the basis of law is survival of the individual. This can be a nation, it can be an international body, it can be a legislature, it can be a person, and that is what is going on today. The hospital associations have been dealing with this particular issue for 20 years. It just didn't come upon us; it is in 22 states.

We sit here on our committees at a tremendous disadvantage. You didn't hear from your

constituents on this issue, you heard from the hospitals. You didn't hear from one person, and I haven't heard one person say today, what about the people back in my district, because they don't know what is going on today. I think this is the biggest problem. We don't have anything against the hospitals or the doctors or quality care in medical care, that isn't the issue at all, it is the way we have contributed to our retrospective payments for medical care. We created the problem for paying them for no matter what they charged, because we need to get the services. We don't care, if our child is sick we don't go around saying, let's go shop down in Bangor or go to Portland or go to this doctor, you get to that doctor and you pay. Yes, sir, I will do whatever you say. That is the difference. It is a monopoly, it is a benevolent monopoly, I agree, it is not free, but it is certainly enterprising. If you tell me once that the physicians in this state don't make money, they control, in my estimation, the policies and the development in hospitals. We haven't heard hardly a word about that. They control policies just as much as anybody else. How do they do that? They do it because they are on these boards. The exert pressures on the very people who want this rate review bill, the hospital administrators, Blue Cross-Blue Shield. They have instituted these in 22 states and they have created and have come up with results.

Who was against it? Who was against it on the national level today? We heard about the PSRO's, physicians' groups. The physicians are against PSRO. They have been against it right along. The Congress is going to eliminate PSRO's. Why? Because they want it all to themselves. They do not want this body, which represents the people of this state, involved in their processes. This is a bill that is going to create prospective payments. This is the difference between these two bills, one thing procedures. How are we going to get into how they establish their procedures? That is the key thing.

The regulatory part is going to come down, because you know why? We can't afford it anymore. We can't afford a \$300 billion budget on the congressional level. We cannot afford the \$500 million bill that is going to come up in two years — they know it and we know it and the majority opinion on our committee knows it. ~~But do you know who doesn't know it? The people. They can't understand what goes on with rate review, and the reason they can't is because it is too complicated, and we don't have a lawyer advising us on our committee, we don't have the advantages of the hospital associations or the doctors; yet, many of them are good and hard working. No one is taking one thing away from them. What we are saying is, open it up to the people. Make it a consumer-oriented body. This is not an independent state agency, we are talking like the Department of Environmental Protection. You have the hospitals on there, you have the doctors, on there, you have the medical health facilities board, you have Blue Cross-Blue Shield, you will have, yes, consumers, and it is about time they had a chance to get on these boards. Why should state government have an opportunity to be here, because we pay one third of the costs. We pay \$93 million in Medicaid and Medicare bills. Now, you can whip it off, it is nothing, but how about all these other social services for people we want to give. What about services to other people?~~

We have debated taxation here today. The problem is, we don't take it serious enough, and I was worried today because I didn't think anybody in this body took this particular issue serious enough, just like Certificate of Need. But if you ask any one of your constituents, not the person on the hospital board, not the trustees, but the people who have to go get these services, they want it done and they want it done now, and it is up to us to take the responsibility.

It is very clear, ladies and gentlemen of the

House, that if you look at what the oppositions to our particular position have said — Mrs. Gill mentioned that it costs, yes, in the state of New Jersey, \$200,000 and then it went up to \$2 million for their review board. The key thing is, she didn't mention the savings. They saved \$56 million in that state. They didn't save a nickel, though, when they had it involved and controlled by the hospital association. The state controller of insurance moved in and said, look, this is not working, they tried to do it for two years and they said it is not working — why, because you cannot review a regulating agency who is going to set up its own procedures for regulating itself. I think this is the important point.

Take a look at New York, who was on the verge of bankruptcy in 1969. They instituted it and for four years they were going down the tube. All of a sudden, they put in rate review and regulation mandatory by the state, and they have saved \$250 million in costs. That is something I think we can go for.

I am sorry if I have gotten a little emotional by it, but I remember a statement by Mr. Laffin, our good gentleman from Westbrook, who I usually almost always disagree with. He said to one of my friends, you know, the minute I walk through that door over there, and I didn't forget what he said, friendship stops; I have a responsibility to my constituency. I never forgot that because he speaks from his heart and he also speaks very truly, even though I may disagree. The same thing goes today. Mrs. Gill and many other members of our committee, there is a difference; yes, it did go by party lines on committee because there is a difference of philosophy, we come from different directions, but the point is, if you want to create meaningful change in your health care costs in this state, you are going to have to give the consumers the same open developmental process and awareness on collecting this data, making these judgments and taking out of the industry that you so have today.

My last point will be, this is not going to involve just the state and the bureaucrats. Take a look at the workingman. He pays taxes, and I thought of what Representative Carrier said today — both Democrats and Republicans pay taxes, income taxes and property taxes, whatever. ~~The person who pays taxes pays for Medicare. That is for our elderly people who need it. The person who pays taxes pays for Medicaid; that is for our poor families that need it. The person who pays taxes also pays hospital insurance premiums. Then he has to turn around and pay for the deductibles and everything that comes out after because hospital costs are too high.~~

What we are doing here, we are taking a step, a meaningful step, with this majority report of making sure that we institute a responsible board that is going to be able to operate independently. The hospitals can start right today cooperatively with us. Blue Cross-Blue Shield could start cooperatively with us today. It is a partnership between the public and the private. They still have the opportunity to carry on the procedures as best they can, but I will submit to you, ladies and gentlemen, that other states have tried this in the most workable form and we have worked on this for six months. It is this type of a partnership but with one difference and the difference comes down to control. The control should be with the people, not with those persons who have proven through years of high increases in cost, which now have reached 20 percent in the State of Maine, vs an 8 percent increase in the gross national products a 13 percent increase across the country.

I hope you support this majority report.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Mrs. Gill.

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: Representative Kerry

talks about partnership. I, for one, would not like to be involved in a partnership to give the partner a choice, and the choice is either getting stabbed in the back or shot in the head, because you are going to get it in the end anyway. We have backed them up against the wall and I think we ought to let them get involved and not continue to overpower them with this mandated procedure and let them develop budgetary data which, in fact, will be useful and meaningful and let them go from there.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up again. Gosh, Representative Kerry is a hard act to follow. I am actually embarrassed to get up and dispute some of what he said.

I sure wish I could feel that I had a monopoly on concern about high hospital costs in the state and the nation and concern about people that need to get hospital care; I don't feel that I do. Perhaps — I know Mr. Kerry takes issue with use of 'we'. I guess I don't know who he is referring to, but I was referring to the lonely duo; Mrs. Gill and myself, in the House that signed out this report when I speak of 'we' we on the minority report.

I wish we could keep to the issue here. The issue is not high hospital costs, as I said, it is not the power of the hospitals or whatever. The issue is the difference in the two reports. Both groups would like to reduce hospital costs. I surely hope no one in the body thinks that those on the minority report would like to see hospital costs go up or would not like to see them decrease, it is not the case. We would like to see them decreased, although Mr. Kerry says not one has said, "what about my people back home." Well, I will let him hear it. What about my people back home, who many times in my knocking on over 4,000 doors in my campaign were against government, more government and government regulations. Many, many times this came to me. We do not have to pay for this right now.

It may come down the road that once we give the voluntary board a chance, they may not be able to handle it and we may be forced to pay with our tax payments, Democrats and Republicans alike, factory workers, middle income people, we may be forced to pay for this type of strong regulatory board, but we don't have to pay for it now. We can give the voluntary organization a chance to work. If it doesn't work, they have slit their own throats, they can't come back here and say 'give us a chance.' We have given them a chance.

I do take issue with Mr. Kerry's statement that this issue is too complicated for people out there to understand. It isn't too complicated for my constituents to understand at all. The issue is more government regulation where it is not necessary or the minimum amount of government regulation that will work. I think we do owe the hospitals an opportunity to try because they have not had they have not had the opportunity to get together.

This anti-trust thing that has been bantered around here and people probably don't understand, I sure don't either, but it is certainly the case and no one disputes it, that if they decide to get together now and reduce hospital rates, that would be in violation of state and federal anti-trust laws and they could and would be sued by the Attorney General's Office of the State of Maine. We are giving them an opportunity in the minority report to try it out themselves, and if they don't do it, tough luck. Come next session, I am sure there will be many, many members here that will remember this and be willing to regulate them right to the hilt, and that is only correct. I do think the people do understand this issue, they don't want to pay for any more government than they have to pay for.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the

gentleman from South Berwick, Mr. Goodwin, that the House accept the Majority "Ought to Pass" Report in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentleman from Mars Hill, Mr. Smith. If Mr. Smith were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If Mr. Spencer was here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Talbot. If Mr. Talbot was here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Henderson. If Mr. Henderson was here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to pair my vote with the gentleman from Calais, Mr. Gillis. If Mr. Gillis was here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Beaulieu, Bennett, Benoit, Berry, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Curran, Davies, Diamond, Dow, Dudley, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hickey, Hobbins, Howe, Hughes, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bachrach, Berube, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carey, Carter, F.; Churchill, Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Garsoe, Gill, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kane, Kany, Lewis, Littlefield, Locke, Lougee, Mackel, Masterman, Masterton, McBrearty, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Sewall, Shute, Silsby, Stover, Stubbs, Tarbell, Tarr, Teague, Torrey, Twitchell.

ABSENT — Ault, Bagley, Biron, Carrier, Du Tremble, Gould, Green, Jacques, Lunt, Maxwell, McMahon, Mills, Rollins, Strout, Theriault, Tyndale.

PAIRED — Cox, Gillis, Hall, Henderson, Marshall, Norris, Smith, Spencer, Sprowl, Talbot.

Yes, 69; No, 56; Absent, 16; Paired, 10.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-six in the negative, with sixteen being absent and ten having paired, the motion does prevail.

The Report was accepted and the Bill read once. Committee Amendment "A" (S-538) was read by the Clerk.

Mr. Tarbell of Bangor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, the Majority

Report which we adopted here this afternoon does not have an exemption from state anti-trust laws. This is a friendly amendment which would include that exemption to make it expressly clear that the legislative policy and intent of this body would be to exempt the hospitals and the voluntary board under the majority report from state anti-trust violation prosecution. It is a friendly amendment and it would strengthen considerably the status and stature of the majority report that we just adopted and I hope you would go along with this.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: It is very rarely, but there are times, sometime, I wish I was a lawyer. I am going to move indefinite postponement of this amendment.

I have talked to people in the Attorney General's Office. I read you a section of their report and I guess the reason I feel comfortable with what the Attorney General and the people in the anti-trust and consumer fraud division people, who deal with this, have told me, that with this type of an up front procedural approval, we will meet the standards that have been set by court cases.

The reason I am going to indefinitely postpone this amendment is, and this is one of the reasons why I didn't like the minority report, is that I am afraid of beginning to grant exemptions from anti-trust legislation. I just feel that this is a bad precedent to be starting, because there are probably a lot of other areas in the state and groups in the state that could come in and say, yes, we can do a good thing too if you just give us an exemption from anti-trust. We would get together and set our rates or our costs or something and I think that this is not the way we want to go. I just feel very uncomfortable with this amendment. I feel comfortable with what the people in the Attorney General's Office have told me; therefore, I would move that we indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am terribly sorry that I have to be up again. I do have to take issue with the gentleman from South Berwick, Mr. Goodwin. The text of the Attorney General's decision that we got clearly stated that without an exemption, both reports did put the voluntary organization in a hospital in jeopardy of anti-trust suits. Gosh almighty, we have seen so much concern on the part of the people on the majority report about these poor little local community hospitals and how we want to protect them from anti-trust suits, and here we have the opportunity to just do this little thing in giving the exemption, there is no one who says we want to be sued, I don't understand what the opposition is, I just really don't. There is no harm in granting them the exemption from the anti-trust statutes, because we are asking them, we are urging them, we are practically forcing them, in this majority report, to get together and, on the other hand, we are saying, do so at your own risk. The Attorney General's opinion clearly stated that there was no protection, clear cut protection, for the voluntary organizations or the hospitals. I think it is fine if we want them to be sued, but for heaven's sake, let's not expect them to get together and do anything, if that is what is going to happen to them.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Representative Kane is right about the Attorney General's opinion on the two reports but the problem was, the Attorney General's opinion was referring to the original bill that was reported out of committee, L. D. 2136, and the draft that the hospital associa-

tion presented to us at a hearing several months or a couple of months ago. In talking with them subsequently, when Reports "A" and "B" came out, the Attorney General's opinion was not referring to the majority report, which we have just adopted. I went down today to talk with them down there, the people that wrote the opinion about the majority report, they were of the opinion that we did not need the anti-trust exemption in the majority report. If we had reported out the original bill as written, it would have needed it, or had we reported out, the hospital association's draft, which was pretty much the minority report, then we would have needed it, but in the majority report, we would not need it and the opinion doesn't address that. What it does address, and I am reading this from the cover letter from the Attorney General's opinion where it states, and I read it before, but I will read it again, "that the courts, however, had made it clear that such regulatory activities will be immuned from anti-trust liability, only if that activity is controlled and dominated by the state" and under the feelings of the people in the Attorney General's Office, that the majority report does this. That is all I can say, not being a lawyer, I am just going on my gut reactions in talking about the majority report with the Attorney General people this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: You have been told here today, during the course of this debate, that lawyers will never give you a definite answer. It was stated specifically in the debate, prior to the adoption of the majority report, that no specific answer would be given on the question of anti-trust violation. Now, it is our understanding that a definite answer has been given. I ask you, can you have it both ways? This particular amendment would make it definite, express and specific that it is our intent to protect the very boards that we are establishing in the majority report from state anti-trust suits, whether they be initiated by the Attorney General's Office, by consumer groups or any other agencies or group or citizen within the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It is quite difficult for me to disagree with the jurisprudential scholar from Bangor, Mr. Tarbell, but I am afraid that I must, to reluctantly characterize his amendment at best as superfluous and just plain silly. You see, the hospitals in Maine, all but probably the very few small ones, are subject to federal anti-trust legislation. The United States Congress last year enacted legislation, which gave state attorney general office jurisdiction over enforcing federal anti-trust legislation. Lest the good gentleman from Bangor is able by state legislation to exempt our hospitals from federal laws, which he may be able to do in his own jurisprudential wisdom, but which I think would probably be quite difficult, the fact is that he is not exempting Maine hospitals from potential anti-trust liability. All he is doing is taking the state laws and saying that they don't apply, even though the federal laws do apply and even though the federal laws are going to be prosecuted by the exact same people who prosecute the state laws. So, this amendment just doesn't make any sense, it doesn't lead anywhere. It doesn't help the hospitals, it doesn't help the bill, and I urge we go along with the good gentleman from South Berwick and indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: You heard earlier today in the debate that the state of Minnesota has adopted similar legislation to the majority

report that we adopted a few minutes ago. The Federal Trade Commission, the FTC, under federal anti-trust laws, has given tacit approval to not prosecute under federal anti-trust laws: If the state of Maine, in addition to adopting the majority report, goes on record expressly exempting from state anti-trust prosecution, that would be a flag and a signal to the FTC and any other federal agencies, as well as the Attorney General's Office on the second floor, that it is our intent to protect them from anti-trust suits. If we are going to set this up, we are going to regulate competition, which this does, we are going to engage in the potential price fixing, restraint of trade, all of that is anti-trust action. It seems only logical and consistent that we ought to go for it and expressly state the policy in clear, English language.

Mr. Boudreau of Waterville requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. BUNKER: Mr. Speaker, I would like to pair my vote with the gentleman from Freeport, Ms. Clark. If Ms. Clark was here, she would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I would like to pair my vote with the gentleman from Stockton Springs, Mr. Shute. If Mr. Shute was here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hickey, Hobbins, Howe, Hughes, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Tierney, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Garsoe, Gill, Gray, Higgins, Huber, Hunter, Hutchings, Jackson, Kane, Lewis, Mackel, Masterman, Masterton, McBreairey, McPherson, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Sewall, Silsby, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Torrey.

ABSENT — Ault, Bagley, Biron, Carrier, Dudley, Dutremble, Gillis, Gould, Green, Henderson, Immonen, Jacques, Jalbert, Littlefield, Lizotte, Lougee, Lunt, Marshall, Martin, A.; Maxwell, McMahon, Mills, Rollins, Smith, Spencer, Strout, Talbot, Theriault, Tozier, Tyndale.

PAIRED — Bunker, Clark, Connolly, Shute. Yes, 71; No, 46; Absent, 30; Paired, 4.

The SPEAKER: Seventy-one having voted in the affirmative and forty-six in the negative with thirty being absent and four paired, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill, "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service" (Emergency) (S. P. 672) (L. D. 2076)

Tabled — March 15, 1978 by Mr. Kelleher of Bangor.

Pending — Adoption of Committee Amendment "A" (S-542)

Mr. Kelleher of Bangor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1177) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Could Mr. Kelleher please tell me what this amendment does?

The SPEAKER: The gentleman from Augusta, Mrs. Kane, has posed a question through the Chair to the gentleman from Bangor, Mr. Kelleher, who may answer if he so desires.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment that I offered to L. D. 2076 is a salary increase for your district attorneys.

In 1973, when the legislature established the district attorney system, we set a salary at \$23,000. This amendment would increase their salaries \$3,500. Over the past four years, the legislature, in its wisdom, has increased the salaries of the Supreme Court Justices, the Superior Court Justices, as well as the Chief Judges of those respective courts, District Court judges and the Chief Judge of the District Courts substantial amounts of money.

This is a minimal amount of money, considering the fact of inflation over the past four years, a raise of \$3,500 for each district attorney in the State of Maine, and I think it is only fair and just and I would hope that the House would support it this afternoon.

Mrs. Kane of Augusta requested a vote on the adoption of House Amendment "A".

The SPEAKER: The pending question is on the adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Boudreau of Waterville requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Birt, Brenerman, Burns, Bustin, Carey, Carroll, Carter, F.; Chonko, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Fenlason, Flanagan, Goodwin, K.; Gray, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, Mahany, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Peltier,

Plourde, Post, Prescott, Quinn, Rideout, Silsby, Sprowl, Stover, Tarr, Teague, Tierney, Truman, Twitchell, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fowlie, Garsoe, Gill, Huber, Hutchings, Kane, Lewis, Lougee, Mackel, Masterman, Masterton, McBreairey, McPherson, Moody, Morton, Palmer, Pearson, Perkins, Peterson, Raymond, Sewall, Tarbell, Torrey, Trafton.

ABSENT — Ault, Bagley, Biron, Brown, K. C.; Carrier, Clark, Dudley, Dutremble, Gillis, Goodwin, H.; Gould, Green, Henderson, Hunter, Immonen, Jacques, Jalbert, Littlefield, Lizotte, Lunt, MacEachern, Marshall, Martin, A.; Maxwell, McMahon, Mills, Rollins, Shute, Smith, Spencer, Strout, Stubbs, Talbot, Theriault, Tozier, Tyndale.

Yes, 75; No, 40; Absent, 36.

The SPEAKER: Seventy-five having voted in the affirmative and forty in the negative, with thirty-six being absent, House Amendment "A" to Committee Amendment "A" is adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Petitions, Bills and Resolves

Requiring Reference

Bill, "An Act to Authorize Washington County to Raise Either \$1,200,000 for Construction or \$900,000 for Renovation of a Detention Center" (H. P. 2279) (Presented by Mr. Conners of Franklin) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Local and County Government.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any Committee and sent up for concurrence.

Consent Calendar First Day

(H. P. 2164) (L. D. 2173) Bill "An Act to Incorporate the Vinalhaven Water District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1178)

(H. P. 2229) (L. D. 2189) Bill "An Act to Revise the Maine Sunset Law and State Agency Rules Law" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1180)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 17, under listing of Second Day.

Passed to be Engrossed

Bill "An Act to Revise the Method of Computing Legislators' Expenses" (H. P. 1996) (L. D. 2077) (C. "A" H-1166)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Passed to be Enacted Emergency Measure

"An Act to Establish the Maine Takeover Bid Disclosure Law" (S. P. 665) (L. D. 2056) (C. "A" S-527)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112

voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Extending the Time for Apportionment of County Taxes from March to April in the Year 1978" (H. P. 2243) (L. D. 2196)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1978 (H. P. 2217) (L. D. 2185)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Provision for Future Funding of Existing Programs from the General Fund" (H. P. 2010) (L. D. 2085) (C "A" H-1147)

"An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure" (H. P. 1871) (L. D. 1928)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor
Tabled and Assigned**

"An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) (C. "A" H-1132)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Carroll of Limerick, tabled pending passage to be enacted and tomorrow assigned.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

**Petition, Bills and Resolves
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Appropriations and Financial Affairs

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit" (Emergency) (H. P. 2273) (Presented by Ms. Goodwin of Bath) (Cosponsor: Mr. Morton of Farmington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to printing.

(Off Record Remarks)

On motion of Mr. Carter of Bangor,
Adjourned until nine-thirty tomorrow morning.