

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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June 14, 1978

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December 6, 1978

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APPENDIX

SENATE

January 24, 1978

Senate called to Order by the President.

Prayer by Reverend Stephen Holmes, United Church of Christ in Winthrop.

Reverend HOLMES: Let us pray. Oh mighty God our Heavenly Father, bless our State, that it may be a blessing to the nation and the world, and that our ideals and aspirations may be in accordance with your will. Keep us from hypocrisy in feeling or action. Grant us sound government and just law, good education and a clean press, simplicity and justice in our relations with one another; and above all the spirit of service which will abolish pride of place and inequality of opportunity through Jesus Christ our Lord, Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to Certificate of Need. (S. P. 652) (L. D. 2013)

In the Senate January 17, 1978, Passed to be Engrossed as amended by Senate Amendment "B" (S-433)

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "B" and House Amendment "B" (H-973) in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: I move we adhere, and would speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves that the Senate adhere, the Senator has the floor.

Mrs. SNOWE: Mr. President and Members of the Senate, the other Body added an Amendment which was similar to the one which we soundly defeated last week. It increased the threshold to \$150,000 and included physician's offices again which we opposed. It also included a two-tiered level of care; one for those who receive public assistance and one for those who receive private insurance coverage.

I think that we have to consider today whether or not we want to exceed the Federal Minimum Regulation to include physician's offices in expanding the Federal mandate and my contention is that there hasn't been a demonstrated need to show that physicians are in fact purchasing unnecessary, expensive, sophisticated equipment, and that we should include them in the Certificate of Need process. So why include them? Why over regulate when it is not necessary. I think ladies and gentlemen we have to analyze whether the benefits of regulation is worth the cost of compliance. People have been saying that this amendment would not really do anything, that it is a watered down version and that is the point. I am saying why pass something that really is not going to effect anyone or do anything? I think people are tired of passing legislation that really is not effective and it is over regulating. I think also in this case that we also have to consider whether or not the Certificate of Need process, in fact, will provide the constraints to control costs inflation and improve the quality of health care, or are we just creating through the Certificate of Need process a bureaucratic maze and political processes that will counteract the benefits. I think that we have to in fact get accustomed to the Certificate of Need process here in Maine to see whether or not it is effective and whether or not we can efficiently administer the program. If we see that physicians are purchasing unnecessary, expensive equipment, then we can include them at some point in time, but I do not think that we should be overly ambitious and I do not think that we should be hasty in our actions at this point.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that

this item be tabled until later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested on the tabling motion.

Will all those Senators in favor of tabling this item until later in today's session, please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

13 Senators having voted in the affirmative and 17 in the negative, the motion to table does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President I move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Recede and concur.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President and Members of the Senate: I believe that the Senate did debate this or a similar amendment the other day. And as one Member of this Body I am very concerned, as I am sure most of us are, with the problems of insurance period, health insurance. I think that most of us recognize the fact that there is a desperate need of some form of nation health insurance. But there are major problems and those problems are how do we arrive at some form of cost of control. It is well known that if the Congress wanted to extend medicaid and medicare throughout the country, that the country would go bankrupt over night and it would go bankrupt over night because of the fact that these controls are not present today.

The Secretary of Health, Welfare, and Education, is concerned about the cost of hospitals and is doing something about it. But there is no one, absolutely, no one, doing anything about the costs of doctors. The Amendment before us today I feel is really no control whatsoever. I stated the other day, I believe that if we were really sincere in trying to bring about some sort of cost control we would do as other states have done or at least some of the states have done and that is to put, to set this not at \$150,000 but at \$5,000 where the Certificate of Need would be granted if there was a need for this particular equipment. And I stop to realize that hospitals and doctors provide the necessity of health care for every citizen in this country. We should realize that we have no control as individuals within this country as to where those health services are to be provided. The doctors generally go practice in some areas of the country where they deem it is most profitable for them. Hospitals are generally established in the same manner with the large populations exist. And it is strange that it is not the way we have dealt with others in the business of protecting our lives. The old argument is, the policeman, the fireman, the sailors, the army, the old saying that not all policemen can patrol Park Avenue, not all sailors can be stationed in San Francisco, as pleasant as that might be. Just because an Army Officer wants to be a calvary man does not mean that he is adequate to serve in that position.

I think that we have to recognize of the very heavy cost of insurance or health insurance today for our citizens, and if we are serious about trying to bring these under control or the costs under some form of control, to me this amendment that we are debating here this morning is almost frivolous, because we are speaking in the area of \$150,000, and there is absolutely no restriction. The doctor can still go out and purchase the equipment. The only thing the amendment says, when it starts dealing with public funds in the cases of medicaid and medicare as far as being reimbursed to help pay for that equipment that will be analyzed

and will be held back if they feel that equipment is not necessary.

So it is really a very frivolous amendment that we are voting on today, but it is, it will, at least could be used as a sounding board that the Eyes of Texas are Upon You, so to speak to the medical profession, that we are concerned with the purchasing of this equipment and that we are going to sort of take a look at it. So I would urge the Senate to vote to recede and concur this morning along with the other Body.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President I wish to support the motion of the Senator from Cumberland, Senator Conley.

Ironically I find that the present status of the Bill is now in a position similar to the amendment that was offered by Senator Trotzky yesterday and at that time I voted against that amendment. However, I did so because I wished to reduce from \$150,000 down to the level of \$50,000. I think it is important for us to realize that there are still a number of pieces of very sophisticated medical equipment that do fall in the range of \$150,000 and more, and in previous debate of course, we pointed out that the Cat scanner, which is perhaps used as an example most of the time, but there are other pieces of equipment that also fall in this same price range, that would be subject to review if this Bill were passed in the amended form. Among those things are such things as: Auto Analyzers. Auto Analyzer is a sophisticated piece of equipment used in a pathology lab to perform multiple types of blood tests within seconds. It is used very advantageously in hospitals, it can do the work about 22 times as fast as it can be done by manual methods. It seems to me that there is nothing that would prevent several doctors from banding together and purchasing this type of equipment for their own use and thereby compete and take away from the revenues that must accrue to hospitals if they are to survive and if they are to control their costs in any manner at all.

In previous debate, I think the Good Senator from Androscoggin, Senator Snowe, pointed out that health care costs are increasing at a phenomenal rate, and the latest figures that I am privy to show that that rate is something like 15 percent per year. I can recall only a few years ago when the daily bed rate in many hospitals in Maine was around \$20.00 per day. I think that most of you know that that figure now runs from \$70.00 up to \$120.00 per day. And everything that contributes to the costs of health care that is a duplication, it seems to me we ought to consider some way of alleviating hospitals now are in a position where they are scrutinized by the Maine Health Service Agency at any time that they buy equipment or make changes in the procedures in their offerings in their hospitals. Same is true of nursing homes, and other health care facilities. While this is a very modest attempt at a small amount of regulation for the medical profession, I think that it is one that we ought to consider very seriously. Now in addition to the items that I have mentioned that would cost over \$150,000, there are some other things, among them are diagnostic X-ray equipment, ultra sound. I happen to be involved recently in the construction of a new hospital in my own community and we have a budget, I think, of something under a million dollars for new equipment for that institution. And yet I was informed recently that we had a physician in the area that purchased some equipment on his own without review that cannot help but compete with the facilities that we have to have in our hospital. It is extremely important to hospitals that they can make a little money on some areas of health care and some of those areas are pathology, radiology, X-ray there is some profit that accrues to hospitals and they very much need that in order to survive.

I think that this offering today is a very

modest compromise. I think that it will point up the problems that exist and the necessity for those who provide health care as physicians to contribute in a small way to containing the health care costs which are rising at such a fantastic rate, and I hope today that you will support the motion to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate: I would like to have the opportunity to explain my vote in opposition to this Amendment this morning. I basically oppose it primarily on philosophical grounds. I oppose the motion, the amendment, because I fear an expansion of control by a governmental body. I fear a control by the Federal Government which mandates review, I fear a control by the State Government this ever widened web of control. And it bothers me that these controls are being expanded to not only hospitals but also to doctors and to the professions. For example, the cost of health care today is rising and it is rising rapidly, but so is the cost of everything else and I fear, for example, this may be a step that we discussed Auto Analyzers here a few minutes ago, for example, some garages have auto analyzers to examine performance of engines and others do not, should we review whether a garage should purchase an auto analyzer to keep the costs of auto repairs down.

How far can we go with control by the State and review by the State? In reviewing some of the committee hearings that I have had in the past year relating to the cost of medical insurance, there is no guarantee that what we do by even limiting the limitations of actions that medical insurance is ever going to go down. There is no rational any place along the line to show that a review is going to bring the costs of medicine down or the cost of medical expenses down. The only thing that this Bill is going to guarantee, this Amendment, is just going to really guarantee a monopoly for a hospital or for a group of doctors in a certain area, and I just can not see how we can improve medical care in the State of Maine by establishing or directing a control over these items, which will eventually lead to a socialized medicine and I cannot see how we can establish better care by establishing monopolies in certain areas. So I would philosophically, strongly oppose the Amendment. I do not feel that the Government should get expanded into the professional area, to the private area, and I just do not seriously feel in the long run that this is going to place any kind of limitation on the rising prices and I would urge that you vote to defeat this amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, the other day I voted against the Amendment of Senator Trotzky's to do much the same thing that this Amendment will do, in fact, the same thing. I have thought about it long and hard since then, and I have come to a decision on this that I was voting erroneously before.

I too have grave philosophical doubts about our regulating private business and private industry from the State House here in Augusta. Fortunately for this Amendment, and the reason that I rise today, is to support the Senator from Cumberland, Senator Conley's motion to recede and concur. What we are dealing with here now is control on the use of public funds. If the Senator from Androscoggin, Senator Mangan will read the Amendment, he will see that it deals specifically with the use of public funds, and I think that it is our responsibility as public servants to see that these funds are used properly. If the Amendment had no stipulation that it must be public funds in order for them to comply with the Certificate of Need program. I would be opposed to it. However, it does not. They need only comply with the Certificate of Need if public funds will be used, and

I think we are indeed the guardians of public funds, and we should face our responsibilities squarely and in doing so, we should vote to recede and concur. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I have some very grave concerns about some of the implications of some of the arguments that we have heard here this morning. Specifically, the comments that were made by the most Honorable Minority Leader of this Body and my very good friend, Senator Conley.

I refer specifically to the comments that we in the State of Maine do not allow other professions in other areas that have to do with the preservation of life, and the safety of human beings to determine for themselves where they are to live, where they are to practice, and where they are to pursue that profession. The implication that I hear is that perhaps the State of Maine has some kind of business in determining where doctors are to practice their profession within the borders of the State of Maine, and I would ask that as a specific question. As to whether or not that is the implication behind the words of the Minority Leader of this Body.

There are serious problems in the delivery of health care. Not only in the State of Maine, but across the nation. There are no other societies in other parts of this world that deal with that problem and deal with it very effectively. And on the other side of this world they refer to them as barefoot doctors. Because they are indeed barefoot. And they do indeed work and toil beside the peasants in the fields pulling rice, and they are there. Immediately they are available right beside them to care for any problems that other workers may have, but I can assure you Mr. President, that they are not there by choice. They are there because that society determines that the society as a society, has some business telling them where they are to be and how they are to work and how they are to practice their profession. And they give up a good deal for the benefit of the delivery of a health care system they do have. And that good deal, of course, is something that all of us, all of us as citizens of this nation have and hold very precious as to the individual freedom that we enjoy.

I think that we have to look at some of the implications of what we are talking about in this Body. They have another requirement in that society, and if anyone wants to open a store or begin a business they must first have the permission of the local Revolutionary Committee. That happens to be the governing body of the localities. The individuals may do nothing without the permission of the State. Now, I recognize that we are trying to do something to alleviate the very serious problems that we do have with the health care system and the delivery system in the State of Maine and in this nation. But we have to do that by keeping very much in mind some of the implications of where we may be heading. And we are not only wrestling with this problem here in the State of Maine, but we are wrestling with the problem on a national basis as well. And the Federal Government has come up with certain guidelines that they feel are appropriate at this time. And what the Minority of this Body is asking us to do, at this point in time, is to go beyond the Federal Guidelines, go beyond what the Federal Government has said, is the appropriate role for government in this area. To establish larger governments, bigger governments in the State of Maine, than what even the Federal Government has provided.

We are dealing with a very serious problem, we have some very serious solutions, and I think that we should operate very carefully, and I do not think that the State of Maine needs to have a larger regulatory role than what the Federal Government has even submitted for

consideration. I would hope that we could defeat the motion to recede and concur, and to vote in favor of the motion to adhere, which was made by the good Senator from Androscoggin, Senator Snowe.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I must respond to remarks made by my colleague, the good Senator from Kennebec, Senator Speers.

I do not know what system he was talking about, but apparently it provides a health care even though it may be under the strong arm of the Government. I say this, and I know perhaps it does not deal directly with the Amendment that we are discussing, but I recall back when I was 4½ years old, when I had busted appendix, laying in my bed at home, that a doctor came rushing in to examine me and carried me out of the house in his arms and got me to the hospital. I wonder where you can find a doctor today that will make a house call. You will be lucky if you can find one in a ten mile radius, and let me make it perfectly clear, I like to use that old adage speaking of a great American that I have a great deal of respect for. I live in a community that probably has more doctors than poor people, and it is difficult to get a doctor to make a house call.

Several years ago, I sponsored a Bill here in order that was to provide a very similar health care delivery system as that of the so-called National Health Insurance in Congress. And we passed a Joint Order. In no way was I misled to think that anything would come as a result of that order that we would be able to put through legislation dealing with health service deliveries throughout this State, but I had the opportunity of traveling from Kittery to Fort Kent. We had public meetings all over this State, and I am sure that the good Senator from Kennebec, Senator Speers, as he journeys around within the next several months getting to meet all the fine people, he ought to ask them, he should find out what the problems are in the rural areas of Maine as to the health deliveries system, because we have a despicable one. Nobody here in this Chamber can be proud of it, and this Bill is not going to do anything about it. This Bill is not going to do anything about it, because what we are debating here again, is trying to control the cost, but it is unfortunate. I recall the town of Jackman, that continues to ring in my mind as the good Senator from Kennebec, Senator Speers was speaking. And how difficult it was to be able to keep a physician within that community to provide services. We know what the story is, as far as the medical field is concerned. But I ask all of you just to prick your conscious for one moment to at least read this Amendment and what I really find hard, is that the fact that we have a motion, if the motion to recede and concur fails, that we have a motion to adhere. Which could very well jeopardize the entire piece of legislation.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, apparently there seems to be a little apprehension on the part of the proponents to go beyond the federal guidelines. I can remember so very well, within the past five or six years that when it came to the environmental laws in the State of Maine, we certainly did not hesitate to go beyond the recommended federal guidelines, and I think we are that much happier for it.

I still maintain that the Minority report was the best version, keeping the cap at \$75,000. I look upon the Amendment today that is before us, as really a watered down version, which gives the medical profession the flexibility they need. I cannot see any deleterious effects with this particular Amendment against the medical profession of the State of Maine. I think we are really talking about in this parti-

cular Amendment is the unchallenged economy that the medical profession has been used to having for a long standard of time. If we accept this Amendment, I think we are saying to the people of the State of Maine, this is one giant step forward in your behalf, and will basically curtail this unchallenged economy that I just spoke of.

I would like to quote from a recent article that came out some of the problems that were brought about by the proliferational cost in the medical profession. The caption goes, "The Cause of the Problem" It states the following, "There is no single reason for rapid escalation in health care cost, economic, political, and social forces have combined with the historically unchallenged economy of the health profession to produce the American medical care system. But certain key characteristics stand out, not the least of which is unbounded public expectation that medical care can solve virtually all health problems. But the other causes include the following: 1. The unique position enjoyed by the physician who acts as both the decision maker on whether and what services would be rendered and then provides or orders those services. 2. A heavy dependence upon insurance mechanisms that cloud the real cost of health care. 3. A cost base retrospective payment system that offers hospital, little incentive to economize, and 4. The vast public and private economic stimuli for the growth of medical facilities without regard for the true community needs." And this is what it is all about. The true community needs. One final point that they stress which I thought was of significant value, "There is no evidence that health care providers left to their own devices would do anything other than behave in a manner, which will continue to fuel the inflationary buyers or any deeply imbedded in the structure of our American system."

I sincerely hope Mr. President, and Members of the Senate, that you would concur with the motion by the good Senator from Cumberland, Senator Conley, that the Senate recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate, I think that the Senator from Cumberland, Senator Conley, adequately described the Amendment, and that is that it is frivolous Amendment. Does it really make sense then, I ask you, to pass a frivolous Amendment? A watered down version that really does not do anything. That does not get us the problem.

Now Certificate of Need legislation which originated from the Federal Government was aimed at hospitals, and reasonably so. Because the hospital bill is 40 percent of our health care bill in this nation, which is a \$134 billion last year, and hospitals do not have any reason to not buy equipment because they are reimbursed for reasonable cost. There is no cost containment in the reimbursement formula. Only 1 to 2 percent of our health care costs are attributed to physician's equipment.

Now if we recede and concur, we are accepting an Amendment which in fact does allow the Department of Human Services to determine whether or not equipment is commonly associated with the physician's office. I would be interested to see the criteria determine what is and what is not commonly associated with the physician's office, and then in addition to that, if the Medicaid recipient walks into a physician's office they cannot have the benefit of a piece of equipment because the Department has not determined that that is commonly associated with the physician's office. I do not think that we want to reach that point. I would oppose the motion to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate, I fully did not intend to get in on

this argument this morning. When the good Senator from Cumberland, Senator Conley, answered out Majority Floorleader and said that no matter what had been said between the two of them had much to do with the Bill, I agreed with him, and I do not think that too much of what has been said by both gentlemen has much to do with this Bill, because I do not think whether we accept the Amendment or reject it, it is going to do much with the health care to the individuals throughout our state.

Two weeks ago, I had the opportunity to speak to the York County Medical Association, a group of physicians, and this Bill was discussed actually. I walked out on the sidewalk after the evening activities and an old gentleman from Biddeford, a family physician, came up to me and with tears in his eyes he said, "I want you to know that all of us doctors aren't millionaires". He said, "In fact, I have been having problems trying to educate my youngsters with what I get." He said, "I am a family doctor at heart, and last night at 2:30 in the morning I had a call and I went out in response to that call." And so I would like to remind the good Senator from Cumberland, that all of the good old fashion doctors have not gone into history, they are still existing throughout our State.

But whether this Bill is accepted in its original form the Majority Report, or whether it is amended this morning, does not have a thing to do except antagonize some of the medical profession. We have a trend back to general practitioners now after all of the specified doctors that we have had in the last 20 or 25 years, all the reports show that doctors are going to go back to general practitioners work, which is for the good of the common citizen. And I hope that this morning you will stay with the majority report, go against the motion to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President and Members of the Senate, just a few short comments. There appears this morning just kind of an innuendo of a vendetta against doctors themselves, I am not sure why. Apparently because they or at least ten percent of them have made a little money in the past. I know that a lot of the doctors are not making that much money, and there seems to be an innuendo there that they are all wealthy. There are several doctors that I know of that will make house calls, but the matters we have considered, for example, in health care cost, the cost of drugs, have expanded a hundred fold in the past ten years, but the matter that bothers me the most is that if we look, for example, at a million dollar machine, the board controlling this matter for the State is certainly going to approve the million dollar expenditure for a hospital in Biddeford, Portland, Lewiston, Waterville, Bangor, and will not necessarily approve one for any hospital say in Rumford or in Farmington, and if the doctors in say Fryeburg or Jackman who do want to get together to purchase an expensive piece of machinery, they are going to have and be forced to seek a review of a board which has already determined that there are only X amount that are needed. And so these people from out in the Western part of the State will have to go to the medical centers. Of course, the fact here, if the expensive machinery is in Lewiston, the doctors are going to migrate to Lewiston, and they will not service the rural areas. What we have concerned ourselves with is primarily the rural care of the people of the State of Maine.

So I would, obviously, urge the Members of this Body to consider this Amendment, this Certificate of Need. It brings to mind a problem that developed that I heard about a couple of weeks ago where the Central Maine General Hospital in Lewiston was trying to establish a family doctor program, and they had to seek a Certificate of Need to established the program.

I think that really is going one step to far. So I would urge you to vote against this Amendment this morning.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I do not think that there is any vendetta against doctors here this morning. The issue that we are addressing is rather not the medical profession doctors would be included with the medical profession of running hospitals which concerns itself with medical care for the people of the State of Maine. I think that we should point out that the Federal Legislation on Certificate of Need was left opened somewhat to allow States to make their own decision to their own situations. The same as was mentioned earlier about the environmental laws that we have. Each state varies greatly and each state must decide what situation it is rendered to, and thus draw up the Certificate of Need legislation fitting those guidelines.

I think that we ought to understand that also in the medical field the cost of medical care to the Maine people perhaps is far, far larger in the doctors office than it is in the hospital. How many individuals do you know that seek assistance from a doctor outside of a hospital? And what that medical costs would be to that individual compared to those individuals that go into a hospital. I think that if we look at the medical dollars that we would find that far greater number of dollars is spent just through the doctors office, to doctors themselves then to the hospitals. I think we should consider this aspect. That we should include these individuals. I think that when we talk about medical care we are talking about an item of necessity. It is not if somebody wants to go buy a car and keep it in top running shape. It is a matter of life and death.

We are talking about the dollars and health care for each family in 1960 was \$567.00. In 1975 it was \$2,188.00. Some of you that are good with figures can quickly figure out the percentages and we are talking about a \$400.00 increase. Somewhere in that area.

When the majority floorleader stood up on the floor and took us half way around the world and talked about what the situation would be for an individual to start a business, a little store what he has to go through, he had better check the good old State of Maine and find out what an individual has to go through. For example, to sell Beer, in a grocery store he has to get approval from the Town Council. If you live in the unorganized territory, he has to get approval from the County Commissioners. Then he has to go half way around the world to find that.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen, I had not intended to speak on this Bill but I have been a Registered Pharmacist since 1931, and have worked with the doctors for many, many years. And I think that the modern circumstances I would state on the increase in drug prices is only 15 per cent in the last 10 years. The price of hospitals and doctors have increased 100 per cent or even more, but as far as the purchase of equipment by a doctor, and I have letters practically from every doctor in York County, that is sent to me. As far as purchase of equipment for a doctors office or a group of doctors offices, I think is unconstitutional. I do not care if it's a Cat Skinner, I mean a Cat Scanner or what it is. Now if they have this equipment in their office in Sanford, and we have a good ambulance service as most towns do, the doctors do not have to go out to the house any more, the ambulance can get the patient to the hospital quicker than the doctor can go to the persons house, particularly if the doctor is in bed and has to get up and get dressed, the ambulance fellows are all ready. Now if somebody from Sanford comes down with a serious sickness and they need a Cat

Scanner and we got the Cat Scanner in Sanford, but they have to use it there, but they might have to go to Portland if we did not have one the person might die. Think of the life, you might save a life, by voting for this Bill the way the good Senator from Androscoggin, Senator Snowe says. I certainly think to stop the doctors from making purchases of equipment, I do not care how much they purchase, if they got the money let them purchase a \$250,000 Cat Scanner.

So, consequently, I would appreciate and I think it is very necessary to this Senate to go along with the good Senator from Androscoggin for the sake of the Doctors of the State of Maine, and I am going to vote with her, right down the line.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, to assure the medical profession of this State that where we stand on this issue and to assure the people of the state where we stand I will request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, I think in this debate, the argument has gotten away from the real issue here, we are talking about barefoot doctors who make house calls. These are not the issues. The issue of this Amendment as I see it, is that we all have to answer this question. If we deny a hospital, a hospital which is accessible to the entire public in that area the right to purchase an expensive piece of equipment is it right that a group of doctors across the street from that hospital who have their own private office are able to purchase that same piece of equipment and then get public taxpayer dollars in such as medicaid? This is the real issue here that we are facing. The Senator from Androscoggin and I think it is not frivolous, that this Amendment as the Senator from Androscoggin has mentioned. First of all, we are talking again about protection of the hospital which is accessible to all the public. She says the Amendment is discriminatory that has been offered here and consequently the two-tier level of care. When a private group of doctors has that piece of equipment and it is denied to the hospital that group of doctors may not serve the entire public, so that is discriminatory. But the hospital serves everyone in the community.

Also I think in terms of regulations we are naive to talk about minimum Federal Regulation; we are naive to talk about, to think that the American Medical Association did not have any influence down in Washington when those Federal Regulations were made or that they did not have any influence in all the State Legislatures. I think that you can see the lobbying effort right here and here today.

Consequently, I feel that it is only fair and I think that you should use your consciences before you vote on this and think of the entire public this is no vendetta against the doctors.

The PRESIDENT: A Roll Call has been requested, in order for the Chair to order a Roll Call it must be the expressed desire of one-fifth those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted. Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is a motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. A yes vote will be in favor of the motion to recede and concur. A nay vote will be opposed.

The Doorkeepers will secure the Chamber
The Secretary will call the Roll.

ROLL CALL

YEAS: Carpenter, Collins, D.; Conley, Danton, Farley, Levine, Martin, Minkowsky,

O'Leary, Pray, Trotzky, Usher.

NAYS: Chapman, Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, Mangan, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Wyman.

ABSENT: Curtis, Merrill.

12 Senators having voted in the affirmative and 18 Senators in the negative, with 2 Senators being absent, the Motion to recede and concur does not prevail.

Is it now the pleasure of the Senate to adhere. It is now a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would now move reconsideration and ask the Senate to vote against me.

The PRESIDENT: the Senator from Kennebec, Senator Pierce now moves that the Senate reconsider its action whereby it voted to adhere. Will all those Senators, in favor of reconsideration please say yes. Will those opposed please say no.

A Viva Voce Vote being had, the motion to reconsider does not prevail.

Sent down for concurrence.

Communications

OFFICE OF THE GOVERNOR

To: Honorable Joseph Sewall
President of the Senate and
Honorable John Martin
Speaker of the House
Dear Joe and John:

I have today renominated Diantha A. Carrigan of South Bristol to serve as a Commissioner on the Maine Public Utilities Commission.

Diantha Carrigan was previously nominated and confirmed to fill out the four (4) month unexpired term of Peter Bradford. She was today renominated to serve a full seven-year term on the Commission.

As provided for under the law, this nomination requires confirmation by the Joint Standing Committee on Public Utilities and the Senate.

Thank you for your cooperation.

Sincerely,
JAMES B. LONGLEY
Governor
(S. P. 679)

Which was Read and Referred to the Committee on Public Utilities.

Sent down for concurrence.

MAINE DEPARTMENT OF AGRICULTURE To Members of the 108th Maine Legislature:

I am submitting herewith my annual report to the Legislature and invite your views and comments.

Your continuing interest in issues facing Maine agriculture is encouraging and appreciated by the State's farming community.

Sincerely,
JOSEPH N. WILLIAMS
Commissioner
(S. P. 680)

Which was Read and with accompanying papers, Ordered Placed on File.

Sent down for concurrence.

OFFICE OF THE GOVERNOR

Honorable Joseph Sewall,
President of the Senate and
Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially inform you I have today nominated John A. Platz, Esq. of Auburn and Albert H. Winchell, Jr., Esq. of Bangor to serve on the Maine Maritime Academy, Board of Trustees.

Mr. Platz is being renominated to a full-term, and Albert Winchell will be replacing Roger L. Willey whose term expired last fall.

Pursuant to Maine Private and Special Laws 1967 Chapter 177, as amended these nominations require confirmation by the Joint

Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance.

Sincerely,
JAMES B. LONGLEY
Governor
(S. P. 681)

Which was Read and Referred to the Committee on Education.

Sent down for concurrence.

(Off Record Remarks)

Committee Reports

Senate

Change of Reference

Mr. Collins for the Committee on State Government on Bill, "An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Plan. (S. P. 637) (L. D. 1996)

Reported that the same be Referred to the Committee on Business Legislation. Which report was Read and Accepted and the Bill Referred to the Committee on Business Legislation.

Sent down for concurrence.

Leave to Withdraw

Mr. O'Leary for the Committee on Natural Resources on, Bill "An Act Relating to Licensing of Sewage Treatment Plant Operators. (S. P. 623) (L. D. 1940)

Reported that the same be granted Leave to Withdraw. Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Bill, "An Act to Increase the Bonding Limit of the Maine State Housing Authority. (Emergency) (H. P. 1880) (L. D. 1934)

Which was Read a Second Time.

On Motion of Senator Speers of Kennebec, tabled until Friday next, pending passage to be engrossed.

Bill, "An Act to Clarify Reporting Requirements under the Campaign Finance Law and to Correct Other Oversights in that Law. (H. P. 1910) (L. D. 1971)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate

Bill, "An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of their Automobile Insurance Policy. (S. P. 613) (L. D. 1901)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

RESOLVE, to Transfer a Land Parcel from the Bangor Mental Health Institute to the Region 4 Vocational District. (S. P. 631) (L. D. 1990)

Which was Read a Second Time.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I move that we reconsider adoption of Committee Amendment "A" to L. D. 1990.

The PRESIDENT: The Senator from Aroostook Senator Collins now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 1990. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" to L. D. 1990 and move its adoption.

The PRESIDENT. The Senator from Aroostook Senator Collins now offers Senate Amend-

ment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" Read and Adopted. Committee Amendment "A", as amended, Adopted. This Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate: Bill, "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies. (H. P. 1878) (L. D. 1932)

Tabled—January 23, 1978 by Senator Speers of Kennebec

Pending—Consideration

On motion of Senator Speers of Kennebec Re-tabled until Thursday next.

The President laid before the Senate: RESOLVE, to Amend the Apportionment of Multimember Districts of the House of Representatives into Single Member Districts. (H. P. 1906) (L. D. 1967)

Tabled—January 23, 1978 by Senator Hewes of Cumberland

Pending—Final Passage

This being an emergency measure and having received the affirmative votes of 26 Members of Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

Out of Order and under suspension of the rules, the Senate voted to consider the following:

Papers From the House Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

Emergency

An Act to Provide Transition Provisions Covering the Recent Amendments to Article 9 of the Uniform Commercial Code. (H. P. 1956) (L. D. 2038)

Emergency

An Act to Increase the Limits of Authorized Indebtedness of the Brunswick Sewer District. (S. P. 618) (L. D. 1906)

These being emergency measures and having received the affirmative votes of 25 Members of the Senate, were Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of order and under suspension of the rules, the Senate voted to consider the following:

Papers From the House Joint Order

An Expression of Legislative Sentiment recognizing that: Roger Gosselin of Sanford is retiring after 42 years as owner of Roger's Supa Dolla in Sanford. (H. P. 2027)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence

Joint Resolution

An Expression of Legislative Sentiment In Memoriam: Keith Anderson, a distinguished Citizen of Orono. (H. P. 2029)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

MR. CURTIS: Mr. President, many of us were shocked to read in the newspaper this morning of the untimely death of Keith Anderson, and those of you who have served in the Legislature for many years will recall that he too was a Legislator. He represented Orono extremely well in the House of Representatives, and was during one of his terms in the Legislature, the Assistant Minority Leader in the House. Keith was an outstanding person, a

leader in Town Government, in the Democratic Party, and the Post Master of the Town of Orono when he died.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

MR. CONLEY: Mr. President and Members of the Senate, I too would share this moment of sorrow at our departed friend Keith Anderson. I first came to Augusta back several years ago, and Keith Anderson was a member of my party, a democrat, he truly represented the community of Orono well, but just for the record I would like to keep it straight that he was the Assistant Majority Floorleader in those days.

Which was Adopted in concurrence.

Paper From the House

House Paper

Bills requiring reference to Committee were acted upon in concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following:

Senate Paper

Mr. McNally of Hancock presents, Bill, An Act to Clarify the Administration of the Department of Manpower Affairs. (S. P. 683)

Reference to the Committee on State Government is suggested and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed. Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing that: The Hampden Garden Club is restoring historic Harmony Hall, built over 150 years ago, to its original condition. (S. P. 682) presented by Senator Cummings of Penobscot, Sponsored by Mrs. Prescott of Hampden.

Which was Read and Passed.

Sent down for concurrence.

Out of Order and under suspension of the rules, the Senate voted to consider the following:

Papers From The House

Committee Reports

Leave to Withdraw

The Committee on Marine Resources on, Bill, "An Act to Remove Restrictions on the Use of Purse Seines for Fishing in Washington County." (H. P. 1877) (L. D. 1931).

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Empower Administrative Hearing Officers to Sign Fair Hearing Decisions." (H. P. 1945) (L. D. 2024).

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted. The Bill Read Once.

Tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act to Clarify the Statute Relating to Attorneys so that Nonattorneys may Appear in Small Claims Court on Behalf of Corporations." (H. P. 1918) (L. D. 1979).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-972).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

Which Report was Read and Accepted in concurrence.

The Bill Read Once.

Committee Amendment "A" Read and Adopted.

The Bill, as amended, Tomorrow assigned for Second Reading.

The Committee on State Government on, Bill, "An Act to Establish the Maine-Canadian Legislative Advisory Commission." (H. P. 1879) (L. D. 1933).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-969).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

Which Report was Read.

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

MR. SPEERS: Mr. President, I would like to pose a question through the Chair, to the Chairman on the Committee on State Government, as to whether or not this Bill we are setting up is a departure in precedent from the structure of State Government that we have had in existence up to this point. I have not had the opportunity to read this Bill carefully, but I am curious as to whether or not we are establishing an Advisory Commission to the Legislature and as to whether or not this is the first time that there is such a body which I think ordinarily would belong in the Executive Branch, as to whether or not this is the first time this Commission, Advisory Commission is being set up to report directly to and to be a part of the Legislative Branch of Government.

MR. PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Collins.

MR. COLLINS: Mr. President, the Legislature in 1975 established the Maine-Canadian Exchange Advisory Commission as a replacement for the previous Governors Advisory Commission on Maine and Canadian Affairs. Since that time the Attorney General has declared that that legislation was not constitutional, because it was a violation of the separation of powers between the Legislative and Executive Branch. This Bill seeks to reestablish that Commission that was established in 1975, and make it a legislative adjunct and responsible to the Legislative Council. Perhaps the theory behind the Legislation is in part a result of the nature of the provincial governments in Canada. In fact, of the national government in Canada also. Whereby the party in power, the legislative people are in fact also the bureaucracy they are the department heads. So that, for example, if a legislator in Canada, in the province of Quebec, who was in charge of the Department of Transportation is in fact a legislative person and the expectation is in this legislation that is his counterpart ought to be a legislative person perhaps in the State of Maine. There are concerns and issues that need to be addressed between the neighboring provinces and the State of Maine. Quebec, New Brunswick, and of course this is particularly important to the Counties that border Quebec and New Brunswick, such as Washington County, Aroostook County, Somerset County, to name most of them and there are a great many areas of concerns. For example, in the lumber business, in the trucking business in the agriculture where there needs to be some communication and I guess the fact of the matter is, that it has not existed at any executive level. There is some basis perhaps for making this a legislative function. This Bill seeks to do that, by correcting the language that was found by the Attorney General not to be constitutional, it transfers the monies that were previously appropriated to fund this particular Bill.

Which Report was Accepted in concurrence.
The Bill Read Once.

Committee Amendment "A" was Read.
The PRESIDENT: The Chair recognizes
the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of
the Senate, with free interpretation, I inquire
about the Amendment which is H-969. I note
that the director as I read the Bill, all of the po-
sitions are voluntary and non-paying except for
the director. It says that the director shall
speak the French Language fluently. It well
could be that it would be in the best interest if
the Director does speak French but on the
other hand does that limit it! I note that the di-
rector is elected by the other Members of the
Commission. As I read section 224 of the pro-
posed Bill, and I just wonder if its in the best in-
terest to put into the law that the director has
to speak a particular language as well as En-
glish.

The PRESIDENT: The Chair recongizes the
Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President I think the
Committee was aware that it was extremely
advisable that the director be bilingual. The
provincence of Quebec which adjoins the State is
essentially a French speaking province, and
New Brunswick we have a situation where
there is a fair amount of French spoken and it
was the feeling of the Committee on State Gov-
ernment that it would be advantagous that the
director be bilingual in order to converse prop-
erly with his counterparts in the other side.
That is the reason for it. The Amendment does
one other thing incidently, that is it removes
the emergency preamble and I think that those
are the two things accomplished by the Com-
mittee Amendment.

Committee Amendment "A" Adopted. The
Bill, as amended, Tomorrow assigned for
Second Reading.

The Committee on State Government on,
RESOLVE, Authorizing the Sale by the Depart-
ment of Mental Health and Corrections of a
Certain Parcel of Land Adjacent to the State
Prison in Thomaston to Allan L. Robbins and
Verla W. Robbins. (H. P. 1926) (L. D. 1987)

Reported that the same Ought to Pass as
amended by Committee Amendment "A" (H-
967)

Comes from the House, the Resolve Passed
to be Engrossed as amended by Committee
Amendment "A"

The Committee on State Government on,
RESOLVE, Authorizing the Director of the
Bureau of Public Lands to Lease the Right to
Lay and Maintain a Certain Right-of-way for
Forty Years. (Emergency) (H. P. 1960) (L. D.
2043)

Reported that the same Ought to Pass as
amended by Committee Amendment "A" (H-
968)

Comes from the House, the Resolve Passed
to be Engrossed as amended by Committee
Amendment "A"

Which Reports were Read and Accepted in
concurrence. The Resolves Read Once. Com-
mittee Amendment "A" Read and Adopted.
The Resolves, as amended, Tomorrow assign-
ed for Second Reading.

On motion of Mr. Huber of Cumberland, ad-
journed until 10:30 in the morning, January 25,
1978.