

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 Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
March 7, 1985

Senate called to order by the President Pro Tempore.

Prayer by the Honorable Zachary Matthews of Kennebec.

Senator MATTHEWS: Members of the Senate, I would just like to read a verse from John 12 which pretty much says, I think, how I feel and I think all of us feel, about our duties before the citizens of the State of Maine.

John 12, verses 37—43: "In spite of the many signs which Jesus had performed in their presence they would not believe in him, for the prophet Isaiah's utterance had to be fulfilled: 'Lord, who has believed what we reported, and to who has the Lord's power revealed?' So it was that they could not believe, for there is another saying of Isaiah's: 'He has blinded their eyes and dulled their minds, lest they should see with their eyes, and perceive with their minds, and turn to me to heal them.' Isaiah said this because he saw his glory and spoke about him.

For all that, even among those in authority a number believed in him but would not acknowledge him on account of the Pharisees, for fear of being banned from the synagogue. For they valued their reputation with men rather than the honour which comes from God."

I think that it is important Members of the Senate, that we look to those that don't have a voice that as strong as some in the Hall of the Senate and the Statehouse. I hope that we can focus our eyes on those who are sick, the poor, the aged, the true spirit of what Christianity means inservice to our fellowmen.

May we pray. Dear Father, give us strength to remember those whose voices may not be as loud but whose concerns and yearnings are as strong as the collective hearts of the spirit of this country.

Give us Thy strength to do Thy will in Your holy name, Jesus Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Fraudulent Procurement of Fuel and Weatherization Assistance" (S.P. 302) (L.D. 791)

In Senate February 28, 1985, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House, referred to the Committee on JUDICIARY and ORDERED PRINTED IN NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Service of Process by Sheriffs, Deputies and Constables" (S.P. 307) (L.D. 796)

In Senate February 28, 1985, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House, referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED IN NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning Deductions from State Disability Retirement Allowances of Social Security Disability Benefits" (H.P. 656) (L.D. 928)

Comes from the House, referred to the Committee on AGING, RETIREMENT AND

VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish a Coyote Awards Program" (H.P. 657) (L.D. 929)

Comes from the House, referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Increase Citizen Participation in the Municipal Charter Revision Process" (H.P. 658) (L.D. 930)

Comes from the House, referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning the Designation and Presentation of Scenic Roads" (H.P. 659) (L.D. 931)

Bill "An Act to Exempt Certain Unused Railroad Crossings from the Requirement to Stop" (H.P. 660) (L.D. 932)

Comes from the House, referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

SENATE PAPERS

Bill "An Act to Provide for the Taking of One Spruce Partridge in the Daily Bag Limit" (S.P. 345) (Presented by Senator PEARSON of Penobscot).

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" (S.P. 346) (Presented by Senator GILL of Cumberland) (Cosponsored by Senator DOW of Kennebec, Representative CHONKO of Topsham, Representative L. HIGGINS of Scarborough)

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Workers' Compensation Act to Permit a Member in Good Faith of an Employees's Household to Collect Death Benefits under Certain Conditions" (S.P. 347) (Presented by Senator TWITCHELL of Oxford) (Cosponsored by: Representative JACKSON of Harrison)

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Resolution, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from 2 Years to 4 Years (S.P. 348) (Presented by Senator TWITCHELL of Oxford) (Cosponsored by: Representative WALKER of Norway, Representative JACKSON of Harrison)

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Establish a Maine Agricultural Limestone Material Act" (H.P. 251) (L.D. 305)

Bill "An Act Concerning the Date by Which Dogs Must be Licensed" (H.P. 148) (L.D. 182)

Bill "An Act Concerning Cruelty to Animals" (H.P. 144) (L.D. 178)

Bill "An Act Concerning Notice to Wholesalers of Retail Liquor License Transfers" (H.P. 275) (L.D. 345)

Ought to Pass

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act for the Repeal of Obsolete Provisions Providing Accidental Death Benefits" (H.P. 248) (L.D. 302)

Reported that the same Ought to Pass.

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Establish a Uniform Fee for Whitewater Guides Licenses" (Emergency) (H.P. 91) (L.D. 111)

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Allow Municipal Officers to Appoint Deputy Treasurers and Deputy Tax Collectors" (H.P. 8) (L.D. 6)

Reported that the same Ought to Pass.

COMES FROM THE HOUSE WITH THE REPORT READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Clarify the Procedure for Preparing Ballots for Municipal Elections" (H.P. 64) (L.D. 82)

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on STATE GOVERNMENT on Bill "An Act to Designate the 3rd Week in October as Maine Business Women's Week" (H.P. 201) (L.D. 235)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-10)

COMES FROM THE HOUSE WITH THE REPORT READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-10) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senate Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Designate the Day of the State General Election a State Holiday (S.P. 139) (L.D. 378)

Bill "An Act to Include the Mining of Sand, Fill or Gravel for Commercial Purposes under the Site Location and Development Law" (S.P. 213) (L.D. 571)

Change of Reference

Senator **CARPENTER** for the Committee on **JUDICIARY** on Bill "An Act to Amend the B Habitual Offender Law" (S.P. 152) (L.D. 419)

Reported that the same be **REFERRED** to the Committee on **LEGAL AFFAIRS**.

Which Report was **READ** and **ACCEPTED**. The Bill **REFERRED** to the Committee on **LEGAL AFFAIRS**.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Allow Transmittal of Certificates of Illegitimate Births to Other Municipalities" (H.P. 169) (L.D. 203)

Bill "An Act Concerning Expiration of Motor Vehicle Drivers' Licenses for Persons 65 Years of Age and Older" (H.P. 209) (L.D. 243)

Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register Under the United States Military Selective Services Act" (H.P. 643) (L.D. 897)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Amend the Law Concerning Pension Benefits for Dependents of Sheriffs" (H.P. 149) (L.D. 183) (C "A" H-9)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, as Amended, in concurrence.

Senate

Bill "An Act to Ensure Consistency Between 2 State Laws Concerning Personal Care Assistance Services" (S.P. 35) (L.D. 43)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

ENACTORS

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

An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions (H.P. 98) (L.D. 123)

An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law (H.P. 226) (L.D. 260)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws (H.P. 66) (L.D. 84) (H "A" H-6; C "A" H-5)

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative and 32 being more than 2/3rds of the entire elected membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Eliminate Volume Determined Delivery Prices of Milk (H.P. 320) (L.D. 431) (H "A" H-7)

On motion by Senator **ERWIN** of Oxford Tabled 2 Legislative Days, pending **ENACTMENT**.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1985 (H.P. 544) (L.D. 756)

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative and 32 being more than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1985 (H.P. 545) (L.D. 757)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative and 31 being more than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1985 (H.P. 546) (L.D. 758)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative and 31 being more than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and was presented by the Secretary to the Governor for his approval.

(Off Record Remarks)

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1985 (H.P. 547) (L.D. 759)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative and 30 being more than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1985 (H.P. 548) (L.D. 760)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senators having voted in the negative and 29 being more than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1985 (H.P. 550) (L.D. 762)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative and 30 being more

than 2/3rds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by President, and was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The President Pro-Tem laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Make Administrative Changes in Truck Weight Tolerances" (H.P. 224) (L.D. 258)

Tabled—March 6, 1985, by Senator **DANTON** of York.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate March 6, 1985, **READ A SECOND TIME**.)

(In House March 1, 1985, **PASSED TO BE ENGROSSED**.)

Which was **PASSED TO BE ENGROSSED**, in concurrence.

Out of order and under suspension of the rules the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **DANTON** for the Committee on **TRANSPORTATION** on Bill "An Act to Allow the Secretary of State to Issue License Plates for Former Prisoners of War" (S.P. 46) (L.D. 63)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-10).

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-10) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Senator **NARJARIAN** of Cumberland was granted unanimous consent to address the Senate On the Record.

Senator **NAJARIAN**: Thank you, Mr. President and thank you, Members of the Senate. Yesterday, my colleague, Senator Trafton took strong exception to comments made by the Health Care Finance Commission's Executive Director in response to a recent announcement by St. Mary's General Hospital, that it was reducing its charges by ten percent. As many of you know, I was one of the sponsors of the proposal that the Committee on Health and Institutional Services transformed into the statute which created the Commission.

As we soon learn, after we have served up here for a while, there are two sides to every issue. I took it upon myself to call the Executive Director to learn more about the comments which had prompted Senator Trafton's remarks.

I am sure that it will not come as a surprise to you that the Commission's Executive Director has a very different perspective than Senator Trafton. I do not need to present his views to you. Those of you who have worked with him in the past know that he is quite capable of representing himself. He has assured me that he would welcome the opportunity to discuss this matter in an appropriate forum.

There are several comments I would like to make, the first is that I agree with Senator Trafton that reductions in hospital charges are welcome news. The article, in which the comments he found so troublesome apparently indicates that St. Mary's General Hospital charged \$34.3 million during 1984. It also indicated that the Commission has authorized the hospital to charge no more than \$27.4 million during 1985. In other words, the revenue limit established by the Commission will require the hospital to reduce its charges by \$7 million or approximately twenty percent. It certainly appears to me that the Commission is doing exactly what Governor Brennan and the Legislative had hoped it would do. As I said a

moment ago, I agree that reductions in hospital charges is very welcomed news.

The second comment that I would like to make is that the article in question does not indicate that the Commission's Executive Director was critical of Lewiston's other hospital Central Maine Medical Center. In discussing that hospital's recent decision to reduce its charges by ten percent, he noted that the Legislature had placed a limit on the amount of profit any hospital can earn during the two years before it begins to be regulated by the Commission. He went on to say that Central Maine Medical Center was in danger of exceeding that limit because it was receiving much more than it had expected from the Medicare Program — a statement with which, incidentally, a spokeswoman for the hospital subsequently agreed. While he did question whether or not the reduction in charges would have taken place in the absence of that legislative requirement, he also added, and I quote, "It's not a criticism, really, of CMMC for having made that reduction; that was the most responsible course. It's a course that produces an immediate benefit for the consumer. But the fact that benefit may be directly linked to the creation of this system and the Commission's work I think is something that should not be lost."

This hardly seems like a harsh criticism of the hospital. In fact, it doesn't seem a criticism at all, it is a statement of fact which an official charged with the responsibility for implementing the regulatory program, created by this legislature, believed should be brought to the attention of the public.

This brings me to my final comment. It seems to me that the Health Care Finance Commission's Executive Director has every reason to want to see the results of the Commission's work presented fairly and accurately. Frankly, I think that it would be remiss of him to remain silent if he thought the statements being made by hospitals or Blue Cross or the Department of Human Services were misleading or inaccurate. I haven't noticed that hospitals have been shy about expressing their views in newspapers. They have no reason to be and neither does the Commission. If they disagree, let them take their case to the public. I believe that we would all learn something and our constituents would be far better served. Thank you, very much.

Senator **TRAFTON** of Androscoggin was granted unanimous consent to address the Senate On the Record.

Senator **TRAFTON**: Thank you, Mr. President. I welcome the remarks of the good Senator from Cumberland, Senator Najarian, and I welcome the opportunity to continue this dialogue which I started a few days ago.

I certainly do not take any issue with the original intent of the Act that the last session of this Legislature passed, in regards to cost containment within our State's hospitals. However I simply want to clarify that the article that was in the Saturday morning *Lewiston Daily Sun*, did in fact leave a sour taste in the mouth of many of its readers.

Both hospitals, and I stress both hospitals; St. Mary's General Hospital and Central Maine Medical Center, were criticized in the recent announcements of their ten percent cost reductions.

I am proud that these hospitals were able to make this cost reduction. Rates as we all know are not set by the Health Care Finance Commission, a gross patient revenue cap is in fact mandated, however that does not translate directly to the rates charged at those hospitals.

So, that as I say, I welcome this opportunity to continue the dialogue and I will be continuing the dialogue before the Health Care Finance Commission and the Committee on Human Resources. I certainly take this opportunity to say that I did support the original

legislation, I continue to support the legislation that sits on the books, however I am very sensitive to the fact that the Health Care Finance Commission and through its Executive Director may have taken an unnecessary adversarial position in its dealings with our State's hospitals.

I have talked with many other elected officials, including Members of this Body who expresses a concern for the additional costs that their hospitals are bearing in terms of dealing with this Commission and I think that that is of concern. I think that the hospitals must work with the Commission and vice versa the Commission must cooperate with the hospitals to mutually reduce hospital costs and rates throughout the State. Thank you.

Pursuant to Senate Rule 1, the President Pro-Tem appointed Senator **CLARK** of Cumberland President Pro-Tem for the next Legislative Day.

On motion by Senator **CHALMERS** of Knox **ADJOURNED** until 11 o'clock tomorrow morning.