

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 27, 1986

Senate called to Order by the President.

Prayer by Reverend Richard G. Parker of the United Methodist Church in Ellsworth.

REVEREND PARKER: Good morning, let us pray. O God, our Father, by whose design the seasons parade with quiet majesty. Let Your spirit now enter us so that new affections may enthrall us, new purposes involve us, and new dreams lure us for Your kingdoms sake. We pray, Father, that You are not removed from hearing our thoughts, instructing our minds, sustaining us in body and in spirit and directing our energies. We stand at attention before You, O God, in gratitude for our unlimited blessings not the least of which is the freedom which we enjoy and the privilege of living in this beautiful State of Maine and the honor of serving in this Legislative Body. Guide each one of us here, Father, in the development of life in our State, along the lines of Your will and Your ways. In Your name we ask it. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator VIOLETTE of Aroostook, the following Joint Order

S.P. 901

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 31, 1986, at 9:00 in the morning

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Employers to Notify Employees of the Termination of Group Insurance"
H.P. 1564 L.D. 2209

In Senate, March 20, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-604) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Establish a Fluctuating Credit Card Charge Relative to the Prime Rate"
H.P. 1606 L.D. 2264

Comes from the House referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS AND COMMERCE and ORDERED PRINTED, in concurrence.

Bill "An Act Enabling Towns to Establish Municipal Land Banks"
H.P. 1607 L.D. 2266

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

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Enable the Department of Transportation to Produce the State Map"
H.P. 1421 L.D. 2010

Senate

Ought to Pass As Amended

Senator STOVER for the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation" (Emergency)

S.P. 720 L.D. 1843

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-436).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-436) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act Concerning Self-insurance Pools Among Public Agencies for Tort and Property Liability"

S.P. 666 L.D. 1708

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability"

S.P. 902 L.D. 2263

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act to Adjust the Nonresident Commercial Fishing License Fee"

H.P. 1542 L.D. 2179
(C "A" H-601)

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

Bill "An Act to Revise the Certificate of Need Process"

H.P. 1428 L.D. 2018
(C "A" H-603)

Which was READ A SECOND TIME.

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

Senator BROWN: Thank you Mr. President, perhaps it is not appropriate, since I am not sure that the Chair of this particular Committee is present right now, but this is a thirteen page document and I was curious as to what effect this is going to have impacting the small rural hospitals of the State. I happen to have two in my district that are having a difficult time and I wondered what impact this CON revision would have on those rural hospitals.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, what we attempted to do, as a Committee, was make the CON process more flexible. Trying to be considerate of the smaller hospitals. Some of the projects that now have to go before CON, under what we have done in this Bill, will not have to under a certain limit. I know that up in eastern Maine, for instance, they have a Scan team approach on child abuse and something like that would not have to go before the CON process, because it comes within a certain dollar value. We tried to look at the flexibility issue because the CON, as you know, has been very rigid for a lot of hospitals. In this Bill and in the health finance commission amendments that will be coming in next week, we strove to get more flexibility into them.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, I would like to ask a question through the Chair to the Senator from Cumberland, Senator Gill. Before I do that I would like to tell her how much I appreciated the help that she gave me yesterday, with regard to my own hospital in Lincoln. I guess it is probably a bad place to learn about Certificate of Need, but I need to ask a question. As I understand it, there is a cap on the certain amount of money that can be divvied up among the State on Certificate of Need process. She is nodding in the affirmative. Last year most of the Legislators and what Bangor loves to call the greater Bangor area, rushed to the colors of hospital in Bangor to provide them with a project that they wanted very much. It caused a rivalry with the hospital in the Bangor area, who felt that they had been left out and almost all of the Legislators in the area felt that everybody ought to get everything they wanted.

I don't happen to share that view and I didn't then. I am in the minority, because what happens is when they have this big publicity going on and this big drive to get everybody involved, what is happening is they are getting everything, without regard to small rural hospitals. I felt that with the resources that they had and the ability to turn out Legislators like they did that everybody else in their area, including my hospital in Lincoln, suffers. I was wondering if this Bill will be addressing that, because when The Eastern Maine Medical Center and St. Joseph's hospital seems to want something, they seem to always get what they want, other people in the area don't.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President, I am not sure that I heard a question I think I heard comments more than a question, but the jest of it, I gather, is that in competitive areas where two hospitals are competing, the Senator from Penobscot doesn't agree that one hospital should be able to gather the forces to obtain what they need to obtain. When a Certificate of Need application is put into effect, whether it is for a CAT scan or a mobile unit, or a new service of any kind, usually the hospitals in the area will send a letter of agreement that it is needed in the area. In the instance of Bangor, I assume that the other hospitals decided that they wanted to compete, so they wouldn't agree at that particular project was needed unless they could have one to. That is the process that we still will have to go through. We haven't really done anything in that regard, except we will no longer recognize anonymous letters pointing fingers, without signatures and that was a situation that did exist prior to us discussing these amendments on this particular Bill. I think the competing measure thing will still be in effect, because that it is the process that we built into the Certificate of Need.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate. I would like to clear the air and to raise some questions about the Certificate of Need process. First, to clear the air. St. Joseph's Hospital in Bangor, is not a hospital that gets everything they want. In this particular instance, St. Joseph's Hospital had first approached the Certificate of Need process for one particular unit. They were turned down, they were told to try to work with the three or four regional hospitals so that you have a mobile CAT scanner. The difficulty, as the good Senator from Penobscot pointed out, is that there is a perception sometimes that it is always the bigger guy on the block that gets everything that he wants. I think it is sometimes a perception of where you stand. I can always remember that it was very popular in my area to say that everything always goes to Portland. When I went to Old Town, everything went to Bangor, the further north you go everything ends up going down to the location just below it. St. Joseph's Hospital had spend a fortune on the Certificate of Need process in trying to get the equipment it felt was very important. It raised a lot of questions, and I think that the questions that they raised were very valid, because when you have a process that approves projects on one hand and a separate department of State Government, the Department of Human Services. Then on the other hand you have a department that regulates the budget, which is the Health Care Finance Commission. I think some how the right hand does not know what the left hand is doing and the hospitals, big and small, are caught in the middle. So I hope that somebody would move to Table this particular Bill, so that, as the good Senator from Washington pointed out, it is thirteen pages of a very controversial project and it has been in my area, between doctors suing the State, winning those cases in court, and being able to put in very expensive pieces of equipment. I hope that we would be able to have this discussion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, to respond to the good Senator, my seat mate from Penobscot, the development account that was in the initial Bill, there was a development account set up and the projects had to come within that development account. Once so many projects that came in were over the dollar amount of that development account, they had to be put off. That is the situation that St. Joseph's Hospital and some other hospitals found themselves in last year. The development account had been expended and they were put on a priority list for this coming years account. They have been approved for their application, and their application will go through in this next years financial arrangement.

Part of what he is saying is true. They was a lot of rigidity in the whole Certificate of Need process, and there has been moves to repeal the Certificate of Need and the Health Finance Commission.

In doing so we have to be assured that the hospitals are going to be reimbursed properly and we have a mechanism in affect now that is doing that. We have to put a plan into action, before we can dismantle what we have presently. So, I would ask you to go along with what the Committee recommendations have been this year, and you have another year coming in which people can plan and make adjustments and bring other legislation in, in another year.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

Senate As Amended

Bill "An Act to Clarify the Procedure for Appeals of Decisions of the Public Utilities Commission"
S.P. 778 L.D. 1959
(C "A" S-435)

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

Sent down for concurrence.

ENACTORS

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

An Act to Assure Independent Advocacy for Institutionalized Developmentally Disabled Persons
S.P. 819 L.D. 2064
(C "A" S-426)

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

An Act to Promote Intensive Spruce-fir Management
H.P. 1468 L.D. 2070
(H "A" H-571; H "B" H-595)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Amend Maine's Abandoned Property Law
H.P. 1577 L.D. 2224
(H "A" H-599)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1986

H.P. 1594 L.D. 2239

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title

Senator GILL for the Committee on HUMAN RESOURCES on Bill "An Act Making Mandatory Certain Discretionary Powers of the Commissioner of Corrections"

S.P. 301 L.D. 790

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require a Report from the Maine Correctional Advisory Commission Concerning Correction Service Programs and Rehabilitation Services"

S.P. 907 L.D. 2270

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

Which was READ and ADOPTED, in concurrence.

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1608

JOINT RESOLUTION COMMEMORATING THE "DAYS OF REMEMBRANCE" OF THE VICTIMS OF THE NAZI HOLOCAUST

WHEREAS, 41 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors will never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 18th has been designated, pursuant to an Act of Congress and internationally, as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the international community will be commemorating the week of April 13th through April 20th as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the Second Regular Session of the 112th Legislature, on behalf of the people of the State of Maine, in memory of the victims of the Nazi Holocaust, recommit ourselves to the lessons of the Nazi Holocaust through this international week of the commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House READ and ADOPTED.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and specially assigned matter:

An Act to Create a Noncommercial Scallop License and to Adjust Fees for the Scallop Boat License H.P. 1537 L.D. 2173

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, March 25, 1986, PASSED TO BE ENACTED.)

(In Senate, March 24, 1986, PASSED TO BE ENGROSSED, in concurrence.)

On motion by Senator CHALMERS of Knox the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-438) READ and ADOPTED.

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

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland
RECESSED until 4 o'clock in the afternoon.

Which was READ and ADOPTED, in concurrence.

After Recess

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: H.P. 1613

Off Record Remarks

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

Out of order and under suspension of the Rules,
the Senate considered the following:

March 24, 1986

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1612

Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, Maine 04333

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

JOINT RESOLUTION TO HONOR THE MOST
REVEREND DONALD E. PELOTTE, SSS, SON
OF MAINE AND FIRST NATIVE AMERICAN BISHOP

I am pleased to present to you an Interim Report
of the Social Services Transportation Committee to
Legislative Resolve #46 of 1985.

Legislative Resolve #46 mandated that a Social
Services Transportation Review Committee be
established to review the issue of Social Services
Transportation and report to the Second Regular
Session of the 112th Legislature. The report should
include legislation necessary to implement statutory
changes and appropriation requests.

The Social Services Transportation Review
Committee met five times seeking to better identify
and understand Maine's social services and public
transportation needs. During these meetings, it
became very evident to the Committee that the issues
were too complex to enable preparation of a full
report for the Second Session of the 112th
Legislature. In addition, critical transportation
shortages were exposed that did not have a funding
source. These transportation hardships were
identified in all areas of the State from Aroostook
to York County. The Committee then decided to file
an interim report fulfilling the mandate of L.D. #46,
indicating that a full report of the transportation
issue could not be completed in time for the Second
Session of the 112th, and to alert Legislators and
other concerned citizens that there are critical
transportation needs (without funding) for additional
services throughout the state.

WHEREAS, the people of Maine have learned that
their native son from Waterville, Father Donald E.
Pelotte, SSS, has been appointed by his Holiness,
Pope John Paul II, to be the Coadjutor Bishop of the
Diocese of Gallup, New Mexico; and

WHEREAS, the selection of Father Pelotte
signifies the first time that a native American,
descendent of the Abenaki Tribe, has been chosen to
be a member of the American Catholic Hierarchy; and

WHEREAS, Father Pelotte is also a proud
descendent of French-Canadian immigrants in the
Central Maine area; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred
and Twelfth Legislature of the great sovereign State
of Maine, now assembled at the seat of government in
Augusta, take this special opportunity to extend our
joyous congratulations to Bishop-Elect Donald E.
Pelotte, SSS, on the occasion of his ordination as
Bishop; and be it further

RESOLVED: That we join his family and friends of
Waterville and of the entire State of Maine, asking
God's blessing upon his ministry to our native
American population.

Comes from the House READ and ADOPTED.

I should also point out that the Department of Transportation has engaged the services of a consulting firm to conduct a Statewide Surface Transportation Needs Study which will identify the transportation needs of the State and offer specific recommendations concerning possible solutions. The Social Services Review Committee will continue to be involved with the Statewide Study Project.

I would also like to take this opportunity to thank the members of the Review Committee for their outstanding work on behalf of the people of Maine. The members are clearly dedicated to the issue of social services transportation and the need to adequately serve both rural and urban needs.

Sincerely,
S/Dana F. Connors
Commissioner

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE, in concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to the Taxation of Insurance Premiums"
H.P. 1397 L.D. 1971

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 Pertaining to Fort Point State Park"
H.P. 1341 L.D. 1878

Resolve, to Provide Financial Assistance for Existing Programs within the University of Maine System
H.P. 1343 L.D. 1880

SECOND READERS

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

Senate

Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability"
S.P. 902 L.D. 2263

(See Action Later Today)

Bill "An Act to Require a Report from the Maine Correctional Advisory Commission Concerning Correctional Service Programs and Rehabilitation Services"
S.P. 907 L.D. 2270

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation" (Emergency)
S.P. 720 L.D. 1843
(C "A" S-436)

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

Sent down for concurrence.

Senator VIOLETTE of Aroostook, moved that the Senate RECONSIDERED its action whereby it PASSED TO BE ENGROSSED:

Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability"
S.P. 902 L.D. 2263

(In Senate, March 25, 1986, PASSED TO BE ENGROSSED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND TWELFTH LEGISLATURE

March 27, 1986

The Honorable Charles P. Pray
President of the Senate
112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the second regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	16
Unanimous reports	13
Leave to Withdraw	4
Ought to Pass	3
Ought Not to Pass	0
Ought to Pass as Amended	4
Ought to Pass in New Draft	2
Divided reports	3

Respectfully submitted,

S/Jean B. Chalmers
Senate Chair

S/Nathaniel J. Crowley, Sr.
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair would like to commend to the Members of that Committee, particularly the Chairman, for being the first report that we have received this year regarding the completion of Committee business.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator GILL for the Committee on HUMAN RESOURCES on Bill "An Act to Continue Use of Computer Match Programs to Determine Eligibility of Public Assistance Recipients" (Emergency)
S.P. 861 L.D. 2175

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

SENATE PAPERS

Bill "An Act Relating to Commercial Vehicles"
S.P. 914

Presented by Senator DOW of Kennebec
Cosponsored by: Representative POULIOT of Lewiston, Representative MCPHERSON of Eliot
Submitted by the Department of Transportation pursuant to Joint Rule 24

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act Relating to the Update of the Pharmacy Laws"

S.P. 791 L.D. 1990

ORDERS OF THE DAY

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

Bill "An Act to Revise the Certificate of Need Process"

H.P. 1428 L.D. 2018
(C "A" H-603)

Tabled - March 27, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, March 27, 1986, READ A SECOND TIME.)

(In House, March 26, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-603).)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, I would like to pose a question through the Chair, in regards to this particular measure. There were fact sheets left on the desks that I was able to read in regards to the amendments to the Certificate of Need process. I was wondering if this particular amendment to the law, had dealt with some of the concerns that were registered about some of the smaller rural hospitals and if, in fact, they had expanded the amount of money that would be made available to hospitals to make the state of the art improvements to keep up with the needs of the people throughout the State.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. I will attempt to respond to the concerns of the good Senator from Penobscot, Senator Baldacci, having in mind that I was not here this morning, so I may not, in my remarks this afternoon, address all of his concerns. I would be glad to make my remarks to concerns that he has. Briefly put, the issue is whether or not the CON Bill, as amended in L.D. 2018, in response to the concerns of the small hospitals in the State of Maine. I think the answer to that is yes it is extinct and a moderate step forward to respond to the small hospitals concerns, that they be afforded some additional degree of flexibility in providing for local health needs.

As you all are aware, currently, under the Certificate of Need law, a hospital must secure approval of the Bureau of Medical Services of the Department of Human Services as a prerequisite to adding a new service. Quite often there is an expense associated with going through the regulatory process. In many cases, new uses or new services are relatively minor in expense. The question is always raised by hospitals, is it really worth our time and expense in going through the regulatory process if, in terms of overall budget, the amount of money we are going to be adding on in this new service is very slight. The Committee tried to respond to that concern, as follows, and I did distribute fact sheets which you should have before you this afternoon and I will try to summarize what we have done, it is somewhat technical in nature and I apologize for that. I will try to be as plain as I can.

Currently, under our law one percent of all the financial requirements of hospitals is set aside in a paper fund, which we refer to as the development account. In any given year, under Certificate of Need, the amount of new services provided by hospitals, authorized by the Department of Human Services, can never exceed that one percent, can never exceed the amount of money in the development account. What the Committee has done is set aside one-fifth or twenty percent of that development account and that twenty percent is allocated to all hospitals for projects which do not require, I stress that do not require, the prior approval of the Human Services Department.

During our Committee discussions, there was a concern raised that it still might not address the needs of small hospitals. We have refined the formulate in the act to the point where now we guarantee a certain base allocation to be distributed to all hospitals in any given year. That is expressed as one half of one percent of the financial requirements set forth in that twenty percent. What that boils down to, this particular year, is that all hospitals will have at least seven thousand, two hundred dollars available at their disposal, which they can expend without prior approval from the Department of Human Services. In addition to that, the hospital is allocated additional funds within that twenty percent and the formula that we have derived at, we take the relationship between the hospitals financial requirements and compare that to the financial requirements of all hospitals in the State of Maine. For example, assume we had a large hospital whose financial requirements embodied ten percent of the financial requirements of all hospitals in the State of Maine, we would take that ten percent figure and multiply ten percent by twenty percent in the pool. That would be two percent. You take that two percent and that would be an additional amount of money in the pool, made available to the hospital over and above the seven thousand, two hundred base. It is guaranteed. I will point out that in any given year if a hospital does not use that money, that money will be carried forward to the next financial year for the hospital. A hospital can in a few years accumulate a fairly sizable amount of money, which it can apply to the service.

Bear in mind that that new service will not require prior approval from the Department of Human Services. The Committee felt that in this fashion, we would be responding to the legitimate needs of flexibility by all hospitals, small as well as large. I think it is imperative that one consider that what the consequences are of Certificate of Need. Yes, it is difficult, in some cases, to secure authorization under the Certificate of Need program, but once that certificate has been issued, has been approved, there is an automatic pass through and the Maine Health Care Commission, when taking a look at the financial requirements of any given hospital, will automatically pass through the amount of money required for that new project. It will pass that on without further review to all payers in the State, both commercial carriers as well as the State of Maine's medicaid program. There are some difficulties in the process, which hospitals have to go through, but once the hospital attains Certificate of Need or in this particular case, if it goes through that twenty percent pie, which is not subject to prior approval by the Commission, those costs and new services are automatically passed through to all rate payers. It is very important to consider. If the question is put, have we addressed all the concerns of all the small hospitals in the State of Maine, I think a fair answer is no. We have not, but if the question is put have we balanced legitimate needs of the payers in our State with the critical needs of hospital to properly fashion local services in their particular area of service, I think the answer is clearly yes, and I would be glad to respond further if there is any ambiguities.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I think this particular piece of legislation before us is one of the more serious bills to come through the Chamber to date. I don't have a question about the Bill, I believe that I have enough confidence in the Committee that they have done their work. In my reading of the Bill is that that we have not thrown out the baby with the bath water, to be trite. I heard the term mentioned this morning that disturbed me a little bit and that was a comment or a question about the rigidity of the existing Certificate of Need law. I have had experiences with a number of small rural hospitals in the area that I represent and I would like to think in my twelve years here that I have spoken for rural Maine, northern Maine. I also have a concerns about an attitude which I perceive, and this is not just one hospital this has been reflected to me by spokespersons from a number of hospitals both in my area and out, and that is the Certificate of Need law as it was originally written was unnecessary, was overly restrictive and they certainly should be allowed to do what ever it is that they wanted to do. I am very concerned about that kind of an attitude, that is perhaps personified by conversations I had with trustees at one point, over a particular Certificate of Need battle and I suggested to that Board of Trustees that I might be able to deal with the Department of Human Services ameliorate this problem and this is before I became an attorney so I wasn't looking for business.

But maybe I could deal with the people of the Department of Human Services and perhaps save them some money. I was told every clearly that they didn't care how much they had to spend on attorneys fees, because attorneys fees are passed through. They didn't care how much they spent. That process went on and I don't know what they spent, but I would be willing to bet you that it was in excess of thirty-five thousand dollars. That kind of callousness has been deal with by the existing Certificate of Need. I have also seen instances when, what I consider to be clear violations of the existing Certificate of Need law, were undertaken by health care facilities with no regard to the penalty that they might have to pay, then when discovered by the Department of Human Services, then is when we have this attitude kick into place about not caring how much it costs in lawyers fees, because they are all costs that are passed through and it is not going to come out of our pocket.

I hope that there is some rigidity left in the Certificate of Need law, I have talked to my seat mate who is very concerned about this, Senator Bustin, and I guess that I am convinced that we have not gutted the law to the point where these health care facilities with this attitude, and I am not saying they all have this attitude, but this attitude has struck me in the dealings that I have had with some of the hospitals that they have a right to go out and spend and buy and spend and procure and spend on contract for new services with very little obligation to account for that. I think the Certificate of Need law has existed in these past few years has been a good breaking force, if you will. I understand that there are some problems with it, there are problems particularly with some of your rural hospitals and I think the changes pending forth are necessary. I just wanted to say to the Department of Human Services, at least this Senator's vote, is in favor of this legislation and it is not going to be a vote to tell you to let up. I want to you keep them under scrutiny, I want to you keep them under tight control. They should have to be made to justify what it is they want and justify the way they are going about securing what it is they want and need. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate. I agree with everything that Senator Carpenter has said without exception. I would like to carry it one step further, not only should there be close scrutiny and I think we confirm out belief in the Certificate of Need process, but I think that Legislators also must understand that Certificate of Need is also there for a purpose.

Every time your local hospital comes to you for help to get something for your hospital, doesn't mean that it is necessarily right. We can be bamboozled into running to the aid of everybody who wants everything, because then you defeat the Certificate of Need process. That isn't to say that there aren't some hospitals with legitimate needs and that they perhaps need some help once in a while. Just because they are from your town doesn't mean that they ought to have a piece of equipment that is duplicated some where else that is very close.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate. I think it should be very clear here that the Certificate of Need process was established prior to the Health Care Finance Commission, prior to the diagnostic related groups that were mandated by the Federal Government, prior to a lot of those types of things being instituted. I say that the Certificate of Need program is out of control, it is not related or coordinated with the Health Care Finance Commission. It operates separately from that. I submit to you that that process is no longer needed or necessary when the Health Care Finance Commission regulates their budgets. Where else to regulate their planning, development, equipment and anything else then with their budgets. If they are going to be regulating their budgets, what is the need of having a separate department review separately the equipment or planning processes of a hospital. I think it is duplication of regulation. Either you are going to have one or the other, you can't have both.

That is the point here, I don't think that it is important to defeat this particular legislation, because I think the Committee has done an admirable job with what they had to work with. I don't mean in any way to slight the Committee process here, but I think there has to be a larger statement to be made. The larger statement is, that it is not needed with what we have in place now. That is the point, I just as soon think that we would be doing us a big favor by getting rid of that process and dealing with the Health Care Finance Commission. Just imagine for yourself, if you had the Department of Human Services approving whether Central Maine Power Co., should be involved in Seabrook, should be involved in Sears Island, or should be involved in buying Canadian Power, or building another facility of their own. Then you have the Public Utilities Commission separately that would be regulating the revenue requirements for that particular utility. They are just two separate processes. It just doesn't make sense. That is the point that I am trying to make. I don't intend to vote against this particular legislation, as it sits here, but I think that it is very important that when this has been approved, it isn't that I, this particular Senator, agrees with the Certificate of Need process, it is just if we don't pass this legislation then we are going to have the existing system as it sits now, without any of these improvements for the small regional hospitals.

It is ridiculous to set a limit of five million dollars or ten million dollars on all the improvements that you can have throughout the State of Maine, that leads to more fractionalism, more deviousness, between sections in the State of Maine. I don't think that is necessary. Not when you are controlling the revenue requirements for those hospitals as we passed into legislation. That is the point.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown,

Senator BROWN: Thank you Mr. President. I am not sure that I would concur with the remarks of the good Senator from Penobscot, Senator Baldacci, in terms of the whole Certificate of Need process, which I am roughly familiar with, but I would like to ask a question concerning this specific Bill, perhaps to the Chairman of the Committee or anyone else that might care to answer. It deals with that one percent on page three of the fact sheet that we received. It has been brought to my attention and this is a question, as to whether or not a hospital has to justify how those dollars are spend. For example, might a hospital in Portland receive forty thousand dollars as a win fall and not have to justify that at all under this proposal of that extra million dollars? Am I correct in assuming that?

THE PRESIDENT: The Senator from Washington, Senator Brown, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. In response, first to the concern of the good Senator from Washington, Senator Brown, I point out that the answer to that question is yes. In fact, that flexibility was really a response to the hospital industries concern that it be allowed to engage in modest new services without the expense and time problems in going through the regulatory process. It is very difficult in the State of Maine, to craft a truly equitable allocation formula, bearing in mind we have forty-two hospitals of various sizes. The Committee was very sensitive as I mentioned in my earlier remarks, to inequitable treatments accorded to small hospitals. Thus, we did refine the twenty percent formula further by guaranteeing a base distribution to all hospitals. It is important to point out that the amount of money which is being allowed to be allocated to new projects is still a fairly modest amount taken with respect to the over all financial requirements of all hospitals. If you would again refer to the hand out on page three, bear in mind that what we are talking about first of all, is taking a twenty percent pool of all the money in the Certificate of Need development account. We then factor that further by the relationship between any given hospitals financial requirements against all financial requirements of all hospitals in Maine. We then take that percentage, multiply that times the twenty percent and whatever that product is that is yielded, is then the figure which the hospital has.

In many cases, you would be having amounts closer to fifteen thousand dollars, perhaps, in the given year, which are moderate to a small hospital will have available at its disposal. The Committee also does allow that money to be carried forward to future years. We are allowing the hospital some flexibility, but clearly we also in an unanimous opinion that it was essential that we maintain the regulatory process of this time. That gets to the point that the good Senator from Penobscot, Senator Baldacci, raised. As it turns out, his concerns, as I understand it, of dividing responsibility in different departments. It is important to point out here that as of the next financial year, we are going to confer upon the Maine Health Care Finance Commission the authority to determine the total amount of monies in the development account. In another bill which you will be having before you next week, L.D. 1965, the Committee has provided specific directors to the Health Care Commission, when it determines what an appropriate development account should be in any given year. The Committee was impressed with the expertise, which is currently available through the Bureau of Medical Services, in accessing new deviability of new products and new services. It was felt by the Committee, that there was no need, at this time, to transfer that responsibility to the Health Care Commission, if we did that it would entail a significant financial note, we would be talking about adding on new positions when, in fact, there is no need to add new positions in State Government in this area at this time. Thank you.

Which was PASSED TO ENGROSSED as Amended, in concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

HOUSE REPORT - from the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Authorize the Establishment of Veterans' Homes in Northern and Southern Maine"

H.P. 1198 L.D. 1703

Report - Ought to Pass in New Draft under same title

H.P. 1604 L.D. 2258

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of the Report

(In Senate, March 26, 1986, Report READ.)

(In House, March 25, 1986, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.)

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

Senator BROWN: Thank you Mr. President and Members of the Senate. We have just established in this last debate, concerning the Certificate of Need process the value of maintaining a system like the Certificate of Need. I am not standing today to request even a Division at this point on this particular issue, but I would like to point out some things to the Members of this Chamber.

First, anyone that opposes an issue involving veterans is sometimes labeled as suspect and that is not the case at all here. I am not interested in making enemies on this particular Bill. The issue that is before us, this Tabled item number 2, deals with the establishment of two veterans' homes, one in northern Maine and one in another location. The question of nursing home beds cannot even be debated. There are nursing home beds that are needed throughout this entire State. There is a home, which I happen to operate, in Lubec Maine, it has a waiting list of about fifty people. You can find that would be the case with about any nursing home you check with around the State. So the question of whether or not we need beds, nursing home beds, is not even a debatable item. We do need more nursing home beds.

The question is, I guess, is the way that this whole particular Bill came about. We have debated in here not long ago an issue involving a dam in the northern part of the State. One of the things, and many of us in this Chamber, felt very strongly about was the integrity of a process. The integrity of a process protecting the process that we have established whereby we go ahead and approve the various things that take place within the State. What we had with this particular Bill is we had an effort to subvert the process. There is an effort to bring it to the Legislature to go ahead and subvert a process and to go ahead and get a Certificate of Need without going through the Certificate of Need process. That is the part that is bothersome, and there is a second thing that is bothersome to me about this particular Bill, there is a philosophical thing and you know these are two veterans' homes. We some time ago tried to do away with things like poor folks homes or any other kinds of homes that are segregating certain elements of the society. To build a veterans' home, a nursing home for the veterans, nationally, and this is an article that appeared in Today's Nursing Home in February of 1986 this year. There are seven veterans' homes that were intended to be built in this Country and I don't think these two in Maine were included in that.

The title of the article is The V.A. Expected To Cancel Nursing Home Construction, "according to the American Health Care Association a V.A. nursing home construction costs run approximately one hundred and thirty-one dollars per foot. Compared to fifty-eight to sixty-five dollars to build a community home." For those of us who run a community home would feel a little stronger about that, when ever you have a home that is going to be built with more than twice as many dollars, which would be nice if we could have that for all the citizens for the State of Maine.

On top of that there is the issue of the cost to operate and I would dare say I would like to see the veterans' home whether it be the one adjacent to us in Augusta, or any other veterans home compared to the cost that a community nursing home operates at. I would like to see those comparisons and the State is eventually going to have to pay for that. I guess, there is the issue of the integrity of the process and I understand now that an amendment has been put on here that this is going to go through the Certificate of Need process, furthermore we even have a guarantee from the Department of Human Services that they are going to be approved. So we are going to go through, as a result of Committee work, the integrity of the process and we have already got the guarantee over here that we are going to be approved. I guess you will have to justify in your own mind the integrity of the process that has already got that kind of guarantee, as I understand it.

The second issue involves the cost and this is going to be for veterans their wives and families, I guess any other person that may be on these waiting lists around this State to get into a nursing home and may have all kinds of needs, but they may not be a veteran, or a wife of a veteran they can't get in. I guess they will just have to go ahead and remain on a waiting list, not having first come first serve basis, not having a home situated where the State establishes the bed needs are greatest based on sixty-two beds per one thousand over the age of sixty-five, we are going to put in two special homes, one in northern Maine and another home in another part of the State to go ahead for specific individuals. Thank you Mr. President.

Senator NAJARIAN of Cumberland moved that the Senate ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Thank you Mr. President and Members of the Senate. I would like to respond to the comments of the good Senator from Washington, Senator Brown, as he correctly pointed out the original bill did not require the two proposed nursing homes for veterans, one in northern Maine and one in southern Maine to go through the Certificate of Need process, but the Committee has redrafted the Bill and currently that is required. It will not be a forgone conclusion, however, that they will be established. The Bill requires, first of all, that they received either Federal construction money or Federal operating money.

There is currently before the veterans administration in Washington what is called a pre-application for nursing homes of up to one hundred and twenty beds in Biddeford, Maine, which will be associated with New England Osteopathic Medical College. They are trying to establish the same system in this nursing home as current practice in hospitals in training young doctors and its hope that, not only will the patients of that nursing home get better care, but the students will also get better training.

So that is sort of a unique idea and we think it will be beneficial all around. Under that program it is on a first come first serve at the Federal level and this particular home in Biddeford is pretty far down the list. It is not anticipated that this home would qualify for funding before 1989 or 1990. The other means by which the veterans administration assists of funding of nursing homes is through a seventeen dollar per diem per veteran for operation costs. We have required in this Bill, before they can receive a Certificate of Need approval the home will either have to be sixty-five percent funded with Federal dollars or seventeen dollars per diem operating costs or both. The home currently in Augusta has both. We anticipate that the home in Biddeford will have both. The home in northern Maine, there are some strings attached to the sixty-five percent construction money and one is that it has to be up to sixty beds and be free standing. It is anticipated that the State can save money by attaching this nursing home in northern Maine to the current Caribou Hospital and the needs for beds is probably less than sixty beds up there for forty beds. If we got the State the Federal administration subsidy of seventeen dollars per day it would be very economical nursing home. The Department of Human Services supports these two nursing homes, because they are the cheapest nursing home beds to the State of Maine. The Department of Human Services pays about five dollars per day per veteran in a veterans' nursing home, as opposed to eight in a regular private paying nursing home. As far as the need goes, Sanford and another town in York County is very high on their list of needed nursing home beds and Presque Isle and Caribou are about right in the middle or a little above center in need of nursing home beds. It is anticipated by the time the funding rolls around to these homes that those two areas will probably be at the top of the list. Meanwhile, these others that you are concerned about, Belfast and Rumford, will already have their beds in this next cycle coming up. I think there are one hundred and eighty beds approved currently. Those areas will be taken care of.

So number one, we feel there is a need for the beds in those two areas when the time comes around for their construction or the time that they are completed, that it will be cost effective for the State of Maine, that if veterans go to these homes it will free up beds in other areas for the other citizens. I think all around the whole Committee unanimously feels comfortable with this proposal. We feel like the protections are there and that they won't be built if there is not Federal participation in some form. Thank you very much.

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

Senator BROWN: Thank you Mr. President, I would like to thank the good Senator from Cumberland, Senator Najarian, for that explanation and I did not request a division of this and do not intend to. The real issue here is that the pressure that a lot of us feel that there is not more nursing home beds available right now for all those people that are waiting. I guess that is the real sensitive issue. Thank you.

On motion by Senator NAJARIAN of Cumberland, the Senate ACCEPTED the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool"

S.P. 707 L.D. 1832

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 25, 1986, READ A SECOND TIME.)

On motion by Senator ERWIN of Oxford, Senate Amendment "A" (S-439) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and specially assigned matter:

Bill "An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund"

H.P. 1566 L.D. 2211
(H "A" H-585; S "A"
S-432)

Tabled - March 26, 1986, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In Senate, March 25, 1986, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. Senate Amendment "A" (S-432) READ and ADOPTED.)

(In House, March 24, 1986, FAILED OF ENACTMENT.)

On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-437) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. The amendment that I just submitted and now is before us is an amendment that simply reduces the fiscal note reflecting the elimination of the emergency preamble that was part of the amendment that we passed yesterday on this Bill, Senate Amendment "A". This will reduce the cost by \$11,460, making the cost for this program \$42,825. It is clear to the Members of the Senate, this is not money that will be generated from the general fund, this is money that will be generated from this check off on the tax form as provided under the provisions of the statute that we passed last year. There were some questions during the discussion of yesterday on the Bill, particularly the fiscal elements of the Bill and I would like to clarify for the Members of the Senate some of those questions. Just to remind you this is the children's trust fund that we are talking about, it was created by the Legislature last year to provide funds for non-profit community based programs dealing with the issue of child abuse and helping that situation that we have recognized in this Legislature in a variety of ways. This program establishes a board of directors, which is now in place, a nine member board, that nine member board will be promulgating rules and regulations and dispersing money that is generated through this check off to deserving organizations. They will be monitoring those programs and providing allocations based upon accountability to the goals of the program. What we are talking about in this proposal before us and this amendment, is to give the board the tools and the means to carry out their responsibility under the law. It is estimated by the Bureau of Taxation that during this tax year the program will generate approximately \$71,000 that is without any promotion of the program, without anything in place to explain that program or to allocate any of the funds or even to reimburse the members of the board. It is estimated by virtue of this program being an operated program, we will be eligible for \$160,000 in Federal money, bring the total for this program to approximately \$231,000 for this tax year.

The \$42,000 that we would be allowing to be spent through this Bill, before us, would allow this program to be lifted off the ground in terms of this tax year that we are talking about, because we would be allocating funds for the fiscal year of \$42,000 and that would be six months of this tax year. We are talking about actually providing \$21,000 for this program for this tax year and the other \$21,000 would be for the program during the next tax year. We are talking approximately \$21,000 for this program to administer \$231,000, \$71,000 which has been estimated to come through this check off. I won't review the points that I made yesterday about the practical necessity to reimburse the board for their expenses or to get this program administered. I think that we covered that in yesterday's debate, but I wanted to make absolutely certain that the Members of the Senate were familiar with the fiscal questions and the fiscal projections of this program. Thank you.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-437) ADOPTED.

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1620

ORDERED, the Senate concurring, that Bill, "An Act Concerning State Contribution to Pollution Abatement," H.P. 1469, L.D. 2071, be recalled from the Governor's desk to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Unassigned Table the following matter:

Bill "An Act Enabling Towns to Establish Municipal Land Banks" S.P. 893

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator CLARK of Cumberland to refer to the Committee on TAXATION

(Committee on ENERGY AND NATURAL RESOURCES suggested.)

(In Senate, March 20, 1986, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED. Subsequently, RECONSIDERED reference to the Committee on ENERGY AND NATURAL RESOURCES.)

Senator CLARK of Cumberland requested and received Leave of the Senate to withdraw her motion.

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

Senator VIOLETTE: In a moment I will be moving to Indefinitely Postpone this Bill. This Bill is no longer necessary, as another bill has been introduced, which does exactly the same thing, unfortunately a Senator cannot sponsor a tax measure and as such the sponsorship has been changed.

On motion by Senator VIOLETTE of Aroostook, Bill and Accompanying Papers INDEFINITELY POSTPONED.

Sent down for concurrence.

Off Record Remarks

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

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator CLARK of Cumberland, ADJOURNED until Monday, March 31, 1986, at 9 o'clock in the morning.