

# 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 Thirteenth Legislature**

OF THE

**State Of Maine**

## **VOLUME IV**

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

Index

### **SECOND CONFIRMATION SESSION**

May 13, 1988

Index

### **THIRD CONFIRMATION SESSION**

June 15, 1988

Index

### **THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

Index

### **FOURTH CONFIRMATION SESSION**

November 14, 1988

Index

### **FOURTH SPECIAL SESSION**

November 28, 1988

Index

### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

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

In Senate Chamber  
 Wednesday  
 April 13, 1988

Senate called to Order by the President.

Prayer by the Honorable Henry W. Black of Cumberland.  
 SENATOR BLACK: Oh Lord, we do not know what is  
 always best for us, but You do and for that we pray.  
 Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
 Non-concurrent Matter

Bill "An Act to Clarify the Standard of Proof in  
 Prelitigation Screening Panels" (Emergency)  
 S.P. 711 L.D. 1941  
 (C "A" S-395)

In Senate, April 5, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY COMMITTEE AMENDMENT "A" (S-395).

Comes from the House PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (S-395) AS AMENDED  
 BY HOUSE AMENDMENT "A" (H-675), thereto in  
 NON-CONCURRENCE.

On motion by Senator BRANNIGAN of Cumberland,  
 Tabled until Later in Today's Session, pending  
 FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Improve the Potato Marketing  
 Improvement Fund"

H.P. 1618 L.D. 2211  
 (C "A" H-639)

In Senate, April 8, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639), in  
 concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (H-639) AS AMENDED  
 BY HOUSE AMENDMENT "A" (H-671), thereto in  
 NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Abolish the Office of Complaint  
 Justice and Replace it with the Office of Justice of  
 the Peace" (Emergency)

H.P. 1791 L.D. 2452  
 (C "A" H-600)

In Senate, April 6, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600), in  
 concurrence.

Comes from the House PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AND HOUSE  
 AMENDMENT "A" (H-676) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Stockholder Initiatives  
 on State Investments in Northern Ireland"

S.P. 994 L.D. 2628

In Senate, April 12, 1988, referred to the  
 Committee on AGING, RETIREMENT AND VETERANS and  
 ORDERED PRINTED.

Comes from the House, under suspension of the  
 Rules, READ TWICE and PASSED TO BE ENGROSSED, without  
 reference to a Committee, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

COMMITTEE REPORTS  
 House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on  
 Bill "An Act Concerning Shoreline Alteration of  
 Artificially Created Great Ponds"

H.P. 1737 L.D. 2382

Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (H-666).

Comes from the House, with the Report READ and  
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (H-666).

Which Report was READ and ACCEPTED, in  
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-666) READ and ADOPTED,  
 in concurrence.

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

The Committee on LEGAL AFFAIRS on Bill "An Act to  
 Limit Rent Increases in Mobile Home Parks"  
 (Emergency)

H.P. 1510 L.D. 2060

Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (H-668).

Comes from the House, with the Report READ and  
 ACCEPTED and the Bill PASSED TO BE ENGROSSED AS  
 AMENDED BY COMMITTEE AMENDMENT "A" (H-668).

Which Report was READ and ACCEPTED, in  
 concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-668) READ and ADOPTED,  
 in concurrence.

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

SECOND READERS

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

House

Bill "An Act to Fund the Office of Child Welfare  
 Services Ombudsman" (Emergency)

H.P. 1861 L.D. 2559

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

House As Amended

Bill "An Act to Insure Payment of Reasonable  
 Costs of Operating Boarding Care Facilities"  
 (Emergency)

H.P. 1472 L.D. 1983  
 (C "A" H-660)

Bill "An Act to Supplement Crisis Intervention  
 Services to Penobscot, Piscataquis, Hancock and  
 Washington Counties"

H.P. 1506 L.D. 2056  
 (C "A" H-659)

LEGISLATIVE RECORD - SENATE, APRIL 13, 1988

Bill "An Act to Increase the Minimum Standards for Eligibility for the Elderly Low-Cost Drug Program and the Household Tax and Rent Refund Act"

H.P. 1512 L.D. 2062  
(C "A" H-651)

Bill "An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness" (Emergency)

H.P. 1548 L.D. 2108  
(C "A" H-663)

Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System"

H.P. 1612 L.D. 2205  
(C "A" H-662)

Bill "An Act to Protect the Well-Being of Young Children and to Help Prevent Emotional and Behavioral Disorders"

H.P. 1639 L.D. 2238  
(C "A" H-658)

Bill "An Act to Require Municipal Approval of Public Land Acquired by the State"

H.P. 1640 L.D. 2239  
(C "A" H-648)

Bill "An Act to Fund a Demonstration Teaching Nursing Home"

H.P. 1778 L.D. 2431  
(C "A" H-661)

Bill "An Act to Revise Exemptions Under the Law Relating to the Commercial Transport of Water and to Create the Maine Water Supply Study Commission"

H.P. 1786 L.D. 2447  
(C "A" H-664)

Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case" (Emergency)

H.P. 1872 L.D. 2564  
(C "A" H-653)

Bill "An Act to Expand the Property Tax Circuit Breaker Program"

H.P. 1882 L.D. 2574  
(C "A" H-652)

Bill "An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws" (Emergency)

H.P. 1905 L.D. 2602  
(C "A" H-656)

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

Senate As Amended

Bill "An Act to Establish a State Supplemental Insurance Program for Mentally Impaired Individuals"

S.P. 558 L.D. 1670  
(C "A" S-441)

Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency)

S.P. 742 L.D. 2001  
(C "A" S-440)

Bill "An Act to Implement the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs"

S.P. 788 L.D. 2065  
(C "A" S-447)

Bill "An Act to Include Drugs for Treatment of Chronic Obstructive Lung Disease in the Elderly Low-Cost Drug Program"

S.P. 800 L.D. 2101  
(C "A" S-449)

Bill "An Act to Provide Funds for Teenage Suicide Prevention"

S.P. 924 L.D. 2435

(C "A" S-439)

Bill "An Act Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund"

S.P. 992 L.D. 2625  
(C "A" S-448)

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

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Require Licensure of Certain Railroad Personnel"

H.P. 1748 L.D. 2397  
(C "A" H-645)

Tabled - April 12, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 12, 1988 READ A SECOND TIME.)

(In House, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645).)

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Authorize Kennebec County to Raise Up to \$7,900,000 to Renovate and Expand Jail and Law Enforcement Facilities for Kennebec County"

S.P. 993 L.D. 2626

Tabled - April 12, 1988, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

(In Senate, April 12, 1988, READ A SECOND TIME, without reference to a Committee.)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-446) 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 to Provide Greater Protection to Tenants of Mobile Home Parks" (Emergency)

S.P. 825 L.D. 2147

Tabled - April 12, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-444)

(In Senate, April 12, 1988, Committee Amendment "A" (S-444) READ.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-451) to Committee Amendment "A" (S-444) READ and ADOPTED.

Committee Amendment "A" (S-444) as Amended by Senate Amendment "A" (S-451) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters previously held, were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator BERUBE of Androscoggin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

SECOND READERS

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

House As Amended

Bill "An Act to Limit Rent Increases in Mobile Home Parks" (Emergency)

H.P. 1510 L.D. 2060

(C "A" H-668)

Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds"

H.P. 1737 L.D. 2382

(C "A" H-666)

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Maine Science and Technology Commission and to Authorize Funding for Centers for Innovation"

H.P. 1602 L.D. 2193

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-672).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-672) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections"

H.P. 1747 L.D. 2396

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-673).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-673).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-673) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1866 L.D. 2551

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-680).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-680) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Make Housing More Affordable to Maine Citizens"

H.P. 1659 L.D. 2269

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-678).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-678) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Statutory Organization of Boards and Commissions"

H.P. 1710 L.D. 2347

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-677).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-677) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:  
An Act to Require an Interdepartmental Study of and Plan for the Use of 3-rd Party Funds for children in Need of Treatment

S.P. 802 L.D. 2103  
(S "A" S-434 to C "A" S-424)

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 Relating to Special Education in Maine Schools

H.P. 1588 L.D. 2172  
(S "A" S-428 to C "A" H-630)

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

An Act to Require State-Leased Buildings to Meet Certain Air Quality Standards

S.P. 858 L.D. 2246  
(C "A" S-429)

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

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  
Ought to Pass As Amended  
Senator GILL for the Committee on HUMAN RESOURCES on Bill "An Act to Prohibit the Sale of the Substance Amyl Nitrite, Commonly Referred to as "Rush" or "Lockerroom," to Minors"

S.P. 761 L.D. 2024  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-455).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-455) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GILL for the Committee on HUMAN RESOURCES on Resolve, Establishing the Commission to Study the Status of the Nursing and Health Care Professions in Maine

S.P. 847 L.D. 2203  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-454).  
Which Report was READ and ACCEPTED.  
The Resolve READ ONCE.  
Committee Amendment "A" (S-454) READ and ADOPTED.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:  
COMMITTEE REPORTS  
House  
Ought to Pass As Amended

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings"

H.P. 1804 L.D. 2468  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-682).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682).  
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-682) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Standard of Proof in Prelitigation Screening Panels" (Emergency)  
S.P. 711 L.D. 1941  
(C "A" S-395)

Tabled - April 13, 1988, by Senator BRANNIGAN of Cumberland.

Pending - FURTHER CONSIDERATION  
(In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-395).)

(In House, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-395) AS AMENDED BY HOUSE AMENDMENT "A" (H-675), thereto in NON-CONCURRENCE.)

On motion by Senator BRANNIGAN of Cumberland, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (S-395).

House Amendment "A" (H-675) to Committee Amendment "A" (S-395) READ and ADOPTED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-452) to Committee Amendment "A" (S-395) READ and ADOPTED.

Committee Amendment "A" (S-395) as Amended by Senate Amendment "A" (S-452) and House Amendment "A" (H-695) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

An Act to Require State-Leased Buildings to Meet Certain Air Quality Standards

S.P. 858 L.D. 2246  
(C "A" S-429)  
Tabled - April 13, 1988, by Senator PEARSON of Penobscot.

Pending - ENACTMENT  
(In House, April 13, 1988, PASSED TO BE ENACTED.)  
(In Senate, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-429).)

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

The Chair laid before the Senate the Tabled and Later Today Assigned matter:  
 Bill "An Act to Require Licensure of Certain Railroad Personnel"

H.P. 1748 L.D. 2397  
 (C "A" H-645)

Tabled - April 13, 1988, by Senator BALDACCI of Penobscot.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 12, 1988 READ A SECOND TIME.)

(In House, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645).)

On motion by Senator BALDACCI of Penobscot, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-645).

On further motion by same Senator, Senate Amendment "B" (S-453) to Committee Amendment "A" (H-645) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. A quick clarification, it is just moving back the licensing requirements to be in synch with the penalty provisions and not having one before the other.

On further motion by same Senator, Senate Amendment "B" (S-453) to Committee Amendment "A" (H-645) ADOPTED.

Committee Amendment "A" (H-645) as Amended by Senate Amendment "B" (S-453) thereto, ADOPTED in NON-CONCURRENCE.

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

Non-concurrent Matter

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Improve Services for Maine's Elderly"

S.P. 943 L.D. 2490  
 (S "A" S-432)

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, April 11, 1988, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-432).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Senator BUSTIN of Kennebec moved to INSIST AND ASK FOR A COMMITTEE OF CONFERENCE.

Senator SEWALL of Lincoln moved to RECEDE and CONCUR.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a Bill that we haven't discussed at all in this Body and perhaps we ought to do that.

This is a Bill that saw the light of two committees and it started in the Banking and Insurance Committee and then was transferred to the Taxation Committee. I think there is a good deal of merit in what the Bill seeks to accomplish, yet I don't think it is ready for passage. Let me tell you just a little bit about what I think the Bill intends to do. It addresses the problem of the elderly in

terms of their health care outside the environment of a hospital, extended long term, home based and a multitude of other types of care beyond the hospital setting. It sets up a mechanism whereby insurance companies could develop a policy and sell it to people so that they could purchase that policy and have it apply in their later years. That is a well intended proposal and I think it has some merit. Let me tell you, however, that at the hearing that we had and the discussion before the Committee on Banking and Insurance it was the considered opinion of both the representatives from the Bureau of the Elderly, the Blue Cross Blue Shield and other private insurance carriers that we hadn't quite developed everything that we needed to do in order to put this on the market. Now, obviously, this type of a policy is going to be an expensive one and it is probably going to be afforded only by people in middle income levels and probably they will have to purchase it at an appropriate time in their life. Perhaps, when they are somewhere between forty-five and fifty-five, certainly those of us in advanced years would get no advantage whatsoever under this proposal. There is a carrot involved in the proposal and it is this; it simply provides that purchasers of such a policy could deduct as an expense item from their state income tax and on the other hand there is an encouragement to the insurance industry to develop and sell this proposal, because it provides for them a reduction of fifty percent in the payment of their premium tax. So, obviously, it has some benefit to both parties. The thing that was very difficult for us to arrive at quickly was how it ought to be structured, how expensive it was going to be, what it would do in terms of reduction in income for the state of Maine. While there were some numbers posed they were very arbitrary obviously because of the little bit of development of this thing, no one really knew how much it was going to effect the state loss of income in terms of loss of premium tax and in terms of loss of income tax. So, the trouble with it was that there was too many unanswered questions that we couldn't properly respond to.

So, I think the opinion of the Committee, when we shipped it down to the Taxation Committee, is that we really ought to have some more time to work out all the intricacies involved in this sort of a policy. So, while I agree with the idea and it has some merit, I don't think today we are ready to pass this Bill. I would urge you not to do it at this present time. Thank you Mr. President.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. As one of the sponsors of this Bill and as a member of the Banking and Insurance Committee and having been down in the Taxation Committee when they discussed this Bill, I think I have a little bit of an idea of what this Bill is all about. Also, if anybody has been reading the paper in the last ten years, they would know what elderly care is all about and what the drain on medicare/medicaid is all about. I have a few facts that I would like to read to you and then try to get you to vote with me to defeat the Recede and Concur motion so we can Insist and have a Committee of Conference to iron out some of the things that the good Senator from Aroostook, Senator COLLINS has said.

There is, in fact, a true catastrophe in long term custodial care that accounts for eighty-one percent of catastrophic outlays. One half of those people sixty-five years and older in this country, and I am not terribly far from that, will need some

kind of long term care. That means we have got to start looking out for how we are going to be taken care of when we reach sixty-five, hopefully I won't need long term care when I am sixty-five, but maybe by eighty-five. The average cost of delivering this care in a nursing home today is twenty-two thousand dollars a year. twenty-two thousand dollars. I venture that most elderly who go into nursing homes don't even make twenty-two thousand dollars a year when they end up there. Medicare now pays part of the cost for up to one hundred days if the state follows a period of hospitalization. Most long term custodial care is not covered at all because it is not considered medically necessary. That is your home health care, your intermediate care, the only thing that is covered is your nursing homes, boarding homes are not even up to the price that we need to pay for those. Ninety percent of single elderly patients spend down to poverty, listen to that, ninety percent of single elderly patients spend down to poverty level after one year in a nursing home. Seventy percent spend down into poverty after just thirteen weeks. Half of the couples with a spouse in a nursing home are impoverished within six months. Medicaid has become the de facto long term care program in this country. Five percent of medicaid recipients who live in nursing homes consume forty-three percent of the medicaid budget.

What this Bill is trying to do and what the criticism has been of it is that it is a tax break for one, the insurance companies and two, the middle and higher income groups. Well, who do I give a tax break to? The low income don't make enough money to give a tax break to. They are already on medicaid, they can't afford the insurance policy premium. In order to encourage them to buy their own care in their later years and put their own money in instead of the medicaid dollar being used, we want to give them a tax break. It is like eight dollars on one thousand dollars claimed of exemptions. I got the feeling down in Taxation, when we presented this, that because it wasn't a high enough impact on the General Fund that it wasn't worth considering, I don't like thinking that but it sort of felt that way to me.

According to the New York Times, one of the leading approaches to promoting private sector solutions is using tax incentives to promote private sector solutions. This Bill does just that and more. This Bill establishes a clear definition of what a long term care health policy must cover and that is one of the other things that the people are afraid of because what you will hear is, there are all kinds being sold out there, Beverly, yes there are all kinds of policies being sold out there and we are finding they don't cover the care we offer here in the state and what we want to do is provide you with a basic policy that has a tax incentive on it, they can offer anything else they want, but they must offer that basic policy and that is the fear. The fear is that we will set the standards into statute that says that when you buy a long term care policy in this state you are assured of getting some benefits from that if you need it. Not being told when you need the benefits, that your policy didn't cover it, you may have been paying on it for the last twenty years, but it didn't cover it. This Bill establishes a tax break for insurance companies who develop long term care policies which meet the guidelines that this Bill establishes and a tax reduction for individuals who purchase long term care. It requires also, and this is an important component of this Bill, the Bureau of Insurance to institute a consumer education program which will

provide consumers in Maine with a clear understanding of the health insurance options which are available in this state. It has a negligible financial impact.

On motion by Senator BUSTIN of Kennebec, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to thank the good Senator from Kennebec, Senator Bustin, for explaining a problem that I think many of us have sympathy with. The problem we had with this particular piece of legislation is maybe it is a little bit before its time in that there was no way to calculate what this legislation would cost. We just couldn't figure that out. Also, we heard from representatives of the Elderly and so forth that they don't really know what products are offered now, this is a new offering from insurance companies. So it just doesn't seem that this is the appropriate time to do it. Lest anyone feel that this is a partisan division on this matter I will request the Committee Report be read.

At the request of Senator SEWALL of Lincoln, the Reports were READ.

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

Senator BUSTIN: Thank you Mr. President. I would like to pose a question to the Chair. Is there a fiscal note attached to this Bill?

THE PRESIDENT: The Chair would answer in the affirmative. The fiscal note on the Bill has a six thousand dollar price tag. Five thousand, four hundred and ninety dollars from undedicated revenues and five hundred and ten dollars from dedicated revenues.

The Chair recognizes the same Senator.

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to respond to the good Senator from Lincoln, Senator Sewall. This is the first time I think that I have heard an argument posed to not pass a bill because it was before its time. The thing that we do here all the time is do what I call fire fighting, we go around and put out the fires, we never try to insure that the fire doesn't happen in the first place.

Well, in point of fact, the fire is there and it is raging and we do need to put it out and this is one of the things we are going to use to put it out is to have a tax deferred policy. An insurance policy that is a basic policy that tells us what our long term care needs should be in this state. I appreciate your support.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I take disagreement with the good Senator from Aroostook and the good Senator from Lincoln in regards to their opposition to this legislation. I think it is very unfortunate that people have to be bankrupt before they can be on the states medicaid program for long term care. Anything we can do to make it easier for people to get long term care insurance, I think will be a step in the right direction. It won't force families and individuals to become paupers.

THE PRESIDENT: The pending question before the Senate is the motion of Senator SEWALL of Lincoln to RECEDE and CONCUR. A Roll Call has been ordered.

A vote of Yes will be in favor of the motion to RECEDE and CONCUR.

A vote of No will be opposed.

Is the Senate ready for the question?



The Doorkeepers will secure the Chamber.

At this time, the Chair noted the absence of the Senator from Androscoggin, Senator Gauvreau, and further excused the same Senator from today's Roll Call votes.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, KANY, MATTHEWS, PEARSON, THERIAULT, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, KERRY, TUTTLE

EXCUSED: Senator GAUVREAU

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator having been excused, the motion of Senator SEWALL of Lincoln, to RECEDE and CONCUR, FAILED.

On motion by Senator BUSTIN of Kennebec, the Senate INSISTED AND ASKED FOR A COMMITTEE ON CONFERENCE.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Create the Commission to Examine Issues Relating to Legal Expenses Incurred by State Employees in the Execution of their Official Duties and Related Disciplinary Issues"

S.P. 914 L.D. 2383  
(C "A" S-430)

In Senate, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430) AS AMENDED BY HOUSE AMENDMENT "A" (H-684), thereto in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Clarify the Definition of Earnable Compensation"

H.P. 1826 L.D. 2502  
(C "A" H-624; S "A" S-420; S "B" S-445)

In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624).

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624) AND SENATE AMENDMENT "A" (S-420) in NON-CONCURRENCE.

In House, April 8, 1988, that Body INSISTED.

In Senate, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624) AND SENATE AMENDMENTS "A" (S-420) AND "B" (S-445) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624) AS AMENDED BY HOUSE AMENDMENT "A" (H-686), thereto AND SENATE AMENDMENT "B" (S-445) in NON-CONCURRENCE.

The Chair, in the absence of a motion from the floor, moved to INSIST.

Senate at Ease

Senate called to order by the President.

On motion by Senator BERUBE of Androscoggin, the Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act to Create the Commission to Examine Issues Relating to Legal Expenses Incurred by State Employees in the Execution of their Official Duties and Related Disciplinary Issues"

S.P. 914 L.D. 2383  
(C "A" S-430)

Tabled - April 13, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430).)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430) AS AMENDED BY HOUSE AMENDMENT "A" (H-684), thereto in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Thursday, April 14, 1988, at 9:00 in the morning.