

# MAINE STATE LEGISLATURE

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# 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

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### **SECOND CONFIRMATION SESSION**

May 13, 1988

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### **THIRD CONFIRMATION SESSION**

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### **FOURTH CONFIRMATION SESSION**

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### **FOURTH SPECIAL SESSION**

November 28, 1988

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

December 3, 1986 to December 6, 1988

Adjourned until Monday, April 18, 1988, at two o'clock in the afternoon.

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

In Senate Chamber  
Friday  
April 15, 1988

Senate called to Order by the President.

Prayer by Reverend H. Everett Wiswell of the United Methodist Church in Waldoboro.

REVEREND WISWELL: Almighty God, who did direct and inspire the hearts of our fathers and mothers to set forth the independence of these United States and the State of Maine, we give all glory and praise to You, the author of our liberty, and the sure defense of our safety. We pray that by Your grace we may be enabled to build wisely on these foundations of freedom and of peace, that we may hold our liberties of the due process of law in high esteem and in all things seek that righteousness which exalts us as a state. Kindle in our hearts the true pure flame of love and care as we seek to meet the needs of the people we serve and grant that the fire of leadership may shine as beacon lights through these respected halls, Oh God, and that we may point the way of all people to love and care for one another. Father be with us this day as we debate, vote and carry out the democratic process. Bless us and use us that Your holy will may be done. In Jesus name we pray. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing or Made with Certain Chlorofluorocarbons"

H.P. 1797 L.D. 2461  
(S "B" S-422 to C "A"  
H-596)

In Senate, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596) AS AMENDED BY SENATE AMENDMENT "B" (S-422) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-709) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:  
DIVISION OF COMMUNITY SERVICES  
STATE HOUSE STATION 73  
AUGUSTA, MAINE 04333  
April 1, 1988

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

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 113th Legislature a report on Maine's Home Energy Assistance Program for the year 1986-87.

I would be happy to answer any questions you may have concerning this report.

Sincerely,  
S/Nicola C. Kobritz  
Director

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

ORDERS

Joint Resolution

On motion by Senator DOW of Kennebec (Cosponsored  
by: Representative WEYMOUTH of West Gardiner) the  
following Joint Resolution:

S.P. 997

JOINT RESOLUTION IN HONOR OF

MARY E. HARDING,

SENIOR LEGAL PROOFREADER FOR THE MAINE LEGISLATURE

WHEREAS, "God wove a web of loveliness, of clouds  
and stars and birds but made not anything at all as  
beautiful as words"; and

WHEREAS, words are not only beautiful but a  
powerful tool indispensable in communicating meaning  
and intent in the process of lawmaking; and

WHEREAS, the proofreaders' marks provide  
assurance of the proper word use and meaning  
essential for the technical accuracy of legislative  
documents; and

WHEREAS, this important discipline has been  
faithfully discharged by Mary E. Harding, Senior  
Legal Proofreader for the Maine Legislature for the  
past 16 years; now, therefore, be it

RESOLVED: That, We, the Members of the Senate and  
House of Representatives of the 113th Legislature of  
the State of Maine, now assembled in Second Regular  
Session, pause in our deliberations and on the eve of  
her retirement to honor Mary E. Harding of  
Farmingdale, for her many years of dedication and  
painstaking work and to express to her our thanks and  
deep appreciation along with best wishes for her  
future; and be it further

RESOLVED: That suitable copies of this  
resolution be prepared and presented to Mary in token  
of our esteem.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Revise the General Assistance  
Laws"

H.P. 1249 L.D. 1705

Bill "An Act to Amend the General Assistance  
Laws"

H.P. 1250 L.D. 1706

SECOND READERS

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

House As Amended

Bill "An Act to Increase the State's Share of  
Education Costs"

H.P. 272 L.D. 355

(C "A" H-701)

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

Senate As Amended

Bill "An Act to Clarify the Laws Regulating the  
Insurance Industry to Ensure its Regulation by State  
Antitrust Laws"

S.P. 920 L.D. 2411

(C "A" S-463)

Which was 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:

An Act to Consolidate State Land Use Statutes  
into the Natural Resources Protection Act

H.P. 1687 L.D. 2316

(S "A" S-437 to C "A"  
H-641)

Tabled - April 14, 1988, by Senator USHER of  
Cumberland.

Pending - ENACTMENT

(In Senate, April 12, 1988, PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"  
(H-641) AS AMENDED BY SENATE AMENDMENT "A" (S-437),  
thereto.)

(In House, April 14, 1988, PASSED TO BE ENACTED.)

On motion by Senator USHER of Cumberland, the  
Senate SUSPENDED THE RULES.

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

On further motion by same Senator, the Senate  
SUSPENDED THE RULES.

On further motion by same Senator, the Senate  
RECONSIDERED whereby it ADOPTED Committee Amendment  
"A" (H-641) as Amended by Senate Amendment "A"  
(S-437) thereto.

On further motion by same Senator, the Senate  
SUSPENDED THE RULES.

On further motion by same Senator, the Senate  
RECONSIDERED whereby Senate Amendment "A" (S-437) to  
Committee Amendment "A" (H-641) was ADOPTED.

On further motion by same Senator, Senate  
Amendment "A" (S-437) to Committee Amendment "A"  
(H-641) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate  
Amendment "B" (S-466) to Committee Amendment "A"  
(H-641) READ.

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

Senator USHER: Thank you Mr. President. Mr.  
President, men and women of the Senate. What I did  
was add a fiscal note to assist the department in  
their rule-making procedures.

On further motion by same Senator, Senate  
Amendment "B" (S-466) to Committee Amendment "A"  
(H-641) ADOPTED.

Committee Amendment "A" (H-641) as Amended by  
Senate Amendment "B" (S-466) 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  
Specially Assigned matter:

Bill "An Act to Amend the Regulation of Lobster  
Parts"

H.P. 1584 L.D. 2162

(S "A" S-450 and H "A"  
H-649 to C "A" H-595)

Tabled - April 14, 1988, by Senator CLARK of  
Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595), in concurrence.)

(In House, April 11, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.)

(In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) AND SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.)

On motion by Senator CLARK 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" (H-595) as Amended by House Amendment "A" (H-649) and Senate Amendment "A" (S-450) thereto.

On further motion by same Senator, the Senate RECEDED from ADOPTION of House Amendment "A" (H-649) to Committee Amendment "A" (H-595).

On further motion by same Senator, House Amendment "A" (H-649) to Committee Amendment "A" (H-595) INDEFINITELY POSTPONED, in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-464) to Committee Amendment "A" (H-595) READ and ADOPTED.

Committee Amendment "A" (H-595) as Amended by Senate Amendments "A" (S-450) and "C" (S-464) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

(See Action Later Today)

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

Resolve, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage (Emergency)

S.P. 791 L.D. 2079

Tabled - April 14, 1988, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-461)

(In Senate, April 14, 1988, Committee Amendment "A" (S-461) READ.)

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-461) READ.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. The amendment I am offering this morning simply reduces the impact of this Bill to one particular hospital. We are referring here to a demonstration project for day care which is going to be operated at the St. Mary's General Hospital in Lewiston. The original fiscal note would have had the costs for this day care project borne by all Maine hospitals. The amendment clarifies the original intent of the Human Resources Committee which was to allow only St. Mary's Hospital to pass that cost on to its consumers. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-461) ADOPTED.

On motion by Senator WHITMORE of Androscoggin, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-465) to Committee Amendment "A" (S-461).

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I guess I have a couple of questions that I would like to ask anyone in this Chamber who is prepared to respond. We recognize that day care is very important, particularly in the peripheral of nursing. It is my understanding that there are at least two hospitals within the State of Maine that currently have day care and have been providing day care for probably the last three or four years. My concern is, we have an expenditure here to create a demonstration project at one hospital part of which, based on the Committee Amendment, is to review the start up time implementation, any problems in the start up and operations for reasons of these problems and just developing a bunch of data. It seems to me that if we already have a couple of projects that are in place within the State of Maine at two of the major health institutions, that this cost would be redundant and perhaps unnecessary. I would like someone on the Committee to respond to that if they might.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the concerns articulated by my colleague, the good Senator from Androscoggin, Senator Whitmore. Certainly the points which he raises do merit a response. The Human Resources Committee this year had three pieces of legislation which addressed the general topic of day care in hospital settings. I had presented a bill which was broader in scope and which would have had a state-wide impact. The Bill we have before us today was sponsored by the Senator from Cumberland, Senator Gill. There was considerable discussion in committee as to which vehicle to utilize. We felt ultimately that the St. Mary's project was fully developed and could go on line immediately.

We expect we will be able to obtain specific information on setting day care in hospital venues such as to respond to issues as how effective is on site day care to recruitment and retention issues. As you know, we have a major personnel shortage in our hospitals and nursing homes in our state and we expect to obtain much data from the pilot project at St. Mary's Hospital. We also want to determine what the actual costs will be of a facility such as this and if it is feasible to have a subsidized day care program in hospital settings. Is a hospital or nursing home based program unique enough to allow for amendments in the current day care laws regarding staff to children ratios. We also want to take a look at the sliding fee scale to determine what appropriate charges would be and whether we ought to consider some type of voucher system. There are many questions which have been raised and I think can be answered in the context of the demonstration project. It should be pointed out that although there are other day care programs in hospitals through the state, those hospitals did not come to me, nor did they come to the Committee and seek to be included in this demonstration project, or my bill which would have had a state-wide impact. The only

facility which really worked with the Committee and it worked at some length was that of St. Mary's General Hospital. The Human Resources Committee felt unanimously that because the St. Mary's project is ready to go and it will include not only a hospital day care center, but also a day care center for employees of the D'Youville Nursing Home which is allied with St. Mary's Hospital, that we ought to run that program this year. It is a one year program and it will come back next year. We will assess its effectiveness and perhaps extend this day care model to other hospital and nursing homes. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I suspect that the other hospital that has an ongoing day care program now is the Eastern Maine Medical Center in Bangor. I think that the Senator from Androscoggin, Senator Whitmore's question has gone without an answer which is, if you have a program already and it is already in operation why don't you know that kind of information already?

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the good Senator from Penobscot, Senator Pearson. I think that Senator Gauvreau's answers responded to why they had agreed to go with the demonstration project, but I guess I was more concerned with the fact that there currently are already two health care facilities in the State of Maine, to the best of my knowledge, that currently have day care that they have funded themselves. They have not come to the state for any assistance and now we have a third health care facility that is saying we would like to start one up, but we want some state money. Somewhere I must be missing the boat, because I think that if two hospitals can start them on their own and a third hospital comes in and says we have to have money to start a demonstration project, if we are looking at the types of questions as I see in the Committee Amendment, I think that those answers are readily obtainable from the two facilities that are already on line. As the good Senator from Androscoggin, Senator Gauvreau, pointed out, the St. Mary's facility can be started up immediately. The other two have been on line. I know one that has been on line for three to four years and I guess I must be missing the boat somewhere because I don't understand why we would fund another one and call that the demonstration project. Thank you.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I am a sponsor of this piece of legislation. I was asked by St. Mary's to put this in and one of the things that they hope to obtain and why it is so different from other projects throughout the state is that this is a seven day a week project, twenty-four hours per day and it also provides care for sick children. I understand in the child care atmosphere that we have available in this state that there isn't the coordination of all of those things in one package. St. Mary's has put a lot of time and effort into putting this in place and the fact that it is on the grounds and adjacent to the hospital in a building they have there, that is in close proximity to the hospital. Sick child care is a problem and when you have nurses in a facility who you expect to be there on a round-the-clock basis and if they have a sick child at home and if they can bring it to a sick

child day care, it is a lot better for them and they don't have to worry about the child. They know it is in good hands, being taken care of by the hospital facility and they can proceed and do their work with the patients. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I concur with the commentary from the good Senator from Cumberland, Senator Gill. Clearly the same proposal would be a round-the-clock operation which is not provided in any other hospital day care programs in the State of Maine. I would also point out that we have another bill which we will be considering shortly and I believe it is L.D. 2433, which would invite us to extend an automatic pass thru to all hospitals, all forty-four hospitals in the State of Maine for day care programs which are deemed appropriate and relevant to staff retention and recruitment issues. I suspect that members of this Body, between now and the adjournment of our session, we will be subjected to a variable surfeit of argumentation on the reasons for cost containment and the virgining health care costs we in the state are experiencing.

It struck me and many other members of the committee that rather than go full blown into a pass thru for forty-four hospitals, we ought to have a little focus and take a look upon the efficacy of hospital-based day care before we go to a state-wide program. Beyond that the St. Mary's program is somewhat unique in that where as most hospitals in the state have difficulty in obtaining space for day care, St. Mary's hospital has recently closed its nursing school and it does have available that facility to have the day care program in.

So clearly the St. Mary's program is unique in design and it is ready to go immediately. I would also point out once again that Eastern Maine or any other hospital did not approach me and did not ask the Committee to be included in the demonstration project. That struck me as being somewhat unusual and I was quite surprised, but that is the fact and I don't really know why those hospitals would defer until Senate debate to come forward at this time and raise questions as to the Committee rationale. It strikes me that since those representatives of those hospitals were in Committee almost the entire Session and their lobbyists were in Committee almost the entire Session, they certainly had ample opportunity to express their concerns at that time. Frankly, I am at a loss as to why they would wait until April 15 to voice their objections.

Senator WHITMORE of Androscoggin requested a Division.

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Off Record Remarks

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

Senator WHITMORE: Thank you Mr. President. A parliamentary inquiry. The question that is before us is to adopt the Senate Amendment to the Committee Amendment?

THE PRESIDENT: The Chair would answer in the affirmative.

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Senate at Ease

Senate called to order by the President.

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Subsequently, Senator WHITMORE of Androscoggin requested and received Leave of the Senate to withdraw his request for a Division.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-461) ADOPTED.

Committee Amendment "A" (S-461) as Amended by Senate Amendment "A" (S-465) thereto, ADOPTED.

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

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162  
(S "A" S-450 and S "C" S-464 to C "A" H-595)

(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENTS "A" (S-450) and "C" (S-464) thereto, in NON-CONCURRENCE.)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE:

On further motion by same Senator, the Senate RECONSIDERED ADOPTION of Committee Amendment "A" (H-595) as Amended by Senate Amendments "A" (S-450) and "C" (S-464) thereto.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Senate Amendment "A" (S-450) to Committee Amendment "A" (H-595).

The same Senator further moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-450) to Committee Amendment "A" (H-595).

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. When I was backing this Bill up so that we could attach Senate Amendment "C" (S-464) earlier in this morning's session, I should have indefinitely Postponed not only House Amendment "A", but Senate Amendment "A" (S-450). Senate Amendment "A" (S-450) incorporates most of that which is contained in the all put together Senate Amendment "C" (S-464). This is an Aroostook County Bill. Thank you Mr. President.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill was introduced by a legislator from Aroostook County. It has been washed over by coastal legislators and the only observation I can make from in between Aroostook and the Coast is that it seems like it has as many amendments as lobsters have parts.

Off Record Remarks

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-450) to Committee Amendment "A" (H-595) INDEFINITELY POSTPONED in NON-CONCURRENCE.

Committee Amendment "A" (H-595) as Amended by Senate Amendment "C" (S-464) thereto, ADOPTED in NON-CONCURRENCE.

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

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

The Chair laid before the Senate the matter Tabled pending a Ruling of the Chair:

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401  
(C "A" H-590)

Tabled - April 12, 1988, by the President.

Pending - RULING OF THE CHAIR

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

(In Senate, April 11, 1988, Committee Amendment "A" (H-590) ADOPTED, in concurrence. Under suspension of the Rules, READ A SECOND TIME. Senate Amendment "B" (S-438) READ.)

The Chair RULED SENATE AMENDMENT "B" (S-438) NOT PROPERLY BEFORE THE BODY pursuant to Senate Rule 11.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator TWITCHELL of Oxford, 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Application and Approval for Railroads to Receive Financial Assistance from the State and to Require Notice of Major Modifications in Rail Service"

H.P. 1933 L.D. 2634

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

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

The Chair, in the absence of a motion from the floor, moved to SUSPEND THE RULES to give the Bill its FIRST READING, without reference to a Committee.

Senator CAHILL of Sagadahoc objected.

On further motion by same Senator, referred to the Committee on TRANSPORTATION and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CAHILL of Sagadahoc, 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:

ORDERS  
Joint Order

On motion by Senator DOW of Kennebec the following Joint Order:

S.P. 999

ORDERED, the House concurring, that Bill, "AN ACT to Strengthen the Drunk Driving Laws", H.P. 1746, L.D. 2395, and all its accompanying papers, be recalled from engrossing to the Senate.

Which was READ and PASSED.

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

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

COMMITTEE REPORTS  
House  
Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Amend the Law Relating to Unitary Taxation of Corporations"

H.P. 928 L.D. 1244

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-710).

Signed:

Senators:

TWITCHELL of Oxford  
DOW of Kennebec  
SEWALL of Lincoln

Representatives:

NADEAU of Saco  
WHITCOMB of Waldo  
SEAVEY of Kennebunkport  
SWAZEY of Bucksport  
DORE of Auburn  
ZIRNKILTON of Mount Desert  
JACKSON of Harrison  
CASHMAN of Old Town  
DUFFY of Bangor

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

MAYO of Thomaston

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710).

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-710) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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 TAXATION on Bill "An Act Providing for Administrative Changes in the Tax Laws"

H.P. 1535 L.D. 2089

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-712).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-712) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on TAXATION on Bill "An Act to Provide for a Partial Rebate of 1987 Individual Income Tax"

H.P. 1833 L.D. 2510

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-711).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-711) READ.

On motion by Senator SEWALL of Lincoln, Senate Amendment "A" (S-471) to Committee Amendment "A" (H-711) READ and ADOPTED.

Committee Amendment "A" (H-711) as Amended by Senate Amendment "A" (S-471) thereto, ADOPTED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for 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 BANKING AND INSURANCE on Bill "An Act to Insure Adequate Rate Filing Information from Health Insurers"

H.P. 1719 L.D. 2358

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-716).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-716) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

SECOND READERS

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

Senate As Amended

Resolve, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage (Emergency)

S.P. 791 L.D. 2079



(S "A" S-465 to C "A"  
S-461)

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

Under suspension of the Rules, ordered sent down forthwith 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 Recodify the Laws on Municipalities and Counties"

H.P. 1855 L.D. 2538

In House, March 16, 1988, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

In Senate, March 17, 1988, PASSED TO BE ENGROSSED, without reference to a Committee, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-714) AND "C" (H-715) in NON-CONCURRENCE.

On motion by Senator CLARK the Senate RECEDED from PASSED TO BE ENGROSSED.

House Amendment "B" (H-714) READ and ADOPTED, in concurrence.

House Amendment "C" (H-715) READ.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-474) to House Amendment "C" (H-715) READ and ADOPTED.

House Amendment "C" (H-715) as Amended by Senate Amendment "A" (S-474) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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:

Emergency

An Act to Increase Reimbursement Rates to Boarding Care Facilities

H.P. 1472 L.D. 1983

(C "A" H-660)

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

Emergency

An Act to Provide Elderly Mental Health Service Needs

S.P. 742 L.D. 2001

(C "A" S-440)

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

Emergency

An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness

H.P. 1548 L.D. 2108

(C "A" H-663)

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

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:

Emergency

An Act to Abolish the Office of Complaint Justice and Replace it with the Office of Justice of the Peace

H.P. 1791 L.D. 2452

(H "A" H-676; C "A"  
H-600)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Fund the Office of Child Welfare Services Ombudsman

H.P. 1861 L.D. 2559

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

Emergency

An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case and the Diamond Shamrock Case

H.P. 1872 L.D. 2564

(C "A" H-653)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Emergency

An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws

H.P. 1905 L.D. 2602

(C "A" H-656)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

LEGISLATIVE RECORD - SENATE, APRIL 15, 1988

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

An Act to Establish an Interim Assistance Revolving Loan Fund for Mentally Impaired Individuals  
S.P. 558 L.D. 1670  
(C "A" S-441)

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

An Act to Provide Additional Funding for Crisis Information and Suicide Prevention Services in Somerset County

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

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

An Act to Create a Commission to Examine Rent Increases and Other Issues Concerning Mobile Homes

H.P. 1510 L.D. 2060  
(C "A" H-668)

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

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)

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

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)

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

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)

Which was PASSED TO BE ENACTED 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:

ENACTORS

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

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)

An Act Concerning Shoreline Alteration of Artificially Created Great Ponds

H.P. 1737 L.D. 2382  
(C "A" H-666)

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

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)

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

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

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

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

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  
(H "A" H-684 to C "A" S-430)

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

An Act to Fund a Demonstration Teaching Nursing Home

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

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

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 Revise Exemptions Under the Law Relating to the Commercial Transport of Water

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

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  
(S "A" S-446)

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

S.P. 994 L.D. 2628

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

An Act to Provide Funds for Teenage Suicide Prevention

S.P. 924 L.D. 2435  
(C "A" S-349)

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

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 Clarify the Definition of Earnable Compensation

H.P. 1826 L.D. 2502  
(H "A" H-686 to C "A"  
H-624; S "B" S-445)

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Senator PEARSON of Penobscot, moved to place the Bill on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator PEARSON of Penobscot requested and received Leave of the Senate to withdraw his motion to place the Bill on the SPECIAL APPROPRIATIONS TABLE.

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers INDEFINITELY POSTPONED, 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 TAXATION on Bill "An Act to Amend the Maine Income Tax Law"

H.P. 1803 L.D. 2467

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-717).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-717) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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

Senate

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project"

S.P. 892 L.D. 2304

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-468).

Signed:

Senator:

GILL of Cumberland

Representatives:

CLARK of Brunswick

BOUTILIER of Lewiston

PINES of Limestone

TAYLOR of Camden  
DELLERT of Gardiner  
FARNUM of South Berwick

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-469).

Signed:

Senators:

GAUVREAU of Androscoggin  
KERRY of York

Representatives:

MANNING of Portland

ROLDE of York

SIMPSON of Casco

LAPOINTE of Auburn

Which Reports were READ.

Senator GILL of Cumberland moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) Report.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending the motion of Senator GILL of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) Report.

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Resolution

On motion by Senator KERRY of York (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 995

JOINT RESOLUTION MEMORIALIZING THE 100TH CONGRESS OF THE UNITED STATES TO REGULATE THE PORTRAYAL OF VIOLENCE AND THE MARKETING OF WAR TOYS AND TOY FIREARMS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Members of the 100th Congress of the United States of America, as follows:

WHEREAS, the media is becoming an increasingly important source of information, role models and content of children's play; and

WHEREAS, stories and programs presented in the media are coordinated with the development and marketing of children's toys and games; and

WHEREAS, even conscientious parents have difficulty in regulating their children's exposure to these programs and toys; and

WHEREAS, the programs and toys may adversely affect the development of children in ways that impede their understanding of the consequences of violent acts committed by themselves or others; and

WHEREAS, the mistaken assumption by law enforcement agents or other individuals that look-alike firearms are real firearms can lead to tragic consequences; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to:

1. Regulate, or obtain agreements from manufacturers of look-alike firearms to mark them with clearly recognizable markings; and

2. Regulate, or obtain agreement from, media operating under licenses issued by federal agencies

to prohibit the coupling of programs which portray violence with the marketing of war toys or other toys which foster violent play among children; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.  
Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator KERRY of York (Cosponsored by: Senator PEARSON of Penobscot, Representative CASHMAN of Old Town, Representative NADEAU of Lewiston) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 998

JOINT RESOLUTION MEMORIALIZING  
THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT  
TO THE UNITED STATES CONSTITUTION TO REQUIRE  
THE PRESIDENT OF THE UNITED STATES TO SUBMIT  
A PROPOSED BALANCED BUDGET TO THE CONGRESS  
AND TO REQUIRE A BALANCED FEDERAL BUDGET

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the United States Congress, as follows:

WHEREAS, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the legislative and executive branches of the Federal Government continually demonstrate an unwillingness or inability, with respect to the annual federal budget, to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget and are not subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under the United States Constitution, Article V, the Congress, whenever 2/3 of both Houses deem it necessary, shall propose amendments to the United States Constitution, which shall be valid for all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of 3/4 of the several states; and

WHEREAS, we believe action on amendments to the United States Constitution concerning federal expenditures to be vital; now, therefore, be it

RESOLVED: That, We, your Memorialists, do hereby respectfully urge the members of this Congress of the

United States to propose an amendment to the United States Constitution to require a balanced federal budget, except in time of declared war or when 3/5 of the elected members of each House agree; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and to each member of the Maine Congressional Delegation.

Which was READ and ADOPTED.  
Sent down for concurrence.

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 to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine"

S.P. 220 L.D. 601

ENACTORS

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

An Act to Provide Greater Protection to Owners of Mobile Homes and Mobile Home Parks

S.P. 825 L.D. 2147

(S "A" S-451 to C "A" S-444)

Which was PASSED TO BE ENACTED 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

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 Authorize a Bond Issue in the Amount of \$10,000,000 for a Grants Program for Municipal Capital Investments"

H.P. 1829 L.D. 2505

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Statutes Pertaining to the Emergency Treatment and Continuing Supervision of Chemically Dependent Persons"

H.P. 1857 L.D. 2542

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-718).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-718) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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:

PAPERS FROM THE HOUSE  
Non-concurrent Matter

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

H.P. 1618 L.D. 2211  
(H "A" H-671 to C "A"  
H-639)

In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639) AS AMENDED BY HOUSE AMENDMENT "A" (H-671), thereto, 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, AND HOUSE AMENDMENT "A" (H-719) in NON-CONCURRENCE.

The Senate ADHERED.  
(See Action Later Today)

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

COMMITTEE REPORTS

Senate  
Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)

S.P. 845 L.D. 2191

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-473).

Signed:

Senators:

KERRY of York  
GILL of Cumberland

Representatives:

PINES of Limestone  
FARNUM of South Berwick  
ROLDE of York  
BOUTILIER of Lewiston  
DELLERT of Gardiner

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

GAUVREAU of Androscoggin

Representatives:

LAPOINTE of Auburn  
MANNING of Portland  
SIMPSON of Casco  
CLARK of Brunswick  
TAYLOR of Camden

Which Reports were READ.

Senator GAUVREAU of Androscoggin moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

Senator GILL of Cumberland requested a Division.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. This is the famous Certificate of Need Development Account that you have all been lobbied pretty heavily on and that you have received a lot of phone calls from home on I am sure. This Bill, the Majority Report which Senator Kerry from York County and I are on from this Body, does make a one time adjustment to the State Certificate of Need Act to the development account. This will allow important health care projects that

are being held up now to have an opportunity to be successful. As you all know, we are one of the most regulated and constrained health care entities in the country. The State of Maine has more regulation going for it than anyone else as far as hospitals are concerned. There is only so much you can do to microscopically examine hospitals to try to keep health care costs down. We have in place the Maine Health Care Finance Commission who's job it was to reduce and restrain health care costs and we have a certificate of need process in place which forces hospitals to go into a complete review process to determine whether their projects that they would like to put into their facilities are in fact needed in the community and in the state in general. With the development account, we put them through a couple of hoops. We make them go through the C.O.N. process which is a rigid process. They have to do a lot of work, architectural work. They have to have their plans all ready to go should their project be approved. It is very costly up front and then we have another kicker in there called a C.O.N. Development Account and if your project should get through the C.O.N. process and there is not enough money in the C.O.N. Development Account, then the project falls by the way after all the expense that facilities have put into it. There are a number of high technology pieces of equipment that this state does not have. One of my favorite to talk about is the lithotripter. Where we have so many men in the Senate Chamber who might, at some point, have problems with kidney stones and if any of you have had problems with kidney stones they recognize that they are very difficult to pass and sometimes require invasive surgery. We have a piece of equipment on the market that the State of Maine does not have and it is called a lithotripter. A lithotripter has the ability to crush the stones up through a non invasive process. It is a much easier process. You do not lose work time. You can go back to work in a short period of time. You don't have a recuperative period. You don't lose money by having to travel back and forth to a facility out of state that might have one. The State of Maine is not able to have a lithotripter in the state because the C.O.N. Development Account doesn't have enough money. Blue Cross for instance has paid for sixty-five people to travel out of state to avail themselves of the services of a lithotripter. The cost of just the fee in having this done was twelve hundred dollars. This does not include the transportation of going and it does not talk about the loss of time by having to travel out of the state. It seems to me that the State of Maine with the population we have, ought to look at something like this and we are not able to because of the small amount in the C.O.N. Development Account and the fact that hospitals have to maintain safety codes and the monies that are available are now being spent to maintain safety and health codes

in hospitals to meet joint accreditation standards for hospitals so there is not a lot of money left over to look at new technology to improve the health care and accessibility of health care in the State of Maine for people.

As I said when I started, this is a one time adjustment. The C.O.N. Development Account has been under size for several years and what has happened is we have created a large backlog of projects that have been unable to move forward. Last year we had projects ranging in the amount of over two million dollars that were not able to move forward because the monies were not there to use on them and so those projects that went through this very difficult C.O.N.

process, they were approved and met all the criteria. The need was there, but there was no money in the development account so we had to put them into this next cycle of the C.O.N. process again. Those projects are having to go through the same process all over again and as I said before, it is a costly area to try to get these projects to the point where they can be C.O.N. approved. I would hope that you would pass this. It is a 7.8 million dollar fund. We are going to hear some debate on that and I think I will stop now and see who else gets up and says what they have to say.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise to urge you to reject the impassioned plea of my distinguished colleague from Cumberland County, Senator Gill, and urge that you Accept the Ought Not to Pass Report. This is a very difficult issue to debate. The issue is rather complicated and I think Senator Gill has effectively tried to address the issue in human terms and minimized its technical complexity. We are, in our society, rapidly approaching a point where we will be unable to afford a modicum of appropriate and decent health care for all. It is ironic that issues such as that before us that is to expand the Hospital Development Account which is commonly referred to as its predecessor account, the C.O.N. Account, that efforts to enhance and improve the quality of medicine, remove and reduce human misery, alleviate human suffering, it is ironic that these overtures at the same time have the unfortunate, but very definite effect of reducing availability of health care to many, many in our society. But that is precisely the effect. It seems to me that we are placed in very difficult situations. As an elected representative, all of us have a fiduciary responsibility to discharge effectively and forcefully represent the perceived needs of our regions. Without question every person in this Body has been contacted on numerous occasions by representatives of hospitals in being urged to accept L.D. 2191 which, as the Senator from Cumberland, Senator Gill indicates, would effect an enhancement or a broadening of the Hospital Development Account.

We have to make some very difficult and painful decisions and whether we will do that this year or the year after this or four or five years down the road, I do not know. It seems to me we are rapidly approaching a point when we are going to price health care out of the reach of most individuals.

There are some facts which I must bring to your attention and let me indicate that this might take a while to do so and I apologize for the elongated nature of my remarks. We know that health care expenses are increasing by a rate more than twice that of growth in the consumer price index. Simply put, it is costing us more than twice as much for health care as we are realizing gains in our personal income. Unfortunately, that trend is exacerbating. Every year the variance, the differential between what we earn as income and what we are paying for health care is spreading. There are many reasons for that. Part of them and a large part of them are attributable to the federal deficit reduction matters. This year alone in the State of Maine, we will realize a seventy million dollar shortfall in our Medicare and Medicaid Accounts. In other words, fellow government will be reimbursing hospitals providing care for our citizens seventy million dollars less than the actual cost for that care.

This is a hidden tax which the President and which the Congress has given us in the guise of deficit reduction. I would point out to this Body that just four years ago, that shortfall was ten million dollars and within two years it will exceed a hundred million dollars. That is clearly a factor. I don't see any relief in sight until the latter part of the next decade as far as the federal shortfalls are concerned.

Aside from that, we have broad-based demographic changes in our society. People are getting older. Due to the blessings of modern science, we are able to treat people more effectively. We are able to prolong life. We are able to relieve human suffering and that is a wonderful blessing of modern science. But at the same time, because of demographic changes, we know that by the year 2010, over one in five persons in this state will be above age sixty-five. What does that tell us? It tells us that a smaller and smaller percentage of people in our state will be financing our health care system. We have other major factors which are forcing our health care financing system out of whack. For example, this year we have a major problem in terms of shortage of health care personnel and the Health Care Finance Commission is being asked and appropriately so to consider upward adjustments of what hospitals can charge in order that hospitals can attract and retain quality, qualified health care personnel. Hospitals also have to spend more than five million dollars this year alone just to engage in preventative measures for AIDS. The list goes on and on. The point is and I should also mention the malpractice problem that hospitals quite often have to engage in duplicative testing just to make sure that they are not called to account in a court of law later on in the event of an unfortunate result. Now the cost to the system is staggering. This year alone we are going to see more than twenty-five million dollars added to our hospital financing system and it is precisely for these reasons that this Legislature some five years ago adopted the Maine Health Care Finance Commission or MHCFC. Now as many of you know, the Health Care Finance Commission does regulate what hospitals are allowed to charge for their services. It also regulates what they can receive in terms of income. A basic part of our regulatory scheme is the Hospital Development Account and under our statutes, the Health Care Finance Commission is required to consider a complicated maze of factors in deciding how much money every year hospitals can be allowed to spend to bring to bear new programs, new services and new technology.

We are currently entering our fourth payment year cycle. For the first two years that we had the Hospital Development Account, there was more money in the Hospital Development Account than there were projects. I should back track just a little bit to amplify the remarks by the good Senator from Cumberland, Senator Gill. A hospital which warrants to bring on line a new hospital project has to go through the certificate of need process. The hospital has to persuade the Commissioner of Human Services that it is a good idea and a prudent expense of hospital finances to bring to bear a new program or a new project. If the commissioner grants approval on the C.O.N., at that time the item is referred to the Hospital Development Account. If there is sufficient money in the account to fund the new program or the new project, at that time the project is brought on line and the hospital is allowed to raise its rates to recover its costs for the new program or new technology. This was the case

the first two years of the Hospital Development Accounts existence. It was not the case in the third payment year. The Commission has proposed for this payment year, a 6.7 million dollar allotment for the Hospital Development Account. Some of that has already been spent on so called minor projects and I need not bother you with that issue at this time. Essentially what the Senator from Cumberland, Senator Gill, would have us do today is re-size the hospital development account from 6.7 million dollars to 14.5 million dollars which is more than doubling the amount of money which the Health Care Finance Commission felt was appropriate and was affordable for Maine citizens in this particular payment year. There are very grave and very severe implications by this action. Certainly if we do add to the account, it will cost consumers of health care in our state more for their services. I want to take issue with a few points which my good colleague from Cumberland, Senator Gill, has mentioned. She tells us that it is her intent to impose a one time addition, a one time adjustment to our Hospital Development Account. With all due respect, I don't believe L.D. 2191 does that at all because if we were in fact to re-size this account to about 14.5 million dollars, we would effectively do the following: All hospitals which currently have programs which are deferred that is not yet approved, not yet financed, would go back into a competitive cycle for their programs to be approved. There still would be an excess number of projects. The projects that would be in that cycle would not all be funded; some would and some would not - clearly, more would than currently under the present cycle. I would estimate that around sixty-five million dollars in new technology would be involved in this so called one time re-sizing of the account. Bear in mind that when we look at the Hospital Development Account, we are not adding projects with the total cost of 7.8 million dollars - not at all. We measure the Hospital Development Account by the financial impact in the third year of the project, so if one amortizes the project for a million dollars over ten years, assuming a flat amortization, one would realize a hundred thousand dollars in the third payment year. Now, that is why we are actually being asked today to add sixty-five million dollars to the hospital financing network in our state. So when people tell you that it is a one time shot, that is an illusory argument and in fact if some of the programs which are currently awaiting approval on the Hospital Development Account are granted approval in the event we re-size the account today, we will be looking at a twelve year amortization in some of these projects. Beyond that, it seems somewhat mischievous to suggest that this would be a one time legislative imposition in the sizing of the Hospital Development Account because clearly, many could argue in fact I think it will be an appropriate argument to make in future years, if in fact projects were proposed and approved by the Commissioner of Human Services, but not funded because of a shortage of monies in the Hospital Development Account. It could be argued that let's put a bill in, let's re-size the account. We did it in 1988, and we can do it again, why not? And that is the nub of the problem. When do you say no? Most of the projects which are currently on the deferred list are meritorious projects. They will do what they say they will do. They will alleviate human suffering. They will prolong life. They will provide better health care. That is correct, but we have to accept the notion that at some point the demand for services exceeds our financial capacity to pay for those services. It is very difficult for us

as representatives of people to make that call because we will get two hundred or three hundred or four hundred letters from some hospitals or some group saying please, please won't you just add a Magnetic Resonance Imaginary Unit to my hospital. In two years, won't you please add a Positron Emission Topography Unit to my hospital. How do we as representative possibly understand the implications of that? How can we really as politicians make reasoned, intelligent decisions in terms of rationing health care? I submit we cannot. That is precisely why we have the Health Care Finance Commission or whatever agency we charge in state government with making that type of determination. It seems to me that if we are going to be serious in our efforts to control health care costs, we are going to have to repose a certain degree of faith and trust in the departments which we charge with regulating health care costs. Now certainly we have an opportunity to restructure the Department of Human Services, to restructure the Maine Health Care Finance Commission. In fact, just last year we set up the commission of which I chaired which has that precise function, to assess the efficacy of health care regulation in this state and to determine whether or not we should restructure our health care environment because clearly, we have a changed health care environment in 1988, than we had in 1982, when the Health Care Finance Commission was first proposed. But if we fall prey to the argument that just this once won't you please give us another ten million dollars, or eight million dollars, or twenty million dollars, we won't come back again. And yet at the same time I must say in all fairness, the proponents of these expenditures are actually in good faith. They are doing what they are supposed to do. They represent hospitals, their development officials, they are charged with advocating their case and they make a very, very compelling case. It is very difficult for most of us, very difficult for me certainly to say, no you are wrong. We don't need that project. I represent Androscoggin County. I have two hospitals I represent in the City of Lewiston, each of which has programs deferred and waiting approval on this Hospital Development Account list. Certainly in an election year it will be very tempting to say yes, we should fund these projects. I am a forthright proponent of quality health care and I think we should bring these projects to bear as soon as possible. But if I do that, I know because of my years of service in the Human Resources Committee, I will also be pricing health care out of the existence of many people, low income people and middle income people. We have sort of a nefarious cycle going on now in health care. Health care costs are rapidly rising. Blue Cross/Blue Shield had a twenty-one percent rate increase this year and by all accounts, we can look forward to a thirty percent or more increase in group health policies next year. And that is based upon current spending projections, not if we re-size the Development Account and accept other spending initiatives which you will hear in the next two or three days.

You recall I mentioned at the outset of my remarks we have what we call the Medicare shortfall. This year it is seventy million dollars and that will be increasing over years. Now let me point out to you that under our health care financing system, under MHCFC, we guarantee hospitals which are shortchanged by the federal government, we guarantee them they will make up that loss because hospitals will be allowed to pass on that shortfall to their consumers of their hospital. They will be allowed to charge other consumers higher charges. That results

obviously in insurance companies charging higher rates. Now as you charge higher rates, more businesses make the decision they can no longer afford to provide either full coverage or partial coverage or they raise deductibles, the raise co-pay requirements. As a result, more and more Mainer's simply go without insurance and they cannot afford to buy individual health care plans. What does that do? That provides a larger number of people who are uninsured. What happens then? Hospitals still have to provide services for those people, but they are not compensated. Once again, the Health Care Finance Commission insures that uncompensated care is passed through to the payers of health care insurance. That results in another rise of health care costs and health care premiums perusing yet another round of people who can no longer afford health care insurance. So that is why we are in the dilemma we are in today. The more we do to enhance the quality of care, improve our life, provide better medical services, we know we are going to consign more and more Mainer's to lives without proper medical insurance. Today more than one in six people in the State of Maine, more than one in six people do not have health insurance and that figure is growing all the time. And that is why it is so ironic that I stand before you this afternoon being urged by compassionate people to provide more care and yet I know that if I say yes, let's override the bureaucracy, what do they know, let's just impose their own subjective judgment, we need more health care, let's help our local hospitals, we know at the same time we are going to be consigning more and more people in our state to lives without proper health care and that is the precise choice that you are going to have to face today. If we don't address it today it will come back next year and the year after that and the year after that and eventually, we are going to have to learn that as elected officials we have to make some extremely painful decisions. One can ask the Senator from Penobscot, Senator Pearson, or the Senator from Androscoggin, Senator Berube, or the Senator from Penobscot, Senator Emerson, how they feel about this because they make painful decisions all the time. They sit on the Joint Standing Committee on Appropriations and Financial Affairs and they are being required on many occasions to recommend against funding projects which are highly meritorious and which are highly worthwhile. Yet why is it that as legislators we understand the reality of the table. But when it comes to health care expenditures, we don't have that same level of awareness. We simply say we will pass it on to the Health Care Finance Commission. It will be funded and we won't hear about it. Or you may receive a letter from the Chamber of Commerce, or you might receive a phone call from some businessman saying why is my health insurance so expensive, but you will pass it off. I am suggesting to all of you today, whether we address the issue this afternoon, or next year or the year after that, we are going to have to come to grips with this very, very critical problem in our society. I also suggest to you that we are not going to come to grips with the problem if we say today in the guise of providing better health care for a few, we are going to consign more and more Mainer's to lives without proper access to any health care at all and that is going to happen, mark my words. It is for those reasons that I stand before you today urging you to accept the politically unpopular, but clearly the appropriate course of action which is to accept the Minority Ought Not to Pass Report. I suggest we do just that and give my commission a chance to come back next year and make

recommendations on how we are going to have to deal with this problem of providing a modicum of quality health care to all our people in our state at a meaningful and affordable price, while at the same time allowing our hospitals, allowing our health care providers to introduce in a reasonable and moderate fashion, technology and programs which we not only need, but which we can afford. Once again, for these reasons, I urge you today to accept the Minority Ought Not to Pass Report.

On motion by the President, Tabled until a Time Certain: 11 Seconds, pending the motion by Senator GAUVREAU of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report. (Division Requested)

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.

#### ORDERS OF THE DAY

The Chair laid before the Senate the Tabled till a Time Certain:

SENATE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)

S.P. 845 L.D. 2191

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-473).

Minority - Ought Not to Pass.

Tabled - April 15, 1988, by the President.

Pending - Motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report (Division Requested)

(In Senate, April 15, 1988, Reports READ.)

Senator GAUVREAU of Androscoggin requested a Roll Call.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. This is not that complicated of an issue. What is complicated is the amount of bureaucracy that lies between the patient that needs the medical care and the care for that particular patient. That is what is complicated. It is not a very complicated issue. The matter before us is a one shot deal. It is saying that the Department of Human Services Commissioner and the review process has said fine, those projects are approved. On the other hand they are saying, but we have no more funds for it. You have a blue ribbon commission which is working on all of these human resource problems that is supposed to report back to the Legislature and tell us what we should be doing for the future. This Bill is addressing a void between what should be approved and the money available for it and until your commission can come back and report to the Legislature what the problem is, I don't think it is a very complicated matter. It passed the straight face test and the day of light test by the commissioner and all those hoops and now we are putting the money there because it has been approved by him. The concern that I also have from the good Senator from Androscoggin, is that being aware of an earlier issue dealing with day care in some hospitals. It behooves me because some hospitals in my area have already gone ahead and made the effort to establish those kinds of programs that some other areas of the state have to go through the General Fund in order to see that those programs are accomplished. I think that even in that particular



issue you see the pressure for the added infusion of resources to accomplish certain programs and the pressure is there throughout the state. I agree with the good Senator from Androscoggin. It has got to reach a level, but the fact of the matter is the worse thing that ever happened is getting the government to be so heavily involved in the process so that they are deciding whether it should be a lithotripter or a cancer machine, or a heart machine, or any other type of machine. That was the worse thing that ever happened. This is a one shot deal. It is covering the gap between what has been approved and the money that is available and until your blue ribbon commission comes back to this Body or to this Legislature with a report, we won't be able to deal with the entire health or human resources issues.

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

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. This Bill did not come to my committee nor am I a sponsor of the bill. But I am a member of the Banking and Insurance Committee and it is for this reason that I stand before you today to urge you to vote against this Bill. I echo all that has been said by the good Senator from Androscoggin, Senator Gauvreau. It is true that we have a crisis lurking in the shadows right now, actually in the proportion of what workers' compensation insurance was to us. I would predict that within the next two years we will realize how true this is. I know that this is truly a noble effort to assist our hospitals, but will we really assist our hospitals if in a couple years time no one will be able to afford health insurance? Can you imagine what would happen to our hospitals if we had no health insurance available? That is the quickest way I know of that they will go down the tubes. One of the reasons that it is so difficult for me to stand to speak against this Bill today is because those people that want this Bill to pass are probably the noblest amongst us. It is very difficult to stand and speak against them.

Presently in this state we do have a major health insurance carrier that no longer writes health insurance because they just cannot do it. The rates they would have to ask are out-of-sight and nobody could afford to pay them. It is just a matter of time before the other insurance companies will be in the same position. The situation is critical. It is dire. The Banking and Insurance Committee has recognized for some time that there is a crisis in the making and consequently, this summer there will be an attempt made to try and get a handle on this thing so that maybe the proper counter measures can be taken to avert this crisis that is going to be on us. Let me assure you that this one time supposedly seven million dollars is not going to help the situation. All it is going to do is accelerate the eventual disaster that is lurking.

I would urge you, even though this looks like a very noble effort and I know that it is a noble effort, to kill this Bill. Thank you.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report. (Roll Call requested)

H.P. 1746 L.D. 2395  
(H "E" H-713 to C "A"  
H-669)

(In Senate, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 999.)

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-669) as Amended by House Amendment "E" (H-713) thereto.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "E" (H-713) to Committee Amendment "A" (H-669).

On further motion by Same Senator, House Amendment "E" (H-713) to Committee Amendment "A" (H-669) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-472) to Committee Amendment "A" (H-669) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. Just for your information, this is just adding a fiscal note to this amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-472) to Committee Amendment "A" (H-669) ADOPTED.

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. I would like to pose a question to any one who would care to answer. Can someone please explain what this Bill covers?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I will try very, very briefly to explain what the committee amendment as amended by the senate amendment does. Number one, it does change the operating-under-the-influence blood alcohol content from .10 or one tenth of one percent of ones body's blood in alcohol content down to .08. Our committee deliberated on this. At first we questioned it when this proposal was brought to us, but the medical evidence seemed to strongly suggest that one was definitely impaired and in fact, impaired prior to that .08 blood alcohol content and level. That is one of the major provisions of the bill. Another is that after someone has first been convicted of operating-under-the-influence, then they have a conditional license for one year in which any time they are picked up under reasonable cause and found to have a blood alcohol level of .05 in which significant impairment has also been shown at that level, then their license would be suspended or adjudicated, not an actual conviction. By the way in this entire Bill with the many major significant changes we are making to the O.U.I. laws, we are not changing convictions of O.U.I. or operating after suspension from the usual class D crime. We are not changing that at all. Another element here is that after a second conviction for O.U.I., we have a conditional license for six years and that while driving with that conditional license if someone is

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

RECALLED FROM ENGROSSING

Bill "An Act to Strengthen the Drunk Driving Laws"

picked up and if there is reasonable cause with once again a .05, not a .02 as reported in the A.P. article in most of the papers today but a .05, then once again that would be suspended. Another element, this is the final one I will speak about because these are the major points of substance, is that after someone has been convicted of operating after suspension, after a conviction that really is symbolic partially, but partially really to remove that driver from the road, we are saying three things could be done: That their vehicle could either be forfeited, that they could pay to have it stored, or they could sell it, but we want to remove that vehicle from the road. If that vehicle is shared in ownership with someone else, if it is the first time that this came into play, then that co-owner could take that vehicle. If that happened again and there were a co-owner, then that co-owner should have learned and it should have taken full title perhaps to that vehicle and it could then be confiscated in that it could be forfeited, stored or sold. By the way, we even have a hardship provision in there so if there is another member of the family that this would be a real hardship on, then none of those things come into play. I guess I would say that this is about as brief as I can be in trying to outline the major areas of substantive change in our very complex laws regarding O.U.I. There are many things that were not suggested in this Governor's Bill. The Legal Affairs Committee did come out with a unanimous report. We evaluated all these things very, very thoroughly and there were things that were not brought to our attention in this Bill which we plan to address in a separate bill through a study commission. Things that have more to do with multiple offenders such as ignition interlocks and immediate suspension of ones license and so on. So there are things that are not addressed in this Bill, but I did give you the major elements of it. Thank you.

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. I have a problem with this Bill as you might suspect by my asking to have the bill defined. It is a hard position for me to take. You would not expect with my history here in this Legislature that I would take the position that I intend to take with this Bill. I feel that I need to explain that to you and put it on the record because I suspect that most of the members have already made up their minds about how they are going to vote. I do not hope to change the vote with my speaking.

To reduce .10 to .08 and to have that second conditional license at .05, I think gives some additional and I hesitate to use this word, but it is the only one I can think of, weapons to the law enforcement community. It leaves me without any "weapons" to use in the face of alcoholism treatment that I endorse. It fails to recognize that in the great many instances and by act of this Legislature many years ago, we have determined alcoholism to be a disease. There is nothing in this Bill and I am sure others will dispute that there is nothing in this Bill that aims us toward treatment. It does not give us the wherewithal to say to that first time offender and that is the one I am mostly concerned with is the first time offender even though there are others who are as concerned and probably more concerned about the second and third time offenders and I will speak to that, but it does not give that first time offender the shock treatment that they need to get into treatment. If, for instance, this Bill had considered that and had put something in there to

give administrative action or to allow administrative action so you could say to that first time offender, we will give you a work permit so that you can go to work because most first time offenders probably are pretty close to that .10 or below the level and probably have used poor judgment at that one time and probably would have a tendency not to drive and drink again. But to give the administrators the opportunity to say to that person, if you will go into treatment of your own volition, we will issue you a work permit. I am told that one of the reasons that we cannot do that is because the Federal Government who frequently is not as up to date as the state government's tend to be because they tend to be closer to the people, would withdraw five hundred thousand dollars of federal highway monies. I am willing to forget that five hundred thousand dollars and take it out of the Alcohol Premium Fund and raise the premium fund if we have to to pay for that. I think that is a very poor excuse for not offering a carrot and stick approach to getting people well and getting people educated about drinking and driving and about alcoholism in particular. That is one of my issues.

The second issue is one of education and training for the law enforcement community. I know that the good Senator from Kennebec, Senator Kany, has been on that law enforcement training issue for a long, long time and I know she continues to work at it. But the fact of the matter is, we do not have the wherewithal to train and educate our law enforcement community in what alcoholism is all about. All of the conversation I have had in that regard tells me that there is little understanding, little understanding that alcoholism is indeed a disease and it can't be treated the same. Obviously, we cannot allow nor do I sanction, drinking while driving. I absolutely do not sanction that. If I had my choice, I'd probably pull in everybody that even drank if I could catch them, but I would do something about teaching them, educating them and treating them for their problem. That is what I would do. That is why I have to vote against this Bill. The other thing is the impounding of cars. Now I know that there are all kinds of if's, and's, where's and therefore's with impounding cars, but the fact of the matter is that you are not only punishing the person who is driving that car after suspension, but you are punishing a family who is already being punished enough because they are in fact probably living with an alcoholic. Believe me that is punishment enough. They don't need to have the family car impounded. There must be and I repeat, there must be another way to handle that. To ask a very dysfunctional family to put up with that additional problem I think is unconscionable. I say let's find a better way.

Senator BUSTIN of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the ADOPTION of Committee Amendment "A" (H-669) as Amended by Senate Amendment "A" (S-472) thereto, in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion to ADOPT Committee Amendment "A" (H-669) as Amended by Senate Amendment "A" (S-472) thereto, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

24 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion to ADOPT Committee Amendment "A" (H-669) as Amended by Senate Amendment "A" (S-472) thereto, in NON-CONCURRENCE, PREVAILED.

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

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)

S.P. 845 L.D. 2191

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-473).

Minority - Ought Not to Pass.

Tabled - April 15, 1988, by Senator CLARK of Cumberland.

Pending - Motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report (Roll Call requested)

(In Senate, April 15, 1988, Reports READ.)

On motion by Senator GAUVREAU of Androscoggin, 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 Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. We have heard this afternoon that hospitals will benefit from this and I just want to say to you that the people

that will benefit from this are the people of the state of Maine. Hospitals provide the place that services are provided for people, but when you are talking about health care, quality care, it is given in hospitals among other places so the people will benefit. I would just like to briefly let you know about a couple of editorials that have appeared in various newspapers throughout the state. This is the community that these papers are from that have indicated that as we invest, one of them is from the Waterville Sentinel in Waterville, "just as we invest in other elements in infrastructure, roads, sewers, bridges in anticipation of future needs, we should take care to make sure that we don't come up short in the area of health care services. Raising the ante by just a tenth of the cost of the pending proposed projects, will do more in the way of preventing that shortfall than placing an unreasonable burden on patients." There was an editorial in the Rockland Gazette and it said, "if the road to hell is indeed paved with good intentions then we can put the name of the Maine Health Care Finance Commission on one of the paving stones. The good intentions of the state now seem headed for problems that could take many years to overcome and in the meantime the quality of health care is threatened." We are talking about the quality of health care to citizens of the state of Maine, not the quality of health care to hospitals in the state of Maine. So, I would ask you when the vote is taken to vote against the motion and vote for the Majority Report. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I will just take a moment of your time. I would like to briefly respond to the concerns expressed by my good colleague from the county of Cumberland, Senator Gill. Without question, this is an issue of whether we finance additional health care or whether we pay

heed to those who indicate that health care costs are already too high and that further additions to our hospital financing requirements will price the cost of health care beyond the means of most Mainers. The Human Resources Committee, which I chair, was very concerned about allegations that failure to provide financing for some of the projects on the deferred list might jeopardize health care or acutely impact the quality of care. We took pains to inquire of the various people who came before our Committee as well as the Health Care Finance Commission, to ascertain whether or not there were projects which were unfunded, which would not be allowed to go forward during this payment year because of the lack of funding in the Hospital Development Account. It was interesting to note that the Health Care Finance Commission in its meeting of February, 1988, when it sized the account at 6.7 million dollars asked the Commissioner of the Department of Human Services, Commissioner Ives, to report to the Health Care Finance Commission and advise the Commission specifically on whether or not if in his judgment an increase in the Hospital Development Account was warranted or needed in order to approve any of the projects on the deferred list which in his judgment were urgent or just, clear and compelling benefit to the citizens of the state that they should be approved in this payment year. It is instructive to note, men and women of the Senate, Commissioner Ives told my Committee that none of those programs on the deferred list were of just, clear and compelling need that they had to be approved this year. Let me go back to the point I made in my initial remarks. No one is questioning the merit and the sincerity of the projects that are currently on the deferred cycle. Certainly not myself. I come from a family with a long background in medical science. My father is a physician, my grandfather is a physician, my brother is an optometrist. I have a pretty acute sensitivity to the needs of people not only in my district, but in the state regarding health care. I did not take lightly my responsibility to look at all of you and ask you to pause and hesitate before you placate short-term demands to augment hospital projects in your districts. We clearly have to come to grips with this very difficult problem. The Health Care Finance Commission is routinely targeted for criticism. We are told that the Health Care Finance Commission is unduly bureaucratic, rigid and flexible. My Committee oversees the activities of the Health Care Finance Commission and when we believe that the Health Care Finance Commission has acted improperly, we take appropriate action. There was no such evidence in this case. To the contrary, throughout this entire legislative session we tried to get the Commissioner of Human Services to talk with the Health Care Finance Commission, if in fact in his judgment, there were critical needs which were going unattended. That did not take place, in fact Commissioner Ives told us that in his judgment he didn't believe any projects which were unfunded were of such compelling nature that they could not wait until the future payment year. So, what I am saying is yes these projects are meritorious. I don't doubt for one second that they are all decent, good projects, but we have to come to grips with the problem of balancing our health care budget. I suggest to you that if we accept the Majority Report today, we will be doing anything but that, in fact, we will simply be introducing another round of health care spending. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GAUVREAU of

Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BLACK, BRANNIGAN, BUSTIN, DOW, ESTES, GAUVREAU, THERIAULT

NAYS: Senators BALDACCI, BERUBE, BRAWN, CAHILL, CLARK, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S0473) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Increase the Penalties for Class A, B and C Crimes"

H.P. 1683 L.D. 2312

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-720).

Signed:

Senators:

BRANNIGAN of Cumberland  
GAUVREAU of Androscoggin  
BLACK of Cumberland

Representatives:

PARADIS of Augusta  
COTE of Auburn  
THISTLE of Dover-Foxcroft  
MARSANO of Belfast  
VOSE of Eastport  
BEGLEY of Waldoboro  
HANLEY of Paris  
WARREN of Scarborough  
MACBRIDE of Presque Isle

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

CONLEY of Portland

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-720) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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

Senate

Ought to Pass As Amended

Senator KERRY for the Committee on HUMAN RESOURCES on Bill "An Act to Continue the Driver Education Evaluation Program" (Emergency)

S.P. 886 L.D. 2298

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-475).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-475) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for 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 Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women" (Emergency)

H.P. 1643 L.D. 2242

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-722).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-722) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish an Occupational Health Program"

H.P. 1676 L.D. 2295

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-721).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-721).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-721) READ and ADOPTED, in concurrence.

Under suspension of the Rules, 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

Senate  
Divided Report

The Majority of the Committee on TAXATION on Bill  
"An Act Concerning Access Fees"

S.P. 297 L.D. 847

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (S-476).

Signed:

Senators:

TWITCHELL of Oxford  
DOW of Kennebec

Representatives:

SWAZEY of Bucksport  
NADEAU of Saco  
CASHMAN of Old Town  
MAYO of Thomaston  
DUFFY of Bangor  
DORE of Auburn  
JACKSON of Harrison  
ZIRNKILTON of Mount Desert

The Minority of the same Committee on the same  
subject reported that the same Ought Not to Pass.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport  
WHITCOMB of Waldo

Which Reports were READ.

Senator TWITCHELL of Oxford moved to ACCEPT the  
Majority OUGHT TO PASS AS AMENDED Report.

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 just  
like to explain to you what this Bill as Amended  
does. It says if you have land and tree growth and  
you have over one hundred acres and you have a camp  
on it and you rent it out for recreational purposes,  
that everything is just hunky dory, but if you have a  
camp of fifty acres of anything less than one hundred  
acres and you do the same thing and you get more rent  
than what they figure your stumpage is worth per  
year, then you can't be in tree growth anymore. Do  
what you want.

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

THE PRESIDENT: The pending question before the  
Senate is the motion of Senator TWITCHELL of Oxford,  
to ACCEPT the Majority OUGHT TO PASS AS AMENDED  
Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators BALDACCI, BRAWN, CAHILL,  
DILLENBACK, EMERSON, GILL, GOULD,  
LUDWIG, MAYBURY, PERKINS, RANDALL,  
SEWALL, WEBSTER, WHITMORE

ABSENT: Senators COLLINS

20 Senators having voted in the affirmative and  
14 Senators having voted in the negative, with 1  
Senator being absent, the motion by Senator TWITCHELL  
of Oxford, to ACCEPT the Majority OUGHT TO PASS AS  
AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-476) READ and ADOPTED.  
Under suspension of the Rules, READ A SECOND TIME  
and PASSED TO BE ENGROSSED, as Amended.

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

HELD BILL

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

Senator MATTHEWS: Thank you Mr. President. Is  
the Senate in possession of L.D. 2211?

THE PRESIDENT: The Chair would answer in the  
affirmative, the Bill having been held at the  
Senators request.

On motion by Senator MATTHEWS of Kennebec, the  
Senate RECONSIDERED whereby it ADHERED on:

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

H.P. 1618 L.D. 2211

(H "A" H-671 to C "A"  
H-639)

(In House, April 15, 1988, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639) AS  
AMENDED BY HOUSE AMENDMENT "A" (H-671) thereto, AND  
HOUSE AMENDMENT "A" (H-719) in NON-CONCURRENCE.)

(In Senate, April 13, 1988, PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"  
(H-639) AS AMENDED BY HOUSE AMENDMENT "A" (H-671),  
thereto, in concurrence.)

On further motion by same Senator, the Senate  
RECEDED and CONCURRED.

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

COMMITTEE REPORTS

Senate  
Ought to Pass

Senator USHER for the Committee on ENERGY AND  
NATURAL RESOURCES on Resolve, Authorizing Exchange of  
Certain Public Reserved Land

S.P. 996 L.D. 2632

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Resolve READ  
TWICE and PASSED TO BE ENGROSSED.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Promote Economic Development in  
the State by Enhancing Employment Opportunities for  
Maine People"

H.P. 1703 L.D. 2340  
(C "A" H-705)

Tabled - April 14, 1988, by Senator ANDREWS of  
Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in  
concurrence

(In Senate, April 14, 1988, READ A SECOND TIME.)  
(In House, April 14, 1988, PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705).)

On motion by Senator ANDREWS of Cumberland, the  
Senate RECONSIDERED whereby it ADOPTED Committee  
Amendment "A" (H-705).

On further motion by same Senator, Senate Amendment "A" (S-467) to Committee Amendment "A" (H-705) READ and ADOPTED.

Committee Amendment "A" (H-705) as Amended by Senate Amendment "A" (S-467) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Emergency Resolve

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides

H.P. 1673 L.D. 2292

(S "A" S-421 to C "A" H-610)

Tabled - April 14, 1988, by Senator ERWIN of Oxford.

Pending - FINAL PASSAGE

(In Senate, April 14, 1988, FINALLY PASSED, in concurrence. Subsequently, RECONSIDERED FINAL PASSAGE.)

(In House, April 11, 1988, FINALLY PASSED.)

On motion by Senator ERWIN of Oxford, the Senate SUSPENDED THE RULES.

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

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-470) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. What this amendment does is to change the reporting date of the Commission.

On further motion by same Senator, Senate Amendment "A" (S-470) ADOPTED.

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

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

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

SENATE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project"

S.P. 892 L.D. 2304

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-468)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-469)

Tabled - April 15, 1988, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator GILL of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) Report

(In Senate, April 15, 1988, Reports READ.)

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge that we reject the pending motion in order that we might go on to accept the Minority Ought to Pass as Amended by Committee Amendment "B" Report. What we have before us today is the legislative response to Governor McKernan's initiative style - the Hospital Occupation and Training Program otherwise known as H.O.T. It is a program which was well-received by the Joint Standing Committee on Human Resources. Clearly the programs primary intent is to enhance training and provide various incentives for health care personnel at various ranges to remain in service in nursing homes, in hospitals and throughout the entire spectrum of our health care community. The committee is of one mind that we ought to provide the type of training and the type of incentives as posed in the Governor's bill. The only difference relates to a funding mechanism for a loan fund in the H.O.T. program. It is opposed that a revolving loan fund be established for registered nurses to attend and complete their nursing education. Members in this Chamber are aware that there is intense competition for nurses in our state and it is felt by many that if we provide this type of loan fund it will in fact encourage many nurse professionals, R.N.'s, to provide their services in Maine hospitals. I certainly applaud the Governor in this initiative. Once again we come down to the question of how we are going to finance this particular project. Are we going to do it through the pass through mechanism of the Maine Health Care Finance Commission, or are we going to do it with General Fund dollars and I need not and I will not go over the various argumentation I provided earlier regarding increasing health care expenses.

I would like to point out a disturbing and I think a very, very alarming trend in our society. The United States has long prided itself as being a very progressive nation and a nation which provides the highest form of health care to its citizens. I suggest to you there are trends in the last five or ten years which would go against that proposition. We are among the major western democracies in this world. We spend the lowest, the lowest amount of public dollars, about four percent, toward health care. Conversely, we spend the highest amount of private sector dollars toward health care, around seven and a half percent. As I pointed out to you earlier in the afternoon, that trend is increasing. You might ask well why is Senator Gauvreau telling us this somewhat interesting but perhaps not too relevant discourse on health finance matters? The point is that once again we are faced with a simple choice. Are we going to go back through the mechanism of the pass thru our Health Care Finance Commission provides, or are we going to recognize that health care is a fundamental birth right of all Maine citizens and put the commitment behind our rhetoric and fund these projects with public dollars rather than simply pass them thru and exacerbate the situation we have now where more and more Mainer's are unable to afford health care. And that basically is the issue. We are talking about some five hundred and seventy thousand dollars in terms of General Fund appropriations. The issue is fairly put. I would urge you for the reasons I cited earlier in the day to reject yet another pass thru invitation and meet the need of our state to provide training for our nurses with the General Fund. I would point out to you that we currently provide General Fund dollars under the Blaine House Scholars Program and it seems to me that if we, on more than one occasion, heard the Blaine House Scholars Program mentioned in the

Human Resources Committee regarding financing the loan program for the Governor's H.O.T. program, that it is an appropriate analogy. We felt three years ago that we should commit public dollars to provide incentives for people to teach in Maine schools. The same rationale applies to provide incentives for qualified health professionals to provide their services in Maine hospitals. I suspect that until or unless we restructure the mechanism of the Health Care Finance Commission so as to not permit these routine pass thru's, we as legislators will have difficulty in succumbing to the invitations to provide these routine pass thru's. For the reasons I have just stated, I would urge you to reject the Majority Report and go on to accept the Minority Report which in all respects but one is identical in the Majority Report. That one respect again is that under the Minority Report we would fund this revolving loan fund for nurses out of the General fund rather than provide yet another pass thru. Thank you.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I again find myself on the opposing side from the Chairman of the Committee on Human Resources, Senator Gauvreau. He indicated that health care is a fundamental right of all Maine citizens and what we are trying to do with this Bill is to provide the people in health care facilities to be present so that when each of us need the health care that is our fundamental right that someone will be there to provide it. This Bill does provide training for C.N.A.'s and L.P.N.'s, there is money in the Governor's budget to do that. The portion that we are asking on the side of the Report that I am on to be passed through the Maine Health Care Finance Commission, is the loan pay back for the nurses so we can recruit and retain nurses in health care facilities and that there be the mechanism for the health care facility to be reimbursed for paying back the loan of that nurse as a recruitment tool. I think it is very important. We are in a crisis. We have been in a crisis for a long period of time on health care personnel, the lack of them and if we don't do something now to increase the work force and the numbers out there, we are going to be in a far worse crisis then we could ever anticipate. The citizens in the State of Maine, whether we like to believe it or not, are a graying population. We have an awful lot of elderly who are going to require hospital care and nursing home care. This is a way to assure that the personnel will be there to care for them as they get older. So, I would ask you to vote opposite the good Senator from Androscoggin, Senator Gauvreau, and accept the Majority Report on this Committee. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I would just take issue with one point my colleague Senator Gill from Cumberland County raised in her argument. She and I are in agreement that health care is a fundamental birthright of all Maine citizens. I would point out to this Senate that it is the responsibility of government to vindicate rights, not the responsibility of the private sector. Thank you,

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator GILL of Cumberland to

ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BLACK, BRAWN, DILLENBACK, ERWIN, GILL, GOULD, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, TWITCHELL, USHER, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BRANNIGAN, BUSTIN, CAHILL, CLARK, DOW, DUTREMBLE, EMERSON, ESTES, GAUVREAU, KANY, KERRY, PEARSON, SEWALL, THERIAULT, TUTTLE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, BERUBE, COLLINS

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator GILL of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) Report, FAILED.

The Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-469) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

On motion by Senator PERKINS of Hancock, ADJOURNED until Monday, April 18, 1988, at 3:00 in the afternoon.