

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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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

(Off Record Remarks)

On motion of Representative Carroll of Gray,
Adjourned until Tuesday, April 19, 1988, at
twelve o'clock noon.

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

In Senate Chamber
Monday
April 18, 1988

Senate called to Order by the President.

Prayer by Reverend John Ellis of the Second
Congregational Church in Norway.

REVEREND ELLIS: Let us pray. Creator God, we
would pause on this day to give thanks for the
Patriots of our nation and state who have established
foundations of liberty on which we can build a life
of opportunity for all the citizens of our land. May
our work bear fruit from the seeds they have sown,
fruits of health and education and employment for our
people. There is hostility in the Persian Gulf today
and we would pray that the lives of americans and
those of all nations may be protected in that
dangerous region. Look with favor upon the work of
this assembly today, Oh God, and guide it toward good
and right purposes. Amen.

Reading of the Journal of Friday, April 15, 1988.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Strengthen the
Site Location of Development Law"

S.P. 846 L.D. 2202

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-477).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-477) READ.

On motion by Senator USHER of Cumberland, Senate
Amendment "A" (S-483) to Committee Amendment "A"
(S-477) READ and ADOPTED.

Committee Amendment "A" (S-477) as Amended by
Senate Amendment "A" (S-483) thereto, ADOPTED.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on HUMAN RESOURCES
on Bill "An Act to Enhance the Quality of Care in
Long-term Care Facilities through Consultation,
Education and Intermediate Sanctions"

S.P. 485 L.D. 1462

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-478).

Signed:

Senators:

GAUVREAU of Androscoggin

KERRY of York

GILL of Cumberland

Representatives:

MANNING of Portland

TAYLOR of Camden

DELLERT of Gardiner

PINES of Limestone

FARNUM of South Berwick

CLARK of Brunswick
SIMPSON of Casco
LAPOINTE of Auburn

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-479).

Signed:

Representatives:

BOUTILIER of Lewiston
ROLDE of York

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-478) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-478) READ and ADOPTED.

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

Sent down for 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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish a Resource Protection Law" (Emergency)

S.P. 870 L.D. 2265

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-480).

Signed:

Senators:

USHER of Cumberland
MATTHEWS of Kennebec
LUDWIG of Aroostook

Representatives:

MICHAUD of East Millinocket
JACQUES of Waterville
HOGLUND of Portland
COLES of Harpswell
DEXTER of Kingfield
HOLLOWAY of Edgecomb
ANDERSON of Woodland
LORD of Waterboro
GOULD of Greenville

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-481).

Signed:

Representative:

MITCHELL of Freeport

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-480) READ and ADOPTED.

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

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

Bill "An Act to Prevent Mental Health Service Reductions" (Emergency)

S.P. 737 L.D. 1996

Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention"

S.P. 989 L.D. 2620

Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention in Regard to Day Habilitation Programs Serving Persons with Mental Retardation"

S.P. 991 L.D. 2624

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Concerning Tribal Courts" (Emergency)

S.P. 929 L.D. 2440

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-482).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-482) READ and ADOPTED.

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

Sent down for concurrence.

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senate at Ease

Senate called to order by the President.

On motion by Senator BRANNIGAN of Cumberland, 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 Resolution

On motion by Senator PEARSON of Penobscot (Cosponsored by: Representative CASHMAN of Old Town) the following Joint Resolution:

S.P. 1000

JOINT RESOLUTION TO THE PRESIDENT AND BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE REGARDING "THE MAINE STEIN SONG"

WHEREAS, it is written that "It takes an endless amount of history to make even a little tradition"; and

WHEREAS, so it is with "The Maine Stein Song," a national hit tune in the early 1930's made famous by Rudy Vallee; and

WHEREAS, "The Maine Stein Song" has long been the University of Maine's official theme song and is proudly hailed as the only college fight song to ever make the top 40; and

WHEREAS, the lyrics of this song are so historically enshrined in the hearts and minds of

students, faculty and alumni, one cannot help but proudly rise wherever and whenever heard; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 113th Maine Legislature of the State of Maine, now assembled in Second Regular Session, are of the opinion that "The Maine Stein Song" as presently written should forever remain the official theme song of the University of Maine and that every effort should be made to keep and preserve this unique legend which brings to mind the happy thoughts and memories of our great state university; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and Trustees of the University of Maine System in token of our support for this priceless tradition.

Which was READ and ADOPTED.

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 Clarify the Law Governing Prelitigation Screening Panels

S.P. 711 L.D. 1941
(H "A" H-675 & S "A"
S-452 to C "A" S-395)

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

Emergency

An Act to Prohibit the Sale of Substances Butyl Nitrite and Isobutyl Nitrite, Commonly Referred to as Rush" or "Lockerroom"

S.P. 761 L.D. 2024
(C "A" S-455)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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 Create the Maine Educational Loan Authority

S.P. 988 L.D. 2616
(C "A" S-462)

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

S.P. 992 L.D. 2625
(H "A" H-699; C "A"
S-448)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Establish the Maine Science and Technology Commission and to Authorize Funding for Centers for Innovation

H.P. 1602 L.D. 2193
(C "A" H-672)

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

Emergency

An Act to Require Licensure of Certain Railroad Personnel

H.P. 1748 L.D. 2397
(S "B" S-453 to C "A"
H-645)

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 Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989

H.P. 1866 L.D. 2551
(C "A" H-680)

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

Emergency

An Act to Establish the Maine Information Commission on Agent Orange and Radiation

H.P. 1914 L.D. 2613
(H "D" H-690)

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

Emergency

An Act to Increase the State Funding of Educational Costs

H.P. 272 L.D. 355
(C "A" H-701)

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 Improve the Potato Marketing Improvement Fund

H.P. 1618 L.D. 2211
(H "A" H-671 to C "A" H-639; H "A" H-719)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women

H.P. 1643 L.D. 2242
(C "A" H-722)

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

Emergency

An Act to Study the Necessity and Feasibility of Establishing a Health Information Recording System

H.P. 1719 L.D. 2358
(C "A" H-716)

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 Provide for a Partial Rebate of 1987 Individual Income Tax

H.P. 1833 L.D. 2510
(S "A" S-471 to C "A" H-711)

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

Emergency

An Act to Require the Study of the Laws Regulating Antitrust Activities of the Insurance Industry

S.P. 920 L.D. 2411
(C "A" S-463)

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 Providing for Administrative Changes in the Tax Laws

H.P. 1535 L.D. 2089
(C "A" H-712)

An Act to Amend the Regulation of Lobster Parts

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

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 Amend the Law Relating to Unitary Taxation of Corporations

H.P. 928 L.D. 1244
(C "A" H-710)

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

An Act to Establish an Occupational Health Program

H.P. 1676 L.D. 2295
(C "A" H-721)

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

An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court

H.P. 1677 L.D. 2306
(S "A" S-459 to C "A" H-647)

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

An Act to Amend the Sentencing Provisions of the Maine Criminal Code

H.P. 1683 L.D. 2312
(C "A" H-720)

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 Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People

H.P. 1693 L.D. 2322
(H "A" H-693 to C "A" H-679)

An Act Concerning the Statutory Organization of Boards and Commissions

H.P. 1710 L.D. 2347
(S "A" S-458 to C "A" H-677)

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 Consolidate State Land Use Statutes into the Natural Resources Protection Act

H.P. 1687 L.D. 2316
(S "B" S-466 to C "A"
H-641)

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 "B" (S-466) thereto.

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

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

Senator USHER of Cumberland requested and received Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-437) to Committee Amendment "A" (H-641).

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

Committee Amendment "A" (H-641) as Amended by Senate Amendments "A" (S-437) and "B" (S-466) 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.

An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities

H.P. 1694 L.D. 2327
(C "A" H-691)

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

An Act to Strengthen the Drunk Driving Laws

H.P. 1746 L.D. 2395
(S "A" S-472 to C "A"
H-669)

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

An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections

H.P. 1747 L.D. 2396
(C "A" H-673)

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 Require Notice of Major Modifications in Rail Service

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

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

H.P. 1797 L.D. 2461
(H "A" H-709)

An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings

H.P. 1804 L.D. 2468
(C "A" H-682)

An Act to Recodify the Laws on Municipalities and Counties

H.P. 1855 L.D. 2538
(H "B" H-714; S "A"
S-474 to H "C" H-715)

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 Increase the Frequency of Restaurant Inspections

H.P. 1775 L.D. 2428
(C "A" H-689)

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

An Act to Amend the Maine Income Tax Law

H.P. 1803 L.D. 2467
(C "A" H-717)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, 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 Amend the Statutes Pertaining to the Emergency Treatment and Continuing Supervision of Chemically Dependent Persons

H.P. 1857 L.D. 2542
(C "A" H-718)

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

An Act to Expand the Property Tax Circuit Breaker Program

H.P. 1882 L.D. 2574
(H "A" H-702 to C "A"
H-652)

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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 Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People"

H.P. 1703 L.D. 2340
(S "A" S-467 to C "A"
H-705)

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

In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705) AS AMENDED BY SENATE AMENDMENT "A" (S-467), thereto in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705) AS AMENDED BY HOUSE AMENDMENT "A" (H-730) AND SENATE AMENDMENT "A" (S-467), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville"

H.P. 1929 L.D. 2629
(H "A" H-697)

In Senate, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-697), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-731) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility"

H.P. 1932 L.D. 2633

In Senate, April 14, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-732) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1935

ORDERED, the Senate concurring, that Bill "AN ACT to Revise the General Assistance Laws," H.P. 1249, L.D. 1705, and all its accompanying papers, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 29 Senators having voted in the affirmative and No Senators having voted in the negative, and 29 being more than two-thirds of the members present and voting, the Joint Order was PASSED, in 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 Resolve

Resolve, To Establish the Commission to Study the Status of Nursing Professions in Maine

S.P. 847 L.D. 2203
(C "A" S-454)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988

H.P. 1921 L.D. 2621
(H "A" H-700)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1988

H.P. 1927 L.D. 2627
(H "A" H-694)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1988

H.P. 1931 L.D. 2631
(H "A" H-692)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1988 (Emergency)

H.P. 1934 L.D. 2635

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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 Resolve

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

S.P. 791 L.D. 2079
(S "A" S-465 to C "A" S-461)

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission"

H.P. 1646 L.D. 2245

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 Increase State Revenue Sharing to 7% of Sales and Income Tax Receipts"

H.P. 202 L.D. 254

Bill "An Act to Assure Appropriate Statewide Treatment Services to Children with Special Needs"

H.P. 1642 L.D. 2241

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1988 (Emergency)

H.P. 1936 L.D. 2636

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE.

On motion by Senator BERUBE of Androscoggin, Senate Amendment "A" (S-486) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BERUBE: Thank you Mr. President. This reduces the salary that was allocated to the Treasurer to the 3.7 percent which was allocated to other elected officials to our County. I would like to correct the Statement of Fact on the Record that the purpose is to indeed reduce the percentage and to realign the increase along with other elected officials.

Senator TUTTLE of York moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-486).

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. While I may sympathize with the good Senator from Androscoggin, Senator Berube, it has been the long standing tradition of the Committee on State and Local Government and before that the Committee on Local and County Government to have these issues taken up within the County Budget Committee themselves. Before I was chairman of this Committee, the last week of the session was spent where a majority of amendments were offered and a lot of times we didn't get out of here because of the amendments being offered on County budgets.

When I became Chair, I requested a two-thirds vote be given by the Committee so there would be unanimous support of proposals. The issue of the Androscoggin County Treasurer has been around for a number of years in wanting to increase that individuals salary. As Chairman of the Committee, I must stand and oppose it because I feel the proper way to do this is to get the majority of the Androscoggin delegation to support it. Last year it was defeated and if I am not mistaken this year the majority of the delegation is against that appropriation. For that reason I must oppose the motion.

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 tonight briefly in support of the motion of the good Senator from York, Senator Tuttle, seeking Indefinite Postponement of the proposed amendment before you. As has been stated, the amendment, if adopted, would effect about a two thousand, three hundred dollar reduction in the proposed salary of the County Treasurer in Androscoggin County. This issue was debated at some length. For those of you who might not be aware, I have the privilege this year on serving as Chair of the Androscoggin County Legislative Delegation and it is in that capacity that I am addressing you this evening. Suffice it to say, that after much heated and elongated discussion on the issue of compensation for the Treasurer, a middle road position was taken, authorizing a salary of eighteen thousand, five hundred dollars and I hope the Senate this evening would support the majority recommendation of the County Delegation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TUTTLE of York, to INDEFINITELY POSTPONE Senate Amendment "A" (S-486).

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator TUTTLE of York, to INDEFINITELY POSTPONE Senate Amendment "A" (S-486), please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator TUTTLE of York, to INDEFINITELY POSTPONE Senate Amendment "A" (S-486), PREVAILED.

Which was PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds"

H.P. 1638 L.D. 2237

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-725).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-725).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-725) 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 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (Emergency)

H.P. 1798 L.D. 2462

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-726).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-726) 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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Orderly Economic Growth and Natural Resource Conservation"

H.P. 1688 L.D. 2317

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-727).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-727) 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 TRANSPORTATION on 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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-735).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-735) 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 Make Housing More Affordable to Maine Citizens"

H.P. 1659 L.D. 2269

(C "A" H-678)

In Senate, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678) AS AMENDED BY HOUSE AMENDMENT "A" (H-740), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding"

H.P. 1792 L.D. 2456

(H "A" H-688 to C "A" H-674)

In Senate, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674) AS AMENDED BY HOUSE AMENDMENT "A" (H-688), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674) AS AMENDED BY HOUSE AMENDMENTS "A" (H-688) AND "B" (H-541), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Encourage the Efficient Use of Electrical Energy"

H.P. 1721 L.D. 2360

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-736).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-736) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and 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.

ORDERS OF THE DAY

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

An Act to Amend the Maine Income Tax Law
H.P. 1803 L.D. 2467
(C "A" H-717)

Tabled - April 18, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT
(In House, April 18, 1988, PASSED TO BE ENACTED.)
(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717), in concurrence.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

JOINT RESOLUTION - Calling for a Constitutional Convention 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
S.P. 798

Tabled - January 21, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION
(In Senate, January 20, 1988, READ.)

Senator KERRY of York requested and received Leave of the Senate to withdraw the Joint Resolution.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development"
S.P. 941 L.D. 2485

Tabled - March 9, 1988, by Senator CLARK of Cumberland.

Pending - Motion of Senator PERKINS of Hancock to INDEFINITELY POSTPONE Bill and Accompanying Papers
(In Senate, March 9, 1988, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED. Subsequently, RECONSIDERED reference.)

On motion by Senator PERKINS of Hancock, the Bill and Accompanying Papers INDEFINITELY POSTPONED.
Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care"
H.P. 313 L.D. 412

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(In Senate, March 29, 1988, READ A SECOND TIME.)
(In House, March 28, 1988, PASSED TO BE ENGROSSED.)

Which was PASSED TO BE ENGROSSED, in concurrence.

On motion by Senator DUTREMBLE of York, the Senate removed from the Unassigned Table the following:

Bill "An Act to Prevent Arbitrary Dismissal of Employees Based on Results of Substance Abuse Testing"
S.P. 961

Tabled - March 18, 1988, by Senator DUTREMBLE of York.

Pending - REFERENCE
(Committee on LABOR suggested.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED.
Sent down for concurrence.

On motion by Senator DOW of Kennebec, the Senate removed from the Unassigned Table the following:

Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities"
S.P. 869 L.D. 2264
(C "A" S-359)

Tabled - March 31, 1988, by Senator DOW of Kennebec.

Pending - FURTHER CONSIDERATION
(In Senate, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359).)

(In House, March 31, 1988, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

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

On motion by Senator PERKINS of Hancock, 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:

COMMITTEE REPORTS

Senate

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education"

S.P. 947 L.D. 2501

Have had the same under consideration and ask leave to report that the Senate Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (S-402). Recede from Adoption of Committee Amendment "A" (S-402). Read House Amendment "A" (H-622) to Committee Amendment "A" (S-402) and Indefinitely Postpone Same. Indefinitely Postpone Committee Amendment "A" (S-402). Read and Adopt Conference Committee Amendment "A" (S-484) and Pass to be Engrossed as Amended by Conference Committee Amendment "A" (S-484) in Non-Concurrence. That the House Recede and Concur with the Senate.

Signed on the part of the Senate:

Senator ESTES of York

Senator KANY of Kennebec

(Senator RANDALL of Washington Not Signing)

Signed on the part of the House:

Representative O'GARA of Westbrook

Representative KILKELLY of Wiscasset

Representative NORTON of Winthrop

Which Report was READ.

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

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I feel a bit apologetic this evening as we are looking over this Committee Report to discover while I try to be cooperative as much as possible, and certainly went into this Committee of Conference with a very open mind, I find myself as the lone person unable to decide on this Conference Committee Report. The explanation for that being that over the last several years, the State Board of Education has been reviewing the certification law.

As far back as 1981, I recall discussions of the State Board of Education looking over the certification requirements in Maine and in 1984 along with the reform act of that year, the certification law also was implemented. In the implementation of the certification law back in 1984 was the expectation that when the time frame of April 1, 1988, arrived, there would be in place rules established for new certifications beginning June 30, 1988. The time for that has arrived and before us this evening we have a proposal to delay or to postpone, and while those reasons for delay and postpone may be very commendable or seem very timely to some people, I find myself in the perspective of taking the view that we have had this proposal for certification change before the various Body's that would be responsible for the change, whether we are discussing the State Board, the Department of Education, the Executive Branch of government, or the Legislative Branch, we have been familiar with this effort for change in certification for at least the last several years. Before us this evening we have a proposal to delay that change until 1991. The concern that one might raise, I think many of the members of this Body may have seen on their desk at one time or another, this little pamphlet which just came out recently title, "Certification Law, Questions and Answers". If we are to utilize a document such as this, this document has only been in print a very few days now, it is geared towards the time frame of a June 30, 1988 certification change. If we this evening should go along with the idea that we would choose for delay, that delay would simply postpone changes for the next two year period. While those changes that would be discussed over this coming period might be commendable, there has been a great deal of effort put into the certification changes since November and December when rules were being discussed in various stages throughout the state. I think I have heard the discussion that perhaps over twelve to fifteen hundred professionals in the field have had input over the last several months into these changes. While there has been a series of confusion and concerns and upsets, the concerns and the upsets have been addressed on a timely and sometimes it seems untimely response because of the necessity of the deadline. We have gone along thus far with the anticipated deadline and I would urge this evening that when the vote is taken that the idea of delay would not be implemented this evening, but that we could go along and proceed with this change in the certification law as it was envisioned in the original law in 1984. Thank you.

Senator RANDALL of Washington requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to leave you in absolute clarity as to what not only the intent of the Conference Committee Report is, but

what in fact it will do. We have had before us the issue of certification now for four years and even before that. I was as surprised as other members of the Legislature when the Errors and Omissions Bill ended up being amended with an amendment that would have effectively grandfathered all present professional certificate holders, whether they be teachers or whether they be administrators. With the action of this Body, we called a Committee of Conference and have come off from that original amendment to the Errors and Omissions Bill by a considerable margin. The Committee on Conference Amendment provides for a phase in of only part of the new certification requirements. Currently, certified teachers, administrators and other education specialists who's certificates expire between now and July of 1991 would be allowed to renew their certificates under Chapter 501. Currently, as the law would go into effect this coming July, anyone who's certificate expired July 1, 1989 could renew under Chapter 501 and anyone who's certificate was to expire on July 1, 1990 could also renew under Chapter 501.

What the Conference Committee Amendment would allow would be for the real substance of the certification law to go into effect, that being the support systems and the support teams which would work with those new people entering the profession under provisional certificates providing them with the mentoring that was intended in the original law. It would also allow the support teams to work with those who are pursuing a master teacher certificate. We are asking for a three year deferral of the professional certificate when technically it is just an additional year beyond the two that are extended under the current law. There have been so many questions that have been raised, there is so much confusion that is out there as to the effect of the new law.

I would like to just briefly remind people of the time sequence that has taken place since the teacher certification law was passed back in the spring of 1984. It was followed the following year by the administrator certification law and both of those laws called for pilot projects to be set up. The pilots began in the fall of 1985 and came back to the Department and the State Board with their reports in December of 1986. In February of 1987, the State Board of Education reported to the Joint Standing Committee on Education its findings based on the pilot sites and made recommendations, those recommendations were taken under consideration by the Committee and those recommendations included a one year delay of the implementation of the certification law. That law would not have taken place July 1, 1988, but would have taken place July 1, 1989. The Education Committee reported out a Majority and a Minority Report that differed only on the third tier of the master teacher level of certification. Those Bills came before the Legislature, the Minority Report was rejected, the Majority Report was Accepted by a Majority of the Legislature and then was turned down by the second floor. Unfortunately, in the discussions of certification, the delayed implementation was obscured by all the fan fare about the master teacher level. When we adjourned on the thirtieth of June, there was a near impossible task that was facing the State Board and the Department attempting to promulgate rules that would be put into effect as of July 1, 1988. They worked over the month of July and August, made their first presentation and have literally been working overtime throughout the fall and this winter to get those rules drawn up and through the A.P.A. process by

April 1. Those rules and the various Chapters are about this thick and they have been very controversial, they have been very confusing, they have been clearly pointed out some very severe deficiencies with the law as it currently stands. It was a feeling of the Conference Committee that if we did not take and defer a portion of the law so that we could get the support systems and the support teams in gear and working according to the plan of the original law, that we would be seeing a tremendous amount of legislation coming before the next session that would call for the restructuring of certification law as it would stand on the books.

We also have had a lot of editorial comments in recent weeks that have been extremely erroneous. When you compare the requirements for re-certification under 501 and 502, the basic difference is that you are taking the pressure off the support systems in dealing with the professional certificate re-certification. This will allow the support systems to work with the support teams and deal with those new teachers and deal with those who are going for the master teacher certificate. It is also interesting to note and I will speak from my own experience, as a presently certified teacher with a secondary certificate specializing in social studies, the requirements under 501 are tougher than the requirements under 502. I think we would be doing great justice to allow the certification law with this deference of the professional certificate to have a chance to get and to be assessed and refined as it needs to over the next three years. Another very important part of the Committee of Conference proposal is that there would be a detailed review and analysis of the certification laws that would be coordinated by the Joint Standing Committee on Education with the assistance of the State Board and the Department of Education and Cultural Services and the University of Maine System.

This review would begin in April of next year with a preliminary cost assessment of compliance with chapter 502, including the costs to local school administrative units of employing substitute teachers, the stipends for support systems, and the support team or mentoring teachers and the costs to educators of meeting endorsement course requirements. In May of 1989, the University of Maine System would report to the Committee on its progress in providing the preservice and in-service requirements of chapter 502, and this is one of the great deficiencies because the University System is not ready for the new certification law.

In January of 1990, the Committee would complete analysis of the impact of chapter 502, including administration by the State Board and the Department, the costs to local school units of compliance with the law, the effect of the law on the supply of certified teachers and the ability of the University of Maine System and other institutions to meet the preservice and in-services training needs. This is not only for teachers it is also for administrators and for your education specialists.

Finally, in February of 1990, the Joint Standing Committee on Education would issue a report on its findings, including any recommended legislative changes. What we have done is we have taken the original amendment, which would have grandfathered all current five and ten year professional certificates. We have allowed an additional three years until July 1, 1991 for those professional certificates to be renewed as they come due and they would be renewed only for a five year period, so there would no longer be the ten year certificate. I hope that you will vote for the pending proposal from

the Conference Committee, which also includes the original language in the Errors and Omissions Bill, which no one basically had any problems with. I would be happy to answer any specific questions if I haven't been explicit enough. Thank you.

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

Senate at Ease

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator Usher, to the Rostrum, where he assumed the duties as President Pro Tem.

The President Retired from the Senate Chamber.
Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. As a member of the Committee of Conference, I just wanted to express my view briefly to say that I support this particular Conference Report. I do believe it is a very reasoned report and it is not grandfathering current teachers at all, or grandparenting as the good Senator from Cumberland, Senator Clark would say. It is not simply a delay either, instead it is a progressive, successive implementation of the new certification and as the good Senator from York, Senator Estes outlined in great detail. There are schedules within the Bill that call for a lot of oversight by the Joint Standing Committee on Education and which is January of 1989, the State Board and Department must report to the Committee on the final educator certification rules, adoption of support system plans, it changes the number of applicants. In April of 1989, the Education Committee shall provide for cost assessment. In May of 1989, the University of Maine System must report to us. January 1990, the Committee shall complete analysis of the impact of the new chapter 502. February 1990, any changes in law will be recommended by the Committee. Finally and most important, we are requiring informational briefings on certification requirements throughout the state for the teachers.

I do not call that delay, it certainly is not grandfathering and it certainly is progressive implementation of something that we hope will work and work well.

THE PRESIDENT PRO TEM: The pending question before the Senate is to ACCEPT the Conference of Committee Report. A Roll Call has been ordered.

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.

At this time, the Chair noted the absence of the Senator from Penobscot, Senator PRAY and further excused the same Senator from the Roll Call vote.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU,

KANY, KERRY, MATTHEWS, MAYBURY,
PEARSON, THERIAULT, TUTTLE, THE
PRESIDENT PRO TEM - RONALD E. USHER
NAYS: Senators BLACK, BRAWN, CAHILL,
COLLINS, DILLENBACK, EMERSON, GILL,
GOULD, LUDWIG, PERKINS, RANDALL,
SEWALL, TWITCHELL, WEBSTER, WHITMORE
ABSENT: Senators None
EXCUSED: Senator PRAY
19 Senators having voted in the affirmative and
15 Senators having voted in the negative, with No
Senators being absent, and 1 Senator having been
excused, the motion to ACCEPT the Conference of
Committee Report, PREVAILED.

Senate RECEDED from PASSAGE TO BE ENGROSSED AS
AMENDED by Committee Amendment "A" (S-402).

Senate RECEDED from ADOPTION of Committee
Amendment "A" (S-402).

House Amendment "A" (H-622) to Committee
Amendment "A" (S-402) READ and INDEFINITELY POSTPONED
in NON-CONCURRENCE.

Committee Amendment "A" (S-402) INDEFINITELY
POSTPONED in NON-CONCURRENCE.

Conference Committee Amendment "A" (S-484) READ
and ADOPTED.

Which was PASSED TO BE ENGROSSED AS AMENDED BY
CONFERENCE AMENDMENT "A" (S-484) 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

Divided Report

The Majority of the Committee on ENERGY AND
NATURAL RESOURCES on Bill "An Act to Improve
Comprehensive Land Use Planning and Land Use
Ordinances to Manage Growth and Development"

H.P. 1830 L.D. 2506

Reported that the same Ought Not to Pass.

Signed:

Senators:

USHER of Cumberland
MATTHEWS of Kennebec
LUDWIG of Aroostook

Representatives:

JACQUES of Waterville
HOGlund of Portland
ANDERSON of Woodland
DEXTER of Kingfield

The Minority of the same Committee on the same
subject reports that the same Ought to Pass as
Amended by Committee Amendment "A" (H-738).

Signed:

Representatives:

MICHAUD of East Millinocket
GOULD of Greenville
MITCHELL of Freeport
HOLLOWAY of Edgcomb
LORD of Waterboro
COLES of Harpswell

Comes from the House the Minority OUGHT TO PASS
AS AMENDED Report READ and ACCEPTED. The Bill PASSED
TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-738).

Which Reports were READ.

On motion by Senator DUTREMBLE of York, the
Majority OUGHT NOT TO PASS Report was ACCEPTED 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:

An Act Relating to Conflict of Interest for
Certain Governmental Officials and Employees

H.P. 1766 L.D. 2419

(C "A" H-687)

Which was PASSED TO BE ENACTED and having been
signed by the President Pro Tem, 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:

PAPERS FROM THE HOUSE

Non-concurrent 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

(C "B" S-469)

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

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

In Senate, April 15, 1988, the Minority OUGHT TO
PASS AS AMENDED Report READ and ACCEPTED and the Bill
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "B" (S-469).

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" (S-468) in NON-CONCURRENCE.

Senator GAUVREAU of Androskoggin moved to INSIST.

Senator BALDACCI of Penobscot moved to RECEDE and
CONCUR.

THE PRESIDENT PRO TEM: The Chair recognizes the
Senator from Androskoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr.
President, men and women of the Senate. I regret
having to take up some time in this lengthy evening
to return to the somewhat difficult area of debate on
health care finance. As you may recall the Bill we
are currently debating deals with the Health
Occupation and Training Act which was sponsored and
put into this Session by Governor McKernan. The Bill
received broad base support in the Joint Standing
Committee on Human Resources except for one section,
which we are currently debating, and that deals with
a revolving loan fund for registered nurses. On this
area, the Committee did split and as you may recall
when we debated this issue of Friday, the Senate
agreed that the appropriate mechanism to finance the
revolving loan fund was through the General Fund. At
that time I pointed out to this Body that the
revolving loan fund is styled very much like the
Blaine House Scholars program, which in fact is
funded out of General Fund dollars and there is no
logical reason whatsoever to impose yet another pass
through, through the adduce of the Health Care
Finance Commission to the consumers of health care.
It seems to be that the issue was squarely put in
this Body if we were going to continually pass on
costs to the point where we price the cost of health
insurance beyond the pale of moderate let alone our
lower income Maine citizens. We currently have over
one hundred and fifty thousand people in the state of
Maine who are uninsured and I will leave it to your
good judgment as to whether or not we would
significantly enhance those numbers if we continue to

pass through health care cost without any real appreciation of the cost that has to the Maine public. For these reasons I urge you to resist the pending motion of Recede and Concur in order that we can properly move to Insist on our former position.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to thank my colleague and seat mate, Senator Baldacci from Penobscot, for beating me to the microphone and I would have made the same motion that he made, to Recede and Concur. We have a mechanism through the Maine Health Care Finance Commission now where hospitals have the ability to appeal on wages over and above the extraordinary wages that they must pay people. So this seems like a logic place to put a recruitment and retention piece of legislation, because what we are dealing with again is wages to try to retain professional people, nurses particularly, in health care facilities. If you looked at yesterday's paper you will notice that there are over three pages in the Portland Sunday Telegram dealing the shortage of personnel within the health care facilities. There were a lot of ads there from out of state concerning facilities trying to recruit Maine nurses to go to their facilities for very high wages and in order to compete we must have a mechanism within this state to compete to keep nurses recruited in this state and retained in facilities. So, I maintain that the Health Care Finance Commission is a proper place to repayback the loans that nurses have incurred as they have gone through training in order to retain them in a facility. I would ask you to vote to Recede and Concur when the opportunity comes.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I didn't have the privilege of being with you the other day when you debated this subject and so I am in need of an answer or two to a few questions. I note that in one occasion I see a price tax affixed to this Bill in the amount of three hundred and fifty-six thousand dollars and in another place I see in a summary account the sum of one million dollars. I wonder if someone on the Committee might enlighten me as to which of the figures is the appropriate one.

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Collins, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. With my recollection, having not reviewed the amendment recently, I believe the price tag for the revolving loan fund portion of this Bill will be five hundred and nine thousand dollars.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. It occurs to me that my good Chair of the Committee is probably incorrect. The state portion of that repayback for loan fund is somewhere in the vicinity of one hundred and twenty thousand dollars, the full amount being the combination of federal and state funds that might be needed. We are talking about just money coming out of our medicaid account, as the medicaid account is a payor in the health care arena. State money would be one hundred and twenty thousand dollars as

opposed to the larger amount that was previously mentioned.

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 PRO TEM: The pending question before the Senate is the motion of Senator BALDACCII of Penobscot to RECEDE and CONCUR.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCII, BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, ERWIN, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, PRAY, RANDALL, SEWALL, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - RONALD E. USHER

NAYS: Senators ANDREWS, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ESTES, GAUVREAU, KERRY, PEARSON, TUTTLE

ABSENT: Senators None

24 Senators having voted in the affirmative and 11 Senator having voted in the negative, with No Senators being absent, the motion by Senator BALDACCII of Penobscot, to RECEDE and CONCUR, PREVAILED.

Senate at Ease

Senate called to order by the President.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he assumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator USHER to his seat on the Senate floor.

Senate called to order by the President.

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 Order

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

S.P. 1001

ORDERED, the House concurring, that Bill, "AN ACT to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System," H.P. 1612, L.D. 2205, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

Sent down for concurrence.

Off Record Remarks

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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 HUMAN RESOURCES on Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages"

H.P. 1780 L.D. 2433

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-728).

Signed:

Senators:

GAUVREAU of Androscoggin
KERRY of York

Representatives:

MANNING of Portland
SIMPSON of Casco
LAPOINTE of Auburn
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" (H-729).

Signed:

Senator:

GILL of Cumberland

Representatives:

CLARK of Brunswick
ROLDE of York
BOUTILIER of Lewiston
PINES of Limestone

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-728).

Which Reports were READ.

Senator GILL of Cumberland moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I realize the hour is late and we would not want to delay things, but I think it would be appropriate to have the Chairman of the Committee in the Chamber when we are debating this issue. I would respectfully request that this be Tabled until Later in Tonight's Session or Tabled for one day.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. As a member of this Chamber waiting for these papers to approach my desk in the Senate, I would appreciate an opportunity to discuss and dispose of this issue this evening. I would hope that we would be able to do that because frankly, Mr. President and members of the Senate, there is a very serious situation in Maine in regards to health care providers and it is of crisis proportion and I hope that we would be able to address it this evening.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending the motion of Senator GILL of Cumberland, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report in NON-CONCURRENCE.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages"

H.P. 1780 L.D. 2433

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-728)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-729).

Tabled - April 18, 1988, by Senator KANY of Kennebec.

Pending - Motion of Senator GILL of Cumberland, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report in NON-CONCURRENCE

(In Senate, April 18, 1988, Reports READ.)

(In House, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728).)

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 you this evening to reject the invitation of the good Senator from Cumberland, Senator Gill, so we can go on and Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-728). L.D. 2433, is perhaps the most expensive in a line of L.D.'s which the Human Resources Committee heard this Session. I am sure every member of this Body is aware that hospitals face difficulties regarding recruiting and retaining qualified health care personnel. In fact, there has been this year a significant increase in personnel expenses for hospitals and related health care institutions. However, just because we have the demand for higher labor costs does not mean that we should succumb to the invitation of L.D. 2433 to automatically allow hospitals and hospitals only to pass through the vehicle of the Health Care Finance Commission any additional costs for recruitment and retention of nurses and other health personnel.

I explained to you in some detail last week the escalating nature of health care expenses in our state, and I explained to you that we are currently seeing health care insurance premiums increasing at a rate of twenty to twenty-five percent per year. That is due to many factors, probably the foremost of which is the decline in federal support for health care financing. This year only Maine hospitals will be underpaid some seventy million dollars from the health care financing administration. That is what we refer to as the medicare, or medicaid shortfall. Now, under our Health Care Finance Commission Act, hospitals are allowed to routinely pass through that cost onto the consumers of health care. In addition to that and perhaps more important, hospitals also have available to them, through the Health Care Finance Commission Act, the ability to request adjustments in their financial requirements to allow hospitals to charge higher rates in order to pay higher labor costs. Unfortunately, many hospitals have decided rather than utilize the current system of the Health Care Finance Commission to support L.D. 2433 which would in fact effect and end run around the regulatory process and allow us by legislative fiat to allow hospitals to charge rates which perhaps would be approved only in part by the Health Care Finance Commission. This is really the major objection I have with L.D. 2433. To my knowledge no hospital which has sought adjustment under the Health Care Finance Commission Act for relief on its personnel costs has been denied. It is ironic that

we therefore would be urged to support legislation which would totally emasculate the integrity of the Health Care Finance Commission and allow hospitals to routinely pass this cost through to the consumers of health care. It seems to me the burden is on those who would support L.D. 2433 to justify this major pass through and of all the bills we have seen this session on health care finance, none has a price tag more expensive than L.D. 2433.

It is not unfair to suggest that if this Bill goes through along with others such as L.D. 2191 and L.D. 2304, that in tandem with other expenses we are seeing in hospital finance that rates for many consumers of health care on their insurance policies could rise as much as thirty percent next year. But perhaps the major reason that I would urge you to reject L.D. 2433 at this late hour is that the Bill really attempts to undermine the integrity of the regulatory process we have established to try to effect a modicum of regulation on escalating health care expenses in Maine. As many of you are aware, this Legislature has created and at some expense supported a Commission to examine the regulation of health care expenses in Maine. That Commission is due to report back to this Legislature next January and it may well be that we will have far reaching, broad and innovative proposals for your consideration as far as how we can insure that we have access to basic health care and still allow hospitals an opportunity to have the kind of flexibility which they need to address local needs. It seems to me that our efforts in the Commission will be for naught and in fact one would have to question the logic in even pursuing at some length those Commission activities if we know that hospitals, rather than seek to adhere to whatever regulatory process we establish, would simply end run that process through a well orchestrated and highly effective lobbying campaign to persuade us to allow them to end run the regulatory process and pass their costs on through the Health Care Finance Commission.

I would also point out that if L.D. 2433 passed, it would only provide relief for one narrow segment of the health care community. This Bill would, in fact, allow hospitals and hospitals only to charge higher rates for their personnel costs. But, what about other health care providers? What about home health agencies? What about other types of health care facilities which are not governed or regulated by the Health Care Finance Commission? It seems to me what we would be doing is allowing only a small spectrum of the health care provider community to have a significant wage enhancement while we would deprive other health care providers of that same opportunity. So, for these reasons, somewhat arcane, and no doubt drab in a long night of legislative debate, I would still urge that this Body maintain the spirit and the essence of cost containment and reject the Minority Report in order that we can accept the Majority Report at a later time. Thank you very much.

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. I circulated a copy of a newspaper article that was in the Bangor Daily News in regards to hospitals to lay-off workers. The fact of the matter is that it says in the article, "because of state imposed caps on salaries and hourly wages, qualified applicants are going elsewhere and as the shortage continues patients will face more transfers to other institutions for treatment and longer waits for admissions to the hospital. We can't pay people

enough in order to be competitive in the market." The fact of the matter is that the Maine Health Care Finance Commission is very similar to the Public Utilities Commission, it has the same basic concepts it has even some of the same personnel. The Public Utilities Commission has as part of its ability, an energy conservation program which is passed directly through the regulatory process and into the rates. It is not uncommon to be able to do it. The fact is that the hospitals, which the Maine Health Care Finance Commission regulates, are having a tremendous nursing shortage because they cannot pay the people that are qualified for that particular position and they have to pay higher and higher salaries and it is because of those state caps that they are forced to cut back on the number of staff and it is totally irrelevant to what they need to properly man their facilities so that people will be taken care of. I think this is probably one of the more important pieces of legislation dealing with hospitals, because in fact it says to the hospitals that you can in fact hire good people and pay them what you have to pay them and those costs will be reimbursed rather than not having those people and because of state law not having those people and because of state law not being able to open certain wings of hospitals because you didn't have the nursing staff to be able to open those levels. This is a very important piece of legislation. It is not uncommon in your regulation to allow for these sort of things, we do have a shortage, it was created by very stringent licensing for nurses, we have very high qualification standards for nurses and they are getting a commiserate amount of pay and hospitals, because of caps covering how much they can assess on those wages, cannot really offer those people because of state imposed caps and this is what this legislation is allowing to do and I think it is very much needed. We have hit around the problem with scholarships, career ladder demonstrations programs and those sort of things, but I think this is a more important piece of legislation and I would hope that we would support the Minority Report.

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 apologize for the need to prolong the debate, which I am sure to many of you is somewhat technical and perhaps drab as the hours in this lengthy session wear on, but I feel it necessary at least for the Record to correct some of the impressions which the good Senator, my distinguished colleague from the county of Penobscot, Senator Baldacci, has left with you this evening. I remain opposed to this Bill and I would ask the good Senator from Penobscot, or anybody else in the Chamber who might respond, to show me an example of a hospital which in fact has applied for relief through the Health Care Finance Commission and been denied. Point is, there has been no such occasion. I will not take issue with the fact that the Health Care Finance Commission regulations and statutes can be difficult, can be technical and can be cumbersome. In fact, I have dedicated the last three years of my legislative service in an attempt to provide for a happy balance between administrative flexibility and a responsible and intelligent approach to cost containment. I suggest to you that what we have tonight is not a responsible and certainly not an intelligent response to health care cost containment. What we have is pure and simple an attempt to undercut a particular method we have chosen in an attempt to control costs and an attempt to persuade us to allow an automatic pass through for

any cost that hospitals might realize in recruitment and retention of nurses. I cannot underscore strongly enough that we already have a procedure under current law which hospitals could avail themselves of, to apply to the Health Care Finance Commission and to secure permission to charge higher rates, to pay higher salaries for their health care personnel. Certainly, we will take a look in the Commission, which I Chair, to determine whether or not our statutory scheme is too flexible. But, it does seem to me that if we are going to be serious in an effort to try to moderate the cost of health care in our society today, we are going to have to make some tough decisions. The very least on which is going to be to say that when we pass a law we really mean it, we can't get on the campaign and say what we really care about virgining health care costs in our society, we really want to moderate those costs to make sure that all people in our state and all people in our society have access to a basic supply of health care. We can't keep on doing that if we are going to routinely pass legislation which completely undermines the integrity of any regulatory process we established to try to accomplish that cost containment. That is precisely what L.D. 2433 does. In the event we had a state agency which routinely and irresponsibly denied hospitals the type of relief which they were entitled, I would agree with my colleague, the good Senator from Penobscot, and I would recommend that we dismantle that state agency, but the fact of the matter is we have no evidence tonight to suggest that the Health Care Finance Commission has denied any hospital rate relief on account of health care personnel issues. That really is the gist of the issue. So, for that reason, I would urge you to oppose the Minority Report when you vote tonight.

Senator GAUVREAU of Androscoggin 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. Currently, hospitals have to lose money in order to apply to the Maine Health Care Finance Commission. I had a call from one hospital who told me that they had a seven hundred thousand dollar deficit and because of the formula that the Maine Health Care Finance Commission has set up, they were not in the position to apply at this point. That is quite a shortfall. If we had a deficit presented to us that dealt with our budgets that way, personally, we just couldn't operate and to put a hospital in a position when they are recruiting and trying to provide quality care for people to have to force them into this deficit position before they can apply to the Maine Health Care Finance Commission for a wage adjustment, it just seems imprudent to me.

I just want to say that the Minority Report is listed here was truly not a Minority Report, because two of the members on the Committee wanted to really sign the jacket that is listed here as the Minority Report, but they were not able to change their votes and it had to come out and appear as it did. So, it appears that there is actually a Majority Report, but actually two people from the other Body would like to be on the report that I am on.

This Bill does pay for non-professionals too. The last issue we dealt with we dealt with nurses and repay back of their loans, this deals with other non-professionals who work in hospital settings and it is quite often difficult to get people who are not in the professional group to come to a hospital and work there, so the problem is widespread. We have a

problem with getting professionals and non-professionals. This Bill would take care of that.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. Just a couple of things I would like to say on the Record and I have listened now for the past few days about the issues coming on health care. One thing that does bother me greatly is mentioning the access to health care and not also mentioning the next moment, quality health care. That is the issue that I believe our health professionals and our hospitals are dealing with each and everyday is maintaining quality health care. That is what the citizens of the state want, quality health care, not only access to health care. I would ask those who don't support the Minority position on this Bill, what is the price tag for not having quality health care? How much would the rate payers of our insurance policies and our taxpayers pay for not maintaining the kind of quality health care we have in this state? How much will that cost? Those are the issues we need to grapple with, ladies and gentlemen of the Senate, and I would urge you to support the Minority position.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I rise tonight only because I think that as it often times is in this Senate and in this Body and in the other Body that we debate issues not because of our diversions, but more because of our similarities and in this case we are not debating whether or not we want quality health care for the citizens of the state, we do. It is not that we want to have quality construction and expansion of health care programs in the state, we do. The debate before the Human Resources Committee and the debate throughout this Legislature, I surmise, has been who is going to pay for the quality of health care costs and can we afford it at this time. The issue here before you as you look at the two various reports, it is not that the amount of money is going to be expended, it is how it is going to be expended. One report asks you to address the issues through the General Fund, in other words as you look at the Majority Report, which I think now according to the good Senator from Cumberland, Senator Gill, is the Minority Report, suggests that you pay for it through the General Fund. The second report, which is the Minority Report on supplement 31, suggests that you pay for this through a permanent change in the hospital finance commissions procedures. I think what is clear here and the debate has been before the Committee is that we all know that the Certificate of Need Bill is going to cost an additional seven million dollars plus. We all know that there are going to be a variety of measures addressed before this Senate that is going to cost the citizens and the rate payers if you will or premium payers additional money. We believe and those of us who have supported measures in the past believe that this is in the best interest, not only of the individuals who are going to be received health care, but also for providers of health care. But, there are many people who I think argue very persuasively that health care costs in this county is still running at least twice sometimes three times the national rate of growth in terms of the cumulative cost index. If we look at the cutbacks in the federal medicare funds and other funds from the United States government, we realize that a great burden is being placed on the states and on small businesses and major businesses

in the state of Maine. I think the good Senator from Cumberland, Senator Gill, and the good Senator from Penobscot, Senator Baldacci, argue persuasively for the passage of this Bill, but I think the good Senator from Androscoggin, Senator Gauvreau, has made it quite clear that we have passed, if you will, or at least we have addressed several measures that will result in on-going increased costs, escalation of costs, to Maine people who have health insurance. The state of Maine, as you well know, purchases health insurance, small businesses purchase health insurance and large industries purchase health insurance. Many of the health insurance industry and many of your Maine small businesses and large industries have opposed this legislation on the basis that it is going to cost an awful lot of money for this quality care that the good Senator from Kennebec, Senator Matthews, spoke to. No one is against quality care. We are saying, how is this going to be paid for. The first one addresses the issue through the General Fund and it will stop at a specific point certain and then will be reviewed by the Blue Ribbon Commission that has been established to address this issue, which has been working for several months. I for one have supported the good Senator from Cumberland, Senator Gill, on a very controversial Bill on Certificate of Need, there has been a great deal of debate about this, but as we all know, that is only for a one or two year period as well. It deals with immediate issues that stop very shortly. This particular proposal goes on and I think one has to look at the longevity cost. My final point would be, Mr. President, ladies and gentlemen of the Senate, we cannot in this state effectively hold down long term health care costs or maintain long term quality of care unless we have an effective mechanism that is in place in the state of Maine controlling health care cost. There is a raging debate as to whether or not the Maine Health Finance Commission is effective or efficient or even necessary. I for one find that there are problems with it, but I do not believe we should pick it apart, piece by piece, dismantle it. This legislation, although it is needed, it is a very effective piece if it can be addressed through the General Fund, we should pay for it and if we want quality health care let's pay for it through the General Fund, let's not try to circumvent the system that has been established and undermine the most effective means of holding down health care costs for every single one of the health care consumers in the state of Maine. That means our constituents. I would hopefully and respectfully request that the Senate support the Majority Ought to Pass Report.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GILL of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion of Senator GILL of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator GILL of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-729) Report, in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728) Report. Senator BALDACCI of Penobscot requested a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728) Report, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728) Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-728) 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 Make Interim Adjustments in the Certificate of Need Development Account" (Emergency) S.P. 845 L.D. 2191 (C "A" S-473)

In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739) in NON-CONCURRENCE.

Senator GAUVREAU of Androscoggin moved to INSIST.

Senator GILL of Cumberland moved to RECEDE and CONCUR.

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. What we are being asked to do by the good Senator from Cumberland, Senator Gill, my colleague on the Human Resources Committee is to Recede in a version of L.D. 2191, which has been amended and amended in a slightly nefarious fashion. As you well know, most projects end up funded under the Hospital Development Account have to survive review under the Certificate of Need Process. In fact, the Senator from Cumberland, Senator Gill, in her argumentation on behalf of L.D. 2191, last week made a plea that we increase health care spending in the state of Maine in order to more than double the size of the Hospital Development Account. Now, although I took issue on a somewhat strenuous issue with her approach, I do not believe obviously, nor do I respect intellectually any health care system which routinely is subordinated to the strength of any particular lobby, nevertheless, I certainly think Senator Gill was forthright in her approach. She said we needed to spend additional funds on capital projects in our hospitals to provide health care for our citizens. If you take the time to review House Amendment H-739 to L.D. 2191, you would note that we have an entirely new phenomenon. What we have appended to this major piece of health care legislation at the eleventh hour is an amendment which would allow in fact mandate the Maine Department of Human Services to contract with a northern Maine hospital to conduct a hospital based psychiatric care demonstration project. The language

in the amendment goes on to insure that this demonstration project so styled, would not have to undergo the rigors of the Certificate of Need Process. So, in stark contrast to the eighteen million dollars of projects which were placed on the C.O.N. deferred list this year, we would have as an eleventh hour amendment to legislation, a project which would not have to undergo Certificate of Need, of which there was virtually no debate whatsoever in order to provide for this psychiatric facility somewhere in northern Maine. I find this to be a tad unusual, a tad bizarre, it is perhaps more offense when one would realize that we are in the midst of a two year study on the entire mental health delivery system. In fact, there is a commission which has been meeting regularly, a commission I might add the good Senator from Cumberland, Senator Gill, sits on, which has been studying this issue of mental health delivery systems. Most of us expected that the commission would come back with principled and reasoned recommendations on whether we should augment on mental health delivery system, but now I find, lo and behold, perhaps we need not await the deliberations of Senator Gill's commission because we have here a solution. We have a recommendation that without any examination whatsoever as far as its need or its efficacy or whether or not we can afford it, we are told we are going to mandate our Department of Human Services to simply add on a psychiatric care unit demonstration project. This project may be totally worthwhile, but I suggest that it ought to at least withstand at least a cursory level of legislative review before we add it on to a major piece of hospital financing legislation. I find myself somewhat surprised that Senator Gill, the good Senator from Cumberland, would in fact at this time be recommending this project when it would seem to me that we should review it. I would urge that you join me in voting against the pending motion at this time. Thank you.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. Perhaps it is because of the hour, eleven fifteen p.m., two days before we are scheduled to end our session, but I plan to vote to Recede and Concur. After reading the amendment, it really does just call for a demonstration project, hospital based psychiatric care in northern Maine hospital, using existing unfilled bed capacity, somehow that just doesn't seem too awful to me and I hope that we move on and get about our business.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED.

House Amendment "A" (H-739) READ.

Senator GAUVREAU of Androscoggin moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-739).

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I would just like to reiterate the point that it is towards the end of the session and if you ever wanted to be able to help make the adjustment to the Certificate of Need program, this is the opportunity, because there will not be another opportunity.

Senator BALDACCI of Penobscot requested a Division.

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. As you

probably know, I spoke against this Bill initially but we went on and accepted the report that was presented. One of the things that I did notice in the Bill was that it really was dripping with svinina and now that I look at this with this amendment and by gosh there is a little pork that is coming my way also, and if you look at the original Bill there is some for Portland, there is some for Bangor, there is some for all over the place and why not a little bit for up my way. I hope that you will vote against the motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GAUVREAU of Androscoggin, to INDEFINITELY POSTPONE House Amendment "A" (H-739).

A Division has been requested.

Will all those Senators in favor of the motion of Senator GAUVREAU of Androscoggin, to INDEFINITELY POSTPONE House Amendment "A" (H-739), please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator GAUVREAU of Androscoggin, to INDEFINITELY POSTPONE House Amendment "A" (H-739), FAILED.

Subsequently, the Senate CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish a Resource Protection Law" (Emergency)

S.P. 870 L.D. 2265

(C "A" S-480)

In Senate, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480) AS AMENDED BY HOUSE AMENDMENTS "C" (H-743) AND "D" (H-746), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

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

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Tuesday, April 19, 1988, at 12:00 in the afternoon.