

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

**House of Representatives**  
January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
40th Legislative Day  
Wednesday, April 13, 1994

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Phyllis R. Erwin, Rumford.

The Journal of yesterday was read and approved.

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**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185) 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-454) as Amended by Senate Amendment "B" (S-513) thereto. That the Senate Recede from Adoption of Committee Amendment "A" (S-454) as Amended by Senate Amendment "B" (S-513) thereto. That the Senate Recede from Adoption of Senate Amendment "B" (S-513) to Committee Amendment "A" (S-454) and Indefinitely Postpone the same. That the Senate Indefinitely Postpone Committee Amendment "A" (S-454). That the Senate Read and Adopt Conference Committee Amendment "A" (S-650) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (S-650).

That the House Recede and Concur.

(Signed) Senator McCORMICK of Kennebec and Senator CIANCHETTE of Somerset - of the Senate.

Representative KETTERER of Madison, Representative ST. ONGE of Greene, Representative CAMERON of Rumford - of the House.

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-650).

The Committee of Conference Report was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance and later today assigned.

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**SENATE PAPERS**

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (S.P. 653) (L.D. 1822) (C. "A" S-515) which was finally passed in the House on April 7, 1994.

Came from the Senate, failing of final passage in

non-concurrence.

The House voted to Adhere.

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**Non-Concurrent Matter**

Bill "An Act to Clarify the Jobs and Investment Tax Credit" (S.P. 778) (L.D. 2008) (Governor's Bill) which was passed to be engrossed in the House on April 8, 1994.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-615) in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (S.P. 776) (L.D. 2003) (S. "A" S-590) (Governor's Bill) which was finally passed in the House on April 12, 1994.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (S-565) in the House on April 11, 1994.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative FOSS of Yarmouth, the House voted to Insist.

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**Non-Concurrent Matter**

An Act to Eliminate the Sales Tax on Snack Foods (H.P. 560) (L.D. 757) which was Passed to be Enacted in the House on March 31, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-833) as amended by House Amendments "A" (H-927) and "B" (H-929) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate (S.P. 417) (L.D. 1326) which was Passed to be Enacted in the House on February 18, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "B" (S-387) and House Amendment "A" (H-730)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act Concerning the Mahogany Quahog Tax (S.P. 571) (L.D. 1619) which was Passed to be Enacted in the House on February 18, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-388)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act Concerning the Mahogany Quahog Tax (S.P. 571) (L.D. 1619) which was Passed to be Enacted in the House on February 18, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-388)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Reinstate the State Eye Care Program (S.P. 576) (L.D. 1620) which was Passed to be Enacted in the House on March 24, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-477)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Promote Fairness Among Various Types of Counselors (H.P. 1209) (L.D. 1628) which was Passed to be Enacted in the House on March 31, 1994. (Having previously been passed to be Engrossed as

amended by Committee Amendment "A" (H-905)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems (H.P. 1245) (L.D. 1672) which was Passed to be Enacted in the House on March 28, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-866)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Resolve, Directing the Bureau of General Services to Study the Capitol Complex (S.P. 640) (L.D. 1774) which was Finally Passed in the House on March 24, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-467)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Establish a Technical College in York County (H.P. 1313) (L.D. 1775) which was Passed to be Enacted in the House on April 6, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-851) as amended by House Amendment "A" (H-989) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement (H.P. 1387) (L.D. 1886) which was Passed to be Enacted in the House on April 5, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-853) as amended by House Amendment "A" (H-978) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Establish Maine Quality Centers (S.P. 728) (L.D. 1949) (Governor's Bill) which was Passed to be Enacted in the House on April 7, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-579)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Create the Maine Health Care Authority (H.P. 1460) (L.D. 1985) which was Passed to be Enacted in the House on March 25, 1994.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Resolve, to Require a Study of Solicitation Sales Fraud (EMERGENCY) (S.P. 670) (L.D. 1838) which was Finally Passed in the House on March 31, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-453) as amended by House Amendment "A" (H-932) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to Recede and Concur.

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**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

April 12, 1994

To The Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, H.P. 1244, L.D. 1671 "An Act to Clarify Reporting Requirements for Party Committees." This bill adds the definition of "political cause" to the election laws and extends the campaign reporting requirements for party committees to include this definition, yet fails to do the same for other politically active groups, such as political action committees. As a matter of equity, this bill should not become law.

For example, if enacted this law would require party committees to report all expenditures on any activity a party committee may want to undertake in the on-going health care reform debate. But, at the same time, political action committees chartered by doctors, insurance companies, lawyers, unions and other advocacy groups would not be required to disclose similar expenditures.

While I strongly support full disclosure for campaigns, I cannot support changing the statutes to create an uneven playing field in this arena, one which holds certain entities to different and stricter standards than others.

I hope you will join me in rejecting this piece of legislation.

Sincerely,

S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Clarify Reporting Requirements for Party Committees" (H.P. 1244) (L.D. 1671) (C. "A" H-918)

On motion of Representative PARADIS of Augusta, tabled pending reconsideration and later today assigned.

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The following Communication:

COMMITTEE ON EDUCATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

April 12, 1994

The Honorable Dennis L. Dutremble  
President of the Senate  
The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Maine Legislature  
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Education during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	34
Unanimous reports	30
Ought to Pass	3
Ought to Pass as Amended	14
Ought Not to Pass	13
Divided reports	4

Respectfully submitted,

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON TAXATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

April 12, 1994

The Honorable Dennis L. Dutremble  
President of the Senate  
The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Maine Legislature  
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 116th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills		33
Unanimous reports		27
Ought to Pass	1	
Ought to Pass as Amended	15	
Ought Not to Pass	11	
Divided reports		6

Respectfully submitted,

S/John E. Baldacci                      S/Susan E. Dore  
Senate Chair                              House Chair

Was read and ordered placed on file.

By unanimous consent, all matters having been acted upon were ordered sent forthwith, with the exception of matters being held.

**ORDERS**

On motion of Representative COFFMAN of Old Town, the following Joint Resolution: (H.P. 1491) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BAILEY of Farmington, BEAM of Lewiston, BOWERS of Washington, BRENNAN of Portland, CAMPBELL of Holden, CARR of Sanford, CARROLL of Gray, CHONKO of Topsham, CLEMENT of Clinton, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DONNELLY of Presque Isle, ERWIN of Rumford, FARNUM of South Berwick, FITZPATRICK of Durham, GOULD of Greenville, HALE of Sanford, HATCH of Skowhegan, HICHBORN of LaGrange, JOHNSON of South Portland, KERR of Old Orchard Beach, KETTERER of Madison, KILKELLY of Wiscasset, KNEELAND of Easton, LARRIVEE of Gorham, LIBBY of Kennebunk, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAEL of Auburn, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MURPHY of Berwick, NORTON of Winthrop, O'GARA of Westbrook, OLIVER of Portland, PENDEXTER of

Scarborough, PFEIFFER of Brunswick, PLOWMAN of Hampden, REED of Dexter, RICKER of Lewiston, ROBICHAUD of Caribou, RYDELL of Brunswick, SPEAR of Nobleboro, STEVENS of Sabattus, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, TOWNSEND of Portland, TRACY of Rome, TRUE of Fryeburg, TUFTS of Stockton Springs, YOUNG of Limestone, Senators: BERUBE of Androscoggin, CAREY of Kennebec, CARPENTER of York, DUTREMBLE of York, FOSTER of Hancock, HANDY of Androscoggin, HARRIMAN of Cumberland, LUTHER of Oxford, O'DEA of Penobscot, PARADIS of Aroostook, PEARSON of Penobscot, PINGREE of Knox, VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING  
THE UNITED STATES CONGRESS  
AND THE UNITED STATES SECRETARY OF DEFENSE  
TO ESTABLISH 2 DEFENSE FINANCE AND ACCOUNTING  
SERVICE CENTERS IN THE STATE**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the United States Congress and the United States Secretary of Defense, as follows:

WHEREAS, there is now under consideration by the United States Secretary of Defense a proposal to consolidate the existing defense finance and accounting service centers throughout the world; and

WHEREAS, states that have lost a military base because of downsizing of the United States military ought to receive primary consideration for the site of a new defense finance and accounting service center; and

WHEREAS, Maine recently suffered the closure of Loring Air Force Base, which adversely affected the economies of many of the State's communities and the overall economic health of the State; and

WHEREAS, the closure of Pease Air Force Base had a similar adverse impact on Maine and its citizens; and

WHEREAS, the criteria considered by the United States Department of Defense are cost to the federal government, the availability of a good labor force and maintenance of service; and

WHEREAS, Maine offers a highly productive and skilled workforce; a low cost of living; one of the 2 best fiber optic networks in the United States; a high quality of life because of the combination of a clean environment, 3,000 miles of coastline, mountains, and one of the lowest crime rates in the country; international airports and port facilities; and numerous private and public institutions of higher learning; and

WHEREAS, the Federal Government recently renovated and upgraded communications systems and general infrastructure of the former Loring Air Force Base at a cost of millions of dollars; and

WHEREAS, the former site of Loring Air Force Base and the City of Bangor offer excellent sites for these centers and both locations can be easily

adapted to the needs of the Department of Defense; and

WHEREAS, for all of these reasons, as well as the State's long and distinguished commitment to defense and national security interests, we believe that it would be in the best interest of the United States Department of Defense to locate 2 of its proposed defense finance and accounting service centers within Maine; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Secretary of Defense and the United States Congress to locate 2 defense finance and accounting centers in Maine; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the Secretary of Defense; the Honorable John R. McKernan, Jr., Governor of the State of Maine; and each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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**ENACTORS**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Assistance to Maine Businesses (H.P. 1148) (L.D. 1547) (S. "B" S-639 to C. "A" H-949)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 95 voted in favor of the same and 4 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (H.P. 1392) (L.D. 1890) (Governor's Bill) (H. "C" H-1086 and S. "A" S-597 to C. "A" H-963)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 94 voted in favor of the same and 7 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf (S.P. 700) (L.D. 1898) (Governor's Bill) (S. "A" S-621 to C. "A" S-538)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of the same and 3 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Training Equipment for the Maine Technical College System (H.P. 1442) (L.D. 1968) (S. "A" S-642 to C. "A" H-970)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 105 voted in favor of the same and 1 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Make Modifications to Economic Development Activities (S.P. 552) (L.D. 1576) (S. "A" S-611)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Implement the Recommendations of the Health and Social Services Transition Team (H.P. 1330) (L.D. 1793) (S. "B" S-644 to C. "A" H-1008)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Create Retirement Alternatives (H.P. 1362) (L.D. 1841) (H. "A" H-972; S. "A" S-606 to C. "A" H-867)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Provide Funding to the Maine Criminal Justice Commission (H.P. 1370) (L.D. 1854) (S. "A" S-609)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Establish a New Valuation on Sears Island (S.P. 703) (L.D. 1900) (S. "A" S-608 to C. "A" S-451)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative TARDY of Palmyra, tabled pending passage to be enacted and later today assigned.

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**Emergency Measure**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (S.P. 773) (L.D. 1996) (H. "A" H-1048; S. "A" S-624 to S. "A" S-582)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

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**Mandate**

An Act Concerning Level I and Level II Educational Technicians (H.P. 1212) (L.D. 1631) (S. "A" S-604 to C. "A" H-811)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members

elected to the House being necessary, a total was taken. 101 voted in favor of the same and 1 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

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An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws (H.P. 665) (L.D. 903) (S. "C" S-645 to C. "A" H-953)

An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws (H.P. 1100) (L.D. 1487) (S. "A" S-600 to C. "A" H-942)

An Act to Modify the Taxation of Leases on Automobiles (S.P. 545) (L.D. 1570) (S. "A" S-625 to C. "A" S-527)

An Act to Clarify Maine Election Laws (H.P. 1201) (L.D. 1609) (S. "A" S-557 and S. "B" S-612 to C. "A" H-947)

An Act to Amend the Structure of Veterans' Services (S.P. 583) (L.D. 1627) (S. "A" S-411; S. "A" S-623 to C. "A" S-397)

An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998 (S.P. 601) (L.D. 1699) (S. "A" S-610)

An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services (H.P. 1284) (L.D. 1732) (C. "A" H-794; S. "A" S-630)

An Act to Strengthen the Maine Bottle Deposit Laws (H.P. 1343) (L.D. 1810) (S. "A" S-605 to C. "A" H-839)

An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices (H.P. 1380) (L.D. 1867) (S. "B" S-585 and S. "D" S-646 to C. "A" H-1026)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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An Act to Establish the Maine School of Science and Mathematics (S.P. 733) (L.D. 1958) (Governor's Bill) (H. "A" H-1054 and S. "A" S-629 to C. "A" S-511)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative JACQUES of Waterville, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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The following items were taken up out of order by unanimous consent:



**ENACTORS****Emergency Measure**

Resolve, Establishing the People with Disabilities Access Commission (H.P. 1321) (L.D. 1783) (H. "A" H-1074 and H. "B" H-1111 to C. "A" H-894)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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An Act to Amend the School Funding Formula (H.P. 682) (L.D. 924) (C. "A" H-1110)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

**SENATE PAPERS****Non-Concurrent Matter**

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services (S.P. 356) (L.D. 1070) which was Passed to be Enacted in the House on March 31, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-505)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-505) as amended by Senate Amendment "A" (S-602) thereto in non-concurrence.

The House voted to Recede and Concur.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

**BILL HELD**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (S.P. 653) (L.D. 1822) (C. "A" S-515) which the House voted to Adhere to earlier in today's session.

-Finally passed in the House on April 7, 1994.

-Came from the Senate, failing of final passage in non-concurrence.

On motion of Representative JOY of Island Falls, the House voted to reconsider its action whereby the House voted to Adhere.

The same Representative moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: We have been through this a few times now and I hope you won't recede and concur and that you will defeat this motion so we can go on to adhere.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: Why keep flogging a dead horse? We are ready to go home. I even got my check this morning and my good Misses is waiting to put her hands on it. We want to go home, please, let's go home.

I felt so good when I saw that check and that last voucher — I said, "hallelujah," and, I threatened the Speaker that I would move for adjournment sine die. He said, "I will kill you if you do." But, no, we have only got — what, this is the last minutes of the session, this is no time to be playing games. We just passed an emergency measure here on Establishing the Monk Commission. They will take good care of that, that is what it is for. This is no nothing, life or death. They want this bad.

The other body — if I am allowed to speak about their action, has said, "No, this is not the time." Let's send it on, let's send it away, then the next Legislature can come back and do what they want to do with it (once this commission has done something). We just — it is part of the budget, we have got \$100,000 earmarked for the Monk Commission to study the whole thing. Plus, if this goes to referendum you get a \$90,000 tag on it for the referendum. I say now, this isn't the end of the world, let's recede and concur, send this thing on and next January somebody can come back and do it right after you have had a report from the Monk Commission.

I would ask that you go along to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Joy of Island Falls that the House Recede and Concur. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative JALBERT of Lisbon requested a roll call on the motion to Recede and Concur.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: Just a reminder, recede and concur kills this bill in this House. We have passed this bill on engrossment by more than 100 votes. We passed it on enactment by more than 100 votes. If the other body wants to kill it, let them do it but let's continue to pass this. So, do not recede and concur.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Again, I say, let's stop flogging that poor old horse, he is dead. That is exactly what we should do, send this on. The other body said "no." I will tell you one thing right now, there are two-thirds over there that said — they didn't get the two-thirds. I don't care what we did, there are 150 people here, that is immaterial. This isn't the end of it, they can come back. Come back at a proper time, not when we just have got a few more hours to get here and get this thing bouncing. Do you realize that is going to bounce back and forth like a yo-yo between the two bodies and until somebody gets their way somewhere. I would say let's recede and concur and get out of here.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: Once again I would like to remind you that all you are doing by passing this amendment is allowing the people of the state to make the ultimate decision as to whether or not they believe that there should be a Constitutional Amendment. Once again, we are allowing the people to have self-determination in this issue. I urge you to vote against the recede and concur.

Representative Jalbert of Lisbon was granted permission to speak a third time.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was going to try to stick to the issue of whether or not to recede and concur but since the honorable gentleman from Bangor has brought up other issues, I think I should.

Actually what is happening here, you are putting something on the Constitution that is going to tie the hands of every school board in the State of Maine. Let's put this scenario — now, the school board, along with the teacher organizations, have come to an agreement and they all vote to go along with it. But, they cannot implement it because there might be one little thing in there that the majority wants to take out that one individual wants to leave in there. This is not a group thing, this is an individual thing that you are putting in, that is your Constitution.

New York State has had this and they have got bundles and bundles of lawsuits. You are asking for more lawsuits because one individual, somewhere in the State of Maine is going to say I am going to lose one little thing, therefore, we cannot change anything.

I will say again, let's send this back and do some more work on it and come back with something proper.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: In sending this out to the people, the people will not be able to make the right decision or a good decision because they will only hear one side.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: I have full faith in the people of the State of Maine to be able to make wise decisions on issues that we place before them. That, notwithstanding, I do agree with the good Representative who suggests that we send this to the

other body, let's send this back to the other body, but let's insist on our former motion, let's defeat the motion to recede and concur.

I do remind you that state employees and teachers are not allowed to include retirement benefits in their contract, as such, they are not protected by the same protections that other public employees have.

I urge you to defeat the motion to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joy of Island Falls, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 356

YEA - Barth, Birney, Bruno, Carleton, Carr, Cross, Dutremble, L.; Farren, Foss, Gamache, Jalbert, Joy, Libby James, Lindahl, Look, MacBride, Marshall, Nickerson, Ott, Pendexter, Pfeiffer, Pouliot, Reed, G.; Ricker, Robichaud, Taylor, Vigue, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Anderson, Ault, Bailey, H.; Beam, Brennan, Campbell, Caron, Carroll, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Daggett, DiPietro, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoggund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lipman, Lord, Marsh, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Tardy, Townsend, E.; Tracy, Treat, True, Tufts, Walker, Wentworth, The Speaker.

ABSENT - Aikman, Aliberti, Bailey, R.; Bennett, Bowers, Cameron, Cashman, Cathcart, Chonko, Cote, Dexter, Farnsworth, Hillock, Ketterer, Kutasi, Martin, H.; Michael, Nash, Plowman, Rydell, Saint Onge, Simonds, Sullivan, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 30; No, 94; Absent, 27; Paired, 0; Excused, 0. 30 having voted in the affirmative and 94 in the negative, with 27 being absent, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Adhere. Ordered sent forthwith.

The Chair laid before the House the following items which were tabled earlier in today's session:

An Act to Establish a New Valuation on Sears Island (EMERGENCY) (S.P. 703) (L.D. 1900) (S. "A" S-608 to C. "A" S-451) which was tabled by Representative TARDY of Palmyra, pending passage to be enacted.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (EMERGENCY) (S.P. 773) (L.D. 1996) (H. "A" H-1048; S. "A" S-624 to S. "A" S-582) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby L.D. 1996 was passed to be engrossed.

The same Representative presented House Amendment "B" (H-1115) which was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by House Amendments "A" (H-1048) and "B" (H-1115) and Senate Amendment "A" (S-624) to Senate Amendment "A" (S-582) in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185) which was tabled by Representative JACQUES of Waterville pending acceptance of the Committee of Conference Report.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I rise to ask you to reject the Conference Committee Report. It continues to perpetuate the liability problem that this bill creates.

It does address the trial lawyers concerns but the physician community remains opposed to the fact that this bill continues to perpetuate a serious liability problem for them.

I think that there is a clue here that maybe some of you might be overlooking. And, that is if this issue was so important to trial lawyers then perhaps the physicians concerns must be justified.

This Committee of Conference Report doesn't solve a single thing. We are right back to where we were several debates ago.

I just want to recap, very briefly, what the bill does. It does two things, it creates a new classification for nurses and the new classification is called Nurses in Advance Practice. In other words, some of us would be able to put the letters "ARNP" after our names. And the second thing it does is it changes practice parameters for nurses in advanced practice from one of delegation to a tier system of delegation, supervision or collaboration.

Let me just briefly address the classification issue. Nurses in advance practice fall under four categories. You have nurse practitioners, nurse midwives, nurse anesthetist, and clinical nurse specialist. This bill eliminates two of them.

Now, if we are not able to create a classification that can include all the nurses that should be in it then why are we doing it? It doesn't even mention clinical nurse specialists. And, the nurse anesthetists have to be not included because of the

definition of collaboration. So, now we are left with an issue we are supposed to be creating a new classification and yet two entities are not going to be able to be included under that.

Why are we doing that?

It goes against what the National Council of State Boards recommends which is that there should be at least consistency amongst states and there has been no other state in this country who have created advance nurse practice jurisdictions who have eliminated certain group that should be in it. I think that in itself should be a serious concern to you who are voting for this bill.

I want to continue to remind you of other practice parameters. We are now establishing a tier system. I continue to say to you that we all qualify for practice under the same manner and that this tier system that you are creating is not something that is accepted by the general nursing community. As a matter of fact, the organization of Maine's Nursing Executives recently had a meeting where they took a consensus vote and opposed this bill in principle based on the tier system that is established in this bill.

I continue to maintain to the committee, over and over again in work sessions, if we are talking about independent practice you should vote it up or down, you either let everybody do it or you don't let anybody do it. The committee stated (in their work sessions) that they were not ready to let everybody practice independently so thusly they created the entity of collaboration whereby only nurses with Masters Degrees and three years of experience can practice.

I find it very amusing that when the decision was made in the committee and then when the language came back, guess what, there were some exemptions and the people who are proposing this bill and working hard to pass it, exempted themselves because they don't have Masters Degrees and they wanted to be able to collaborate and so they exempted themselves. So now we have the entity of OB/GYN and nurse midwives who although they don't have Masters or those who don't have Masters can still collaborate when the basic committee decision was to only allow Masters Level nurses to do this.

The irony of it all is (if we go along with this Conference Committee Report) nobody will be able to collaborate anyway because the physicians will not cooperate. We can argue all day whether who is right or who is wrong — I am telling you that physicians aren't buying it so therefore it is not going to happen. So, why are we passing something that is not going to work? It can't possibly happen if physicians don't cooperate.

There is a saying that goes, "A camel is a horse designed by a committee." We have ourselves quite a camel here. It continues to blow my mind why MS&A continues to support this legislation. I have to assume they are giving in to the political self-serving needs of a few of their members. They are not representing the nursing profession with grace, at the moment.

Furthermore, their membership only represents about ten percent of the nurses anyway. I just feel that they are not representing the nursing profession correctly. That really bothers me.

This bill is not good for nursing. It is not a good bill.

This is not to negate everybody's hard efforts

because it is obvious (from all the difficulties encountered here) that the bill needs further work. So, defeating this report sends the message that this issue needs to be negotiated outside these halls. They physicians and the nurses have to come to terms with this issue. The issue is not going to go away. I think that both entities have learned something by playing the political games that this bill has created.

I say to you, there is no hurry in passing something, certainly nothing like this. This concept is a hot issue and it won't go away. I have faith that my colleagues in nursing and the medical community will work this out.

I hope I have convinced you why you should reject the Conference Committee Report. A no vote builds upon the experience gained here. I hope that you don't take it as a negative step.

I urge you to do what is right and vote no.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HøGLUND: Mr. Speaker, Men and Women of the House: I would urge you to vote to accept the Committee of Conference Report. In doing so, I would ask you to keep the faith in your vote and in the way that you have.

I would like to let you know that New Hampshire does work independently with nurses. Twenty-three other states work under the collaborative agreement.

From what I understand, the Committee of Conference has come up with some sort of way of working it off from liability. That, most everyone has agreed on — hopefully, the Governor will sign it. I think it will work, I think the nurses deserve this and I ask you please keep your vote this way.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I have some real concerns about passing this Committee of Conference and hope you will vote no when the time comes to push the button.

First of all, I think what I want to address is the shortage of physicians that we have in the State of Maine. What will this do to make the physicians want to come here more? If anything, people who are even thinking of going into the medical field will have second thoughts themselves. Why should they study seven to nine years to be a physician if they can practice in just two years and not have the responsibility that they would have if they became a physician, the cost of their malpractice insurance going from \$5,000 to \$50,000 a year? So, that is a real concern.

The other concern I have is for the rural areas of the state. In talking with Blue Cross and Blue Shield they tell me specifically that only supervised nurses are paid. Nurses that would work independently would not be paid for by Blue Cross and Blue Shield. So, what would we be doing to the rural areas of this state? If they are hurting now, they would be hurting much more in the future.

As the last thing, I did receive a letter from a constituent who ask that I share it with you before you vote. "Dear Rita: I was genuinely dismayed as the result of the vote on L.D. 1185 that affords nurses the opportunity to practice medicine without direct physician supervision.

Although I am unaware of the final form of this legislation it certainly has set a very dangerous precedent for the future of medical care as we know

it in this state and possibly, ultimately, the entire nation.

I am absolutely astounded that your colleagues in Augusta have not anticipated some of the potential disasters that could occur. After all, how could one compare nursing education with the level of expertise physicians require during four year of medical school, three to five years of special residency training and frequently several years of sub-specialty training beyond the standard undergraduate degree. Residents spent 80 to 120 hours per week for several years intensely learning only one specific area of medicine. No nursing program could ever hope to impart this amount of experience.

I have already witnessed life threatening pediatric cases that were mismanaged by nurses and out-patient well child clinics. Cases in which diagnosis were delayed with nearly fatal results. This was due to simple lack of knowledge, the nurses were not prepared to recognize subtle symptoms of complicated disease processes, symptoms which physicians are trained to identify. Unsupervised nurses practicing, "uncomplicated primary care medicine" is a set up for many more such cases.

What will happen when the nurse practitioner does encounter an acutely ill child who may require immediate consultation with a pediatrician or even hospital admission? Should I be required to "pick up the pieces" when the nurse realizes the case is out of her league? The medical/legal implications of this are enormous. Once a physician is involved with a patient then he or she too is liable regardless of who mismanaged the case.

Under the current system a physician has contracted with a nurse practitioner and knowingly and willingly accepts the legal risk. In addition, the physician is available for consultation should more expert intervention be required. In the case of unsupervised nurses, who will be able to provide this service? I can only imagine hospital emergency departments having to deal with their many daily referrals. Certainly this would not be very cost effective.

Should I, with my own business practice, be required to cover for all these nurses when their patients are very sick or need to be admitted to the hospital and accept the potential legal ramifications as well when the critically ill baby requires my presence in the hospital and many hours of intensive care, my office full of patients and that entire days revenues are lost? Meanwhile, the nurse practitioner continues to maintain a full schedule and garner a days income.

In the literature I have seen thus far there has been no mention of nursing malpractice insurance. Will they be required to pay premiums similar to physicians, \$50 to \$50,000 a year? Are malpractice insurance companies willing to provide full coverage to the unsupervised nurse? Will they ultimately be granted admitting privileges by hospitals? There is certainly a major role to be played by nurse practitioners in primary care, they are helping to fill a void in a variety of settings and I feel they should continue in their present capacity under physician supervision. Allowing them to practice medicine without a medical degree is a giant step in the wrong direction and I feel will inevitably result in a tragic outcome."

This was sent to me by a Dr. Goldsmith, a pediatrician in my community.

I hope you will consider all of these things that he is bringing up because they are certainly things that we should be thinking about. I really feel that what we are trying to do here is not what legislators should be doing. It should be addressed in an arena other than this. These people should be forced to sit down together.

I know that I have personally talked with many physicians and have encouraged them that during this ensuing year that they think about what is coming here before the legislature and the decisions that legislators now are having to make because they are not taking the time, putting in the effort that they need to, to make sure that this is addressed in a proper fashion. I am certain that the nurses, as well, will sit down with them and we can come up with something that both of them can agree will work out best for the people of this state.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I rise to ask you please to accept the Committee of Conference Report so that we can provide more access to health care for the people in our state and also more educational and advancement opportunities for the nurses in our state.

Contrary to the letter from the physician quoted in the previous speakers debate — and, with all due respect to Representative Melendy from Rockland, nurses do have a medical degree. It is a limited degree, it is not the same degree in training physicians have, but, it certainly qualifies them and has always qualified them to do excellent primary and preventative health care. Nurses in this state are providing that kind of essential care for many patients, particularly in our rural areas. We have many rural health centers which are doing great care for patients and those are primarily staffed by nurses.

We have rural pediatric vans that go out in rural areas in Penobscot and Piscataquis Counties and others as well.

We have family planning vans, sometimes that family planning nurse is the only health care that a woman (and also her children get).

I just think that this is a very important and essential measure to allow advanced practice nurses who have the training and who have the experience and will still have some supervision from physicians, go ahead and offer this excellent health care to all the people in our state.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question through the Chair.

For anyone from the Business Legislation Committee or who was involved in the Committee of Conference, can you tell us what the Committee of Conference Report includes or does not include that is different than the bill, as amended, that we voted on previously?

The SPEAKER: Representative Chase of China has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HØGLUND: Mr. Speaker, Men and Women of the House: If you remember correctly, the problem that they had was the word "immunity." The Judiciary Committee would not go along with immunity

because they have never granted it on a piece of legislation they have done or had been working on.

The Governor and the doctors insisted on it, the nurses and them sat down and the Committee of Conference — what they did was come up with a new line (two lines actually, from what I understand) and all the attorneys, and, five to one agreed on. The lines go; "at any time the court may dismiss all claims against a physician to whom neither subsection 1 nor subsection 2 applies" which is 1 and 2 in the original Committee Amendment "A" or, negligence — "the physician was negligent in rendering medical treatment in person directly to the patient or advice directly to the advanced nurse practitioner." So, what it does is allow the judge to say they may dismiss all claims against the doctor.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Everybody keeps alluding to New Hampshire and how wonderful everything is working over there. I happened to talk to somebody in the Board of Nursing in New Hampshire yesterday and what I am told is that the whole practice in regard to nurses in advanced practice in New Hampshire has been evolutionary, which I think is different than what is going on here. I think we are asking for drastic changes. Since 1988 nurses in New Hampshire have been practicing collaboratively by the real definition of collaborative. It has only been since 1991 that the law was passed and they truly are independent. I respect a state who takes a stand and gives it to everybody or nobody.

However, I felt what was very interesting to find out is most of the nurses are continuing to practice collaboratively. So, maybe, that is why it is working so well in New Hampshire because a lot of the nurses are not — the majority of the nurses continue to practice collaboratively.

There are only three states — the number 16 keeps floating around here but there are only three other states — in this country who have independent practice for nurses in advanced practice. I might just mention that one of those three states is Utah and it is written in their law that they practice independently but it also has to be in conformity with approved consultation and referral plans. So, it is independent yes, but.

We continue to hide behind the word collaboration and that is not what we are asking for here. We are asking for independent practice.

I just want people to be up-front with everybody, with their constituents and with us that what we are talking about here is not really collaboration, we are talking about independent practice. We are creating a little bit of confusion hiding behind a word and then defining it to mean something totally different.

Nurses do not have medical degrees. I can't imagine somebody stood up there and said this. If they want to practice medicine my advice to them is to go to med school. Nurses in advanced practice are nurses who are delving into the realm of medicine. When you start diagnosing and treating you are practicing medicine. When it is done by nurses you can call it what you want to — some people will say it is nursing, some people will say it is nurses following a medical model — I don't care what you call it but when you start diagnosing and treating

you are practicing medicine. If they want to proceed in that realm beyond their nursing model my suggestion is that they go to med school. Some nurse practitioners have done that.

The title is very misleading. There is nothing now that prevents any nurses in advanced practice to go out in rural areas and do what they want to do, they can do it now. There again, there is this whole cloud of confusion that says all these nurses are going to go out and practice in rural areas. That is conjecture, men and women of the House, there is no proof that they are going to do it and there is nothing to prevent them from doing it now. I practiced for two years, 30 miles away from my physician. You might not want to call that rural but it is as rural as I have every gotten and it is a lot more rural than a lot of the nurses around here have gotten. We have had nurse practitioners in this state for 25 years. If they haven't gone out now it is not because they are not practicing independently because for the same reasons those physicians haven't gone there, the infrastructure does not exist and nurses in advanced practice are not going to solve that problem.

I beg to differ with the Representative from Portland, my sense is there is no difference in the Conference Report with what you voted on before because the liability issue continues to be the same serious concern that it was before.

So, I urge you to vote no and reject this report. Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: As I said the other evening, change is always difficult. We think that we have heard the debate over and over and we should go back to the Committee of Conference Report. I hope that you will vote yes on this Committee of Conference Report. The issue that we ended up with in the Committee of Conference was that issue of liability. All the other issues that have been mentioned this morning were agreed upon and taken care of.

As far as physicians will not cooperate, there are some physicians that are very much behind the nurses in this effort. We can't speak for all nurses and we can't speak for all physicians. This is a step forward in providing medical care at a lesser cost.

Do remember that nurses will be practicing in their scope of practice, not beyond their scope of practice and that these nurses will be working with many many well people and well children and that they will be talking about preventative health care, immunizations, physicals, that type of thing. Please remember that.

I hope you will accept the Committee of Conference Report and vote yes.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was before us before I asked several questions regarding the rural health centers and how they would be impacted. Since then I have had an opportunity to talk to several of the nurse practitioners that worked in our rural health center, I have had a chance to talk to several members of the board and they feel that what we have right now is working for us very well and they fear

that putting something like this into place at this time would have the potential of hurting our possibilities of bringing family practice doctors to the rural areas of the state.

I am going to be voting no on the Committee of Conference Report and I urge your support on that.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of the Committee of Conference Report and later today assigned. (Roll Call Ordered)

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An Act to Establish the Maine School of Science and Mathematics (S.P. 733) (L.D. 1958) (Governor's Bill) (H. "A" H-1054 and S. "A" S-629 to C. "A" S-511) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative MITCHELL of Vassalboro, the House reconsidered its action whereby L.D. 1958 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-511) as amended by House Amendment "A" (H-1054) and Senate Amendment "A" (S-629) thereto was adopted.

On further motion of the same Representative, the House reconsidered its action whereby Senate Amendment "A" (S-629) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-629) was indefinitely postponed.

The same Representative presented House Amendment "B" (H-1118) to Committee Amendment "A" (S-511) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: House Amendment "B" removes and eliminates the \$400,000 appropriation for the magnet school and puts it in the budget where it now is. It also makes the Department of Education, rather than the Legislature, responsible for covering the cost of the Task Force on the Visual and Performing Arts. The Department will absorb those costs if there are any necessary in that piece.

Subsequently House Amendment "B" (H-1118) to Committee Amendment "A" (S-511) was adopted.

Committee Amendment "A" (S-511) as amended by House Amendments "A" (H-1054) and "B" (H-1118) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-511) as amended by House Amendments "A" (H-1054) and "B" (H-1118) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Ought to Pass as Amended**

Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-632) on Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (S.P. 613) (L.D. 1711)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-632) and Senate Amendment "B" (S-652).

The Report was read and accepted. The Bill read once. Committee Amendment "A" (S-632) was read by the Clerk and adopted. Senate Amendment "B" (S-652) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, I would inquire as to the germaneness of this amendment?

The SPEAKER: The Chair would rule, with regard to the request made by Representative Nadeau of Saco with regard to the germaneness of Senate Amendment "B" (S-652). The Bill before us, L.D. 1711 deals with, and the title reads "An Act Concerning Technical Changes to the Tax Laws" and these changes are reflected in Title 36 of the legislation. Senate Amendment "B" deals with Title 1 and the ability to form a homestead exemption under a section of the law that deals with the creation of corporations. It deals with the ability to create a homestead corporation under Title 1.

The Chair would rule that Senate Amendment "B" is not properly before the body because it is not germane to the title of the bill.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-632) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

**COMMUNICATIONS**

The following Communication: (S.P. 782)

116th Maine Legislature

April 11, 1994

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Paul K. Vestal of Plymouth for reappointment to the Maine Human Rights

Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 783)

116th Maine Legislature

April 11, 1994

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul E. Vestal, Jr. of Plymouth for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The Chair laid before the House the following item which was tabled earlier in today's session:

An Act to Amend the School Funding Formula (H.P. 682) (L.D. 924) (C. "A" H-1110) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative MITCHELL of



Vassalboro, the House reconsidered its action whereby L.D. 924 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-1110) was adopted.

The same Representative presented House Amendment "D" (H-1119) to Committee Amendment "A" (H-1110) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Let me give you a brief summary of House Amendment "D" — it adjusts the 60 percent gain provision and the 40 percent loss provision by a fraction of one percent to reflect the available GPA funds for the hardship adjustment. There would need to be \$7.2 million for an even 60/40, there is actually \$7 million, so it is a true reflection of the monies available.

It corrects a technical error in the Committee Amendment, subsection 2 and 11 are special adjustments to the formula, they should not be referred to here or the department cannot adequately calculate what your GPA appropriation should be, so, those subsection should be removed.

It removes a section of the amendment that provides additional funding for The Child Development Service and the Baxter School for the Deaf, they have been moved to the budget, they are now part of the budget because they need emergency action for FY '94, so they are removed from this bill and appear exactly the same way in the budget.

Finally, it removes a section of the amendment that provides an appropriation of \$3,205,332 for GPA and it will be in the budget at \$3 million instead of \$3.2 million. It reflects adequately and accurately the monies available.

That is the purpose of this amendment. It brings us in concurrence with the budget and with the total amount of monies available for schools.

Subsequently, House Amendment "D" (H-1119) was adopted.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, permission to pose an inquiry?

The inquiry results from the fact that Committee Amendment "A" as amended by House Amendment "D" in section 1 maintains several references to various major policy influencing positions. My question would be whether or not this provision would disqualify the amendment under House Rule 31?

The SPEAKER: With reference to the question of germaneness by the Representative from Falmouth, Representative Reed, the Chair would say that this is a continuation of a discussion we had yesterday dealing with a provision in the original Committee Amendment that referenced — once again the Bill is L.D. 924 and it is entitled "An Act to Amend the School Funding Formula." They were in fact referenced on page 1 of the Committee Amendment with major policy influencing positions. The concern that has been reflected by the Representative from Falmouth, Representative Reed, and a concern that was shared by the Chair, was in fact whether or not this funding formula, Committee Amendment "A," actually did change positions either to classify it or to unclassify it.

After reviewing the Committee Amendment and after

discussions with members of the Department of Education and the fiscal officers, it appears that the language that appears in Committee Amendment "A" is in fact consistent with current law even though it is somewhat difficult to read, it is consistent. The Chair is comfortable at this point that there is not an attempt to change the classification for those positions within the Department of Education.

The Chair would rule that House Amendment "D" (H-1119) is not improperly before the body at this time and we can proceed.

Subsequently, Committee Amendment "A" (H-1110) as amended by House Amendment "D" (H-1119) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1110) as amended by House Amendment "D" (H-1119) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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On motion of Representative Gwadosky of Fairfield, the House recessed until 2:00 p.m.

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(After Recess)

The House was called to order by the Speaker.

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The following items were taken up out of order by unanimous consent:

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (H. "A" H-1088, H. "B" H-1089 and H. "C" H-1090 to C. "A" H-1076) have had the same under consideration and ask leave to report:

That the House recede from passage to be enacted; recede from passage to be engrossed; indefinitely postpone House Amendment "A" (H-1088) to Committee Amendment "A"; indefinitely postpone House Amendment "B" (H-1089) to Committee Amendment "A"; indefinitely postpone House Amendment "C" (H-1090) to Committee Amendment "A"; indefinitely postpone Committee Amendment "A" (H-1076); read and adopt Conference Committee Amendment "A" (H-1120) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-1120) in non-concurrence.

That the Senate recede and concur with the House.

(Signed) Representative COLES of Harpswell, Representative ANDERSON of Woodland, and Representative GOULD of Greenville - of the House.

Senator LAWRENCE of York, Senator PEARSON of Penobscot, and Senator LUDWIG of Aroostook - of the Senate.

The Committee of Conference Report was read and accepted.

The House voted to Recede.



On motion of Representative Taylor of Cumberland, the House reconsidered its action whereby it voted to recede.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, could someone from the committee explain just what this little scenario is please?

The SPEAKER: Representative Taylor of Cumberland has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Men and Women of the House: This compromise would take \$184,000 out of the Groundwater Fund, put it in the Water Bureau. \$184,000 that we had received from the General Fund that went into the Water Bureau would then go into the Land Bureau. Next year the fees would go on to repay the Groundwater Fund the amount of \$184,000 that we use, the fees would go on to the Land Bureau fees, fees such as structure, lots, etcetera. That basically is what this thing does.

Subsequently, the House voted to recede.

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1076) was indefinitely postponed.

House Amendment "B" (H-1089) to Committee Amendment "A" (H-1076) was indefinitely postponed.

House Amendment "C" (H-1090) to Committee Amendment "A" (H-1076) was indefinitely postponed.

Committee Amendment "A" (H-1076) was indefinitely postponed.

Conference Committee Amendment "A" (H-1120) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" (H-1120) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

**ORDERS**

On motion of Representative ROBICHAUD of Caribou, the following Joint Resolution: (H.P. 1492) (Cosponsored by Representative ANDERSON of Woodland, Senator KIEFFER of Aroostook and Representatives: AHEARNE of Madawaska, CLUKEY of Houlton, COFFMAN of Old Town, DONNELLY of Presque Isle, ERWIN of Rumford, JACQUES of Waterville, KNEELAND of Easton, LIBBY of Buxton, MacBRIDE of Presque Isle, MARTIN of Eagle Lake, NICKERSON of Turner, PINETTE of Fort Kent, PLOWMAN of Hampden, YOUNG of Limestone, ZIRNKILTON of Mount Desert, Senators: BUSTIN of Kennebec, DUTREMBLE of York, PARADIS of Aroostook)

**JOINT RESOLUTION URGING THE GOVERNMENT OF GREAT BRITAIN TO END THE EXILE OF THE ACADIAN PEOPLE**

WHEREAS, the Treaty of Utrecht and Queen Anne's Edict of 1713 granted the Acadians the status of "French neutrals" when Acadia was given to Great Britain; and

WHEREAS, beginning in 1755, thousands of Acadians or "French neutrals" in Nova Scotia were banished from their homes and had their property confiscated, contrary to English and international law; and

WHEREAS, these unlawful and illegal actions by

representatives of the Government of Great Britain occurred during a time of peace and were primarily due to the overzealous reactions of Nova Scotia's Governor Charles Lawrence; and

WHEREAS, displaced Acadians established new settlements within the geographic boundaries of the State of Maine; and

WHEREAS, many Maine citizens are of Acadian descent; and

WHEREAS, the Government of Great Britain has the opportunity to restore the status of "French neutrals" to the Acadian people, make a formal declaration of the end of the Acadian exile, establish an objective panel to conduct an inquiry into the circumstances surrounding the exile, acknowledge the tragedies that occurred in the exile and that the British action did occur contrary to existing international law and British law and erect a symbolic monument with appropriate inscriptions to memorialize the end of the Acadian exile; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine now assembled in the Second Regular Session, respectfully recommend and urge the Government of Great Britain to restore the status of "French neutrals" to the Acadian people and make a formal declaration of the end of the Acadian exile; and be it further

RESOLVED: That the British Government establish an objective panel to conduct an inquiry into the circumstances surrounding the exile; and be it further

RESOLVED: That the British Government acknowledge the tragedies that occurred in the exile and that the British action did occur contrary to existing international law and British law; and be it further

RESOLVED: that the British Government erect a symbolic monument with appropriate inscriptions to memorialize the end of the Acadian exile; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Prime Minister John Major and the clerk of the British Parliament.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185) which was tabled by Representative JACQUES of Waterville pending acceptance of the Committee of Conference Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer. Representative KETTERER: Mr. Speaker, Men and

Women of the House: I served on the Committee of Conference and as I understand (earlier this morning) there was a full explanation of what the results of the report were.

I simply want to address, very briefly, an important issue that was dealt with by the Conference Committee relative to the issues of immunity and physicians not being held legally and civilly liable for damages.

We did have a communication from the Governor's Office regarding his position on this.

We came up with the language which is contained now in the document with a filing of S-650 which is on your desk and in your possession. Essentially, on the important issue of civil liability, it simply indicates that the court at any time may dismiss claims against physicians when either fall into subsection 1 or subsection 2 when they apply.

The importance of that is simply that in many situations when physicians get sued the important consideration is how soon after that suit is instituted can they get out of that suit. If the statute indicates that they are not civilly liable, must they wait around for some two or two and a half or three or four years until a jury determines that they are not liable for money damages in a civil law suit?

By inserting the language that the committee came up with (and that we ask you to adopt) would simply indicate that a court can at any time entertain a motion. Accordingly, there can be a motion to dismiss shortly after the complaint is filed against the physician. On a pretrial motion to dismiss the physician out because the physician is not civilly liable under the circumstances, (assuming that the collaborative relationship has been established and has been reduced to writing and the like).

So, on that important issue, I just want to indicate that it was a product of a great deal of negotiation and compromise on the part of many people who would like to see this bill go forward. This is going to be the wave of the future, you can be part of it now by accepting the Committee Report. It was the product of much negotiation and thoroughly protects the physicians and permits them to get out of the civil case at a very early stage, before their insurance carriers have to spend a lot of time, energy and money in legal fees defending these claims.

For all those reasons, I ask you to accept that Committee Report.

Representative Pendexter of Scarborough was granted permission to address the House a third time.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I just want to remind the members of the body that the trial lawyers can make all the arguments they want but this bill and the language that is in the Committee of Conference Report continues to not be acceptable to the legal council for the medical community.

Therefore, I would still encourage you to vote no on the Committee Report.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would just like to remind the people here, especially those who are not present this morning when I got up and told the problem of Blue Cross and Blue Shield not covering those services. I just want you to take under consideration the people that live in the rural areas of this state,

how they are going to be affected by it. They will end up having to pay out of their own pockets. I think that is terribly unfair.

Until this is addressed, I would say, let us defeat this measure, come back next year 'till all the pieces are put in place.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: Just to make things clear, as far as the insurance and third party payment, Medicaid already does cover the nurse practitioner, Champus does and there are several others. When I spoke to someone from Blue Cross and Blue Shield a few weeks ago, they said that that was a negotiation.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cameron of Rumford. If he were present and voting he would be voting yea, I would be voting nay.

The SPEAKER: The pending question before the House is acceptance of the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 357

YEA - Adams, Ahearne, Barth, Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Caron, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Dexter, DiPietro, Erwin, Faircloth, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hichborn, Hوجلund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Lipman, Lord, Marshall, Martin, J.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Townsend, E.; Tracy, Treat, True, Wentworth, Whitcomb, Young.

NAY - Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Bennett, Birney, Carr, Clukey, Cote, Cross, Donnelly, Dore, Driscoll, Dutremble, L.; Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Joy, Kneeland, Libby Jack, Libby James, Lindahl, MacBride, Marsh, Melendy, Nickerson, Pendexter, Plowman, Pouliot, Reed, G.; Ricker, Robichaud, Saxl, Simoneau, Small, Stevens, A.; Taylor, Tufts, Vigue, Walker, Zirnkilton.

ABSENT - Cashman, Daggett, Farnsworth, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Tardy, Thompson, Townsend, G.; Townsend, L.; Winn, The Speaker.

PAIRED - Cameron (Yea)/ Anderson (Nay).  
Yes, 86; No, 45; Absent, 18; Paired, 2; Excused, 0.  
86 having voted in the affirmative and 45 in the negative, with 18 being absent and 2 paired, the Committee of Conference Report was accepted.

Subsequently, the House voted to Recede and Concur. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

**ENACTORS**

**Emergency Measure**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (S.P. 773) (L.D. 1996) (H. "A" H-1048; H. "B" H-1115; S. "A" S-624 to S. "A" S-582)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

**ENACTORS**

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services (S.P. 356) (L.D. 1070) (S. "A" S-602 to C. "A" S-505)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The House recessed until the sound of the bell.

(After Recess)

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its former action whereby it failed to finally pass RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement

System (S.P. 653)(L.D. 1822).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

**ENACTORS**

An Act to Clarify the Jobs and Investment Tax Credit (S.P. 778) (L.D. 2008) (Governor's Bill) (S. "A" S-615)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned.

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

An Act Regarding State Government Evaluation and Justification (EMERGENCY) (H.P. 1485) (L.D. 2011) TABLED - April 12, 1994 (Till Later Today) by Representative PARADIS of Augusta.  
PENDING - Passage to be Enacted.

On motion of Representative ERWIN of Rumford, under suspension of the rules, the House reconsidered its action whereby L.D. 2011 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-1122) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1122) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative YOUNG of Limestone, the following Joint Resolution: (H.P. 1494) (Cosponsored by Senator PARADIS of Aroostook and Representative: MARTIN of Van Buren, Senator: KIEFFER of Aroostook)

**JOINT RESOLUTION COMMEMORATING  
THE 125TH ANNIVERSARY  
OF THE INCORPORATION OF THE TOWN OF LIMESTONE**

WHEREAS, the Town of Limestone was incorporated by the Senate and the House of Representatives of the State of Maine on February 26, 1869 and will

celebrate its 125th anniversary during 1994; and

WHEREAS, the Town of Limestone has been a focal point of agricultural production in the State and has earned a worldwide reputation for the quality of the potatoes grown there; and

WHEREAS, the Town of Limestone, as home to Loring Air Force Base and some of the nation's mightiest bombers, fastest fighters and most reliable tankers, has served for nearly 50 years on the front lines of America's defense in the Cold War; and

WHEREAS, the people of the Town of Limestone in all their endeavors have brought great honor to Aroostook County and the State; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature of the State of Maine, now assembled in the Second Regular Session, join in the commemoration of the 125th anniversary celebration of the Town of Limestone and extend our best wishes for good health and continued success to the town's inhabitants; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of the Town of Limestone in honor of this occasion.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-565) in the House on April 13, 1994.

Came from the Senate with that Body having insisted on its former action whereby it indefinitely postponed the Bill and accompanying papers and asked for a Committee of Conference in non-concurrence. (The Senate appointed the following as conferees: Senator O'DEA of Penobscot, Senator LUDWIG of Aroostook, and Senator DUTREMBLE of York.)

Subsequently, the House voted to Insist and join in a Committee of Conference.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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Reference is made to (S.P. 717) (L.D. 1939) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure"

In reference to the action of the House on April 13, 1994, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative CLOUTIER of South Portland  
Representative MELENDY of Rockland  
Representative REED of Falmouth

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees" (H.P. 1493) (L.D. 2013) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Legal Affairs suggested and ordered printed.

Under suspension of the rules, and without reference to a Committee the Bill was read once. The Bill was assigned for second reading later in today's session.

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The House recessed until 7:15 p.m.

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(After Recess)

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The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Continue the Maine Health Program" (S.P. 781) (L.D. 2012)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "B" (S-662).

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Under suspension of the rules and without reference to a Committee, the Bill was read twice. Senate Amendment "B" (S-662) was read by the Clerk and adopted.

Representative FOSS of Yarmouth requested a roll call on passage to be engrossed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was

ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 358

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, H.; Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cross, Daggett, DiPietro, Dore, Dutremble, L.; Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Lord, Marshall, Martin, J.; Michael, Michaud, Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Young, Zirkilton, The Speaker.

NAY - Aikman, Bailey, R.; Barth, Bennett, Birney, Clukey, Dexter, Donnelly, Farren, Foss, Greenlaw, Joy, Libby James, MacBride, Marsh, Nickerson, Pendexter, Reed, G.; Robichaud, Small, Stevens, A.; Taylor, True, Whitcomb.

ABSENT - Cameron, Caron, Cashman, Cote, Driscoll, Erwin, Farnsworth, Hillock, Jalbert, Joseph, Kutasi, Look, Martin, H.; Melendy, Mitchell, E.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 104; No, 24; Absent, 23; Paired, 0; Excused, 0.

104 having voted in the affirmative and 24 in the negative, with 23 being absent, the Bill was passed to be engrossed as amended by Senate Amendment "B" (S-662) in concurrence. Ordered sent forthwith.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry" (H.P. 1466) (L.D. 1993) which was passed to be engrossed as amended by Committee Amendment "A" (H-1104) in the House on April 12, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1104) as amended by Senate Amendment "C" (S-660) thereto in non-concurrence.

On motion of Representative PINEAU of Jay, the House voted to Recede.

The same Representative presented House Amendment "B" (H-1109) to Committee Amendment "A" (H-1104) which was read by the Clerk.

Representative CARR of Sanford moved House Amendment "B" (H-1109) to Committee Amendment "A" (H-1104) be indefinitely postponed.

The SPEAKER: The Chair recognizes the

Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I know it has been a busy day and I know we have a few items ahead of us to make it a busier night. However, I couldn't let this bill go by without putting some protections for our work force for those people who work in the paper mills.

House Amendment "B" merely says, and I quote, "To insure the retention of jobs in the state," and from that point on you can read the amendment.

Ladies and gentlemen of the House, what we are proposing to do by passing this bill is to give general fund monies to the paper industry to show the paper industry, Corporate America or Corporate International, wherever its home base is, that Maine has a good business climate.

I am very much pro business. I am very much for job retention but this is an industry that since the 1980's has taken a distinct advantage of their work force in the areas they are in. The mill I come from, they put up a six mile fence that is ten feet high with barbwire at the top and they have a quarter of a million dollar guard shack with bulletproof glass, 360 degrees. I would like to know what the cost of those materials were, and I would like to know what the cost of that guard shack was, and I would like to have them put that towards environmental capitalization rather than trying to get it from our General Fund.

I realize that the mill I come from, in our area, is unique in some ways and not unique in some others. The paper industry, whether it be in Rumford from Boise Cascade, Bucksport Champion International, S. D. Warren in its Westbrook location, James River at its Jay location, Millinocket which was Great Northern Nekoosa (now Bowater), have all in recent history taken on their work forces. This amendment is an amendment that says that if in fact the company takes away 50 percent of the positions it has when it gets a tax credit (the prior year) that it is not entitled to those tax credits and that the state should be able to go back two prior years to get the tax credit it enjoyed.

The paper industry lobbyist in the halls are saying that they need this to promote so that corporate America, the local managers can tell corporate headquarters what a good place we are to do business. If they are that confident in securing jobs I don't see why they have a problem with this amendment.

My fear is we will be led down the path once again by this industry who merely seeks to take advantage of an area.

With all the competing programs for monies out of the General Fund, whether it be General Assistance, whether it be the Maine Health Program, whether it be magnet schools, Reading Recovery, I find it hard to believe that we are considering passing this bill without safeguards. I am for the bill with proper safeguards. The bill, as unamended, doesn't have it.

I think we want to sit and look and look real hard at this industry. We are not talking small business that we are looking at giving \$20 million to over the next four years, these aren't small decisions.

The environmental ordinance we have in my municipality has received and is now seeking more fines for environmental violations. So, I can't in good faith, look to our General Fund to give companies who violate such laws or break at capitalization of what they should have been doing in

the first place.

We have heard from the paper industry all along (where I come from) that dioxin's aren't a problem. Now, we read that the Maine lobster, the tomalley, can't be eaten by pregnant ladies without ruling from the DEP — kind of interesting.

These mills provide good jobs, they provide a broad support for the area. They also are the third largest polluters in the United States. What we do with them, I think, we want to tread real lightly.

The benefits and breaks we give them, we want safeguards in.

I find it interesting that this bill be married to another bill that we just passed and I was told that this amendment might make the deal fall through if it sticks. Well, ladies and gentlemen, I weighed that very carefully but I cannot sit down and let the people I represent be traded and bartered with without at least their say being had.

I am not going to jump to my feet again but I want you to really consider this amendment, look at it, read it. It is harmless to the industry, it is security for the folks that work in these mills. It is security for the municipalities that have these industries in them.

It was interesting, one of the people (when they were talking to me about the amendment) used the quote "local managers need this." The mill I work at has had five managers in 13 years and not one of them talked with a Maine accent. So, "local managers" is a very different topic. When a manager comes into a paper mill, as my friends who represent the areas that sit in this chamber can tell you, they don't locate beside the mill, they don't locate in the municipality with the mill unless they can be away from it. There are reasons for that, your noise pollution, air pollution and your water, traffic pollution. But, these towns that have these or these cities that have these facilities put up with all of that.

Please give the amendment some thought and cast your ballot. I hope when you do you vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is probably the most difficult speech I am going to give in that I think I have an excellent labor voting record and I am going to ask you to vote to indefinitely postpone House Amendment "B" and I want to speak to my reasons.

If I were Representative Pineau and I represented his town I would be offering House Amendment "B." We watched one of the 500 towns in Maine torn asunder during that strike.

I would also like to say (for the Record), to the best of my knowledge I was the first member of the Maine Legislature to go up and talk with the strikers as a Representative during that strike. It was difficult to see the families torn apart. I have friends that were a close family that was ripped apart by this strike and financially devastated. If I were Representative Pineau I would be offering this amendment.

Let me tell you why I am going to ask you to indefinitely postpone it. First I am going to ask you to indefinitely postpone it because I believe this is good environmental legislation, that it will help us to keep some mills open and it will help us to keep them cleaner.

You may have gotten some materials earlier indicating all of the financial violations paid for by paper mills. Many of those were paid for before we changed the law a few years ago when even if your machinery broke down, if you were in violation of environmental laws you paid a fine. Now, if your machinery breaks down there is an exception to the fine. But, many of those thousands of dollars of fines that should have been spent on updating machinery was spent paying for violations caused by machinery and equipment breakdown. I think we need this pulp and paper bill in order to avoid those kinds of breakdowns, in order to avoid that kind of problem with the air and water pollution.

I also have to tell you that I believe that this amendment is a deal breaker. I am interested in this awkward wedding that we have created where two people are going down the aisle looking at one another suspiciously and perhaps from the very beginning there will have to be some kind of counselling but I think it is a wedding that is going to join our interests in cleaner environment and our interests in health care and our interests in jobs together. I think we all have to have a little faith that that is a very good marriage.

We just had a strong vote on the Maine Health Program which I found encouraging. I would like a strong vote on this bill without this amendment because I think that is a necessary show of good faith.

This is the first time, to the best of my knowledge, that I have ever opposed a union piece of legislation. It is not an easy vote for me to cast and I think you all have to look to yourselves and decide what you have to do. I am the Chair of this committee and the deal I made is the deal I am going to promote. I think that we can feel that it is a deal that is good for the Maine economy and it is good for Maine environment and it is good to show a little compassion toward people who need health care.

I totally respect the Representative from Jay, Representative Pineau. It would be my amendment if I were the Representative from Jay, but I am not, I am the House Chair of Taxation and I would encourage you to indefinitely postpone House Amendment "B" because although I think that this is an awkward marriage, it is a good marriage.

Representative LIBBY of Buxton requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-1109) to Committee Amendment "A" (H-1104).

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to add much to what Representative Dore said. I look at it more as a partnership instead of a wedding because a partnership is harder to get out of. I don't argue with the merits of what Representative Pineau is trying to accomplish. I think this is the wrong bill to put a labor provision on a tax bill.

A lot of effort, a lot of thought, a lot of compromise went into this bill for all of the reasons that Representative Dore spelled out to you. I urge you to indefinitely postpone this amendment and let's move on with the business of the House.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to, very briefly, explain to you why I think the indefinite postponement is a very unwise move for the people of the State of Maine and you, their Representative, to make tonight.

Before I do that I think I ought to clarify something that I didn't think would be necessary for clarification but it obviously becomes that. This is not a labor amendment. I have heard that mentioned two or three times now. Labor did not propose this amendment, labor did propose an amendment at one time that was before the Taxation Committee.

As a member of the Labor Committee I was asked to go down look at it and see what I thought. I didn't really think it would help the bill. The bill itself I like.

It was then that labor withdrew their proposal and a proposal was made and crafted that we thought would be a neutral friendly proposal to help the bill. To help it in one way because the people of the State of Maine — and I had several friends approach me last weekend who read about it in the weekend newspaper and said, "I hope you and the rest of them in Augusta aren't going to take \$20 million of our money and give it to these people who made a profit by dirtying our rivers and then sent the profit to the New York board room." I said, "Wait a minute, hold it. I think you have this wrong, we are all in this together, and, what this bill is attempting to do is not give away your tax money but to protect hard working people of Maine, to protect their jobs. That is what this bill is there for, it is a retention."

Once you really got into explaining that to them they seemed a little more willing to accept it but then they wanted to know, "How are you in fact going to in fact protect those jobs?" "What is in this bill that says after we give them the \$20 million that they will stay here in Maine and keep their part of the bargain and just not cut the work force or bring in outsiders or whatever and take our \$20 million and laugh at us and send that \$20 million to the board rooms in profit?"

I think that is a legitimate concern. It does not show mistrust or lack of faith in any industry to sit there and say we are making a deal with you. We want you to know, we want you to believe that the perceptions you have that the State of Maine does not welcome business is wrong. We want to take this step through our Legislative leadership, through our Taxation Committee and through other people who really care, including the author, to make a step toward you to show you that we are pro business, we want to help you. But, in that process we want some guarantees from you. We want to do this in a straightforward, honest, businesslike manner. We will give you \$20 million but we do ask that you protect, in fact, those Maine jobs. It says 50 percent of the employees in one year. That means if you a company come in — I am not going to mention any names but I think most of you can think of a couple — that have some problems in generating profits at this point in time that may have to downsize and change their operations in the State of Maine regardless of what is done with this bill tonight. It still allows a 50 percent retention in a one year period. So, if they have to in fact reduce their work force, and they very well may have to, 60 percent over a two or three year period, and it is over a two or three year period, I think that is the important part, this bill addresses it one year at a

time. This is not a slanted amendment, this is a straightforward, honest, amendment that was made originally with the intention of being a friendly amendment to the bill that only asks if you want to save jobs let's do it in a business like manner and let's do it. We will give you the money to help you do it, you give us the guarantees that those jobs will stay in Maine.

Because of that I really believe that the indefinite postponement motion is not in the best interest of the people of the State of Maine. I would ask you to help me in defeating that motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I would remind everybody the purpose of this L.D. is to assist what is our number one industry in future capital investments so that boardrooms around this country will select Maine to invest in.

In my judgment this amendment doesn't look to the future at all. In fact, it would discourage that investment.

This amendment does nothing to make Maine mills more productive or competitive. It does not acknowledge that many older mills must downsize and reengineer just to stay alive in this changing world.

Another purpose of the bill is to send a clear message to Maine's business that Maine's business climate is changing and that we as legislators are willing to assist.

In my judgment this amendment is nothing more than a slap in the face toward that goal.

Someone mentioned earlier about their labor record, I don't have 100 percent labor record, I don't have 100 percent voting record on anything. I am a little curious about those who do. But, I think my labor record is a good record.

In my judgment this amendment is not timely, it is not in the best interest of labor or management.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I want this indefinitely postponed. I made that motion but not for the reasons most people think. Although those are truly considerations of mine but also because of the wording within the amendment in which it says 50 percent of those persons employed at facilities. It is very unclear whether that means the individuals of those — 50 percent of those that are individually employed or 50 percent of the work force numbers. It doesn't know which way it is directing. As it stands it could be interpreted in a number of ways — if there is attrition at any organization for whatever reasons and it could be very friendly, neutral, reasons. It would penalize a company retroactively.

I, again, urge everyone to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, I would like to just briefly mention one other item that is true of awkward marriages, called an antinuptial agreement; it is true of awkward partnerships, it is called a partnership agreement. For those of you who don't recall, in this bill each year Appropriations must appropriate. In the first year it must appropriate

\$2 million. In the remaining three years it must appropriate \$6 million a year. I would like to suggest to you that if it comes to pass that Maine people are not hired, that out-of-state people are hired before Maine people or if it comes to pass that relations break down between management and labor rather than built stronger between management and labor or if it comes to pass that anyone abuses this that in the next year the legislature will have the power to simply appropriate the money to wiser expenditures.

I think that the paper industry offers this up and we took up their bargain because they intend to have good relations with labor in Maine but they cannot live with the suggestion that they are not allowed to downsize. I think we can feel some comfort in knowing that we have a great deal of control over whether or not they get their additional funds to help them clean up and to help them improve and get up-to-date in their pollution control equipment because we have the purse strings each year to look at the record in terms of labor and management relations.

I am absolutely convinced those relations are going to continue to improve because the Maine economy has seen the bottom and everybody knows they have to work together now.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I do support this amendment and I hope you will join with me in not indefinitely postponing it.

This amendment is about good public policy, it is about common sense and accountability. It is not an issue of labor versus management. I don't think it is appropriate to talk about it in that term.

It is about whether the State of Maine, which is planning, by this bill, to provide \$20 million to the paper industry over the next couple of years, whether we are going to do that with any accountability for that and with any promise to hang on to jobs in this state.

My understanding of what this bill is about is that it is going to save jobs in this state. This bill is about jobs. I don't see anything wrong with making the paper industry make some promises to us in order to collect their \$20 million. The promise in this amendment is simply that a plant cannot go down by more than half its employees in order to collect money.

It seems to me that when we are facing (today) a shortfall of \$115 million to fund our GPA I don't know how we are ever supposed to make up the difference in the future if we have absolutely no money to put towards that cause. We are spending the money before we are even making it here. It seems to me it is a small concession to make in this legislation to request that those that are going to be collecting that money to show something for it.

That is why I will be voting against the pending motion and voting nay.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I do hope that you vote against the indefinite postponement of this amendment. As you know, I am the House Chair of the Economic Development Committee and I do work for businesses. I will tell you the bottom line are the workers. We

have people in this state that businesses come here because of the work ethics of our people. I know that I could never go back and save the jobs of my two brothers, one who worked over 35 years in International Paper Company. I will tell you, for the way they were treated there, this is a fair amendment. If I can protect other people from going through what some of my family members did, I will bat for them every time and I hope you will too.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I would urge those members that would like to see this bill enacted and signed into law to vote for the indefinite postponement of this amendment, otherwise I do not think the bill will be enacted and signed into law.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I am supporting the amendment that was offered by Representative Pineau and I come from a mill town. I am not ashamed to mention that, I am very proud of it. I am also the co-sponsor of this bill. I am telling you right now, I think it is only fair that we do something with this bill to help the workers that are going through hard times with these paper mills.

How are you going to explain to some of these workers when you go home that you are going out the door losing your job for the person beside you is a replacement worker who is going to be working your job, the job that you used to do day in and day out.

There are a lot of hard times out there. I am willing to help the paper industry. I bent over backwards this session to deal with the industry and work with them. Do they appreciate it? Sometimes I wonder. I hope they are up there listening. Sometimes I really wonder if they appreciate what we try to do here for them.

I hope when you do vote you don't vote to indefinitely postpone and vote for the amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Carr of Sanford, that House Amendment "B" (H-1109) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Thompson of Lincoln. If he were present and voting he would be voting yea, I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Carr of Sanford, that House Amendment "B" (H-1109) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 359



YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Campbell, Carleton, Carr, Carroll, Chonko, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Farnum, Farren, Foss, Gamache, Gould, R. A.; Greenlaw, Heino, Hichborn, Jacques, Johnson, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Mitchell, E.; Nadeau, Nickerson, Norton, O'Gara, Ott, Pendexter, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rydell, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, True, Vigue, Walker, Whitcomb, Young, Zirnkilton, The Speaker.

NAY - Adams, Ahearne, Beam, Bowers, Brennan, Cathcart, Chase, Clark, Clement, Cloutier, Coffman, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Hale, Hatch, Heeschen, Hoglund, Holt, Hussey, Joseph, Lemke, Martin, J.; Melendy, Michael, Michaud, Mitchell, J.; Morrison, Oliver, Pendleton, Pfeiffer, Pineau, Rand, Richardson, Rotondi, Rowe, Ruhlin, Saint Onge, Stevens, K.; Sullivan, Townsend, E.; Tracy, Treat, Tufts, Wentworth.

ABSENT - Cameron, Caron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Townsend, G.; Townsend, L.; Winn.

PAIRED - Thompson (Yea)/Paradis (Nay).

Yes, 85; No, 48; Absent, 16; Paired, 2; Excused, 0. 85 having voted in the affirmative and 48 in the negative, with 16 being absent and 2 paired, House Amendment "B" (H-1109) to Committee Amendment "A" (H-1104) was indefinitely postponed.

Representative HOLT of Bath presented House Amendment "C" (H-1112) to Committee Amendment "A" (H-1104) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I present this amendment on behalf of people who are concerned, particularly people who live in mill towns, that registered voters of the communities have the right to vote. It simply says, after the language in the bill calling for a public hearing the designation of the development district must be submitted to and approved by the legal voters living in the municipality at a special municipal election that is called, advertised, and conducted according to the laws relating to municipal elections or at a town meeting if the voting is by secret ballot, provided the voting is by secret ballot. The concern is simply this, that they feel, often times, the small governmental bodies in some of the areas are captive to these large economic interests and the people will be better able to understand the issue after public meeting and able to give their own ascent or descent to the establishment of such a district. It is a right to vote amendment and I urge your adoption.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: My trouble with this amendment is it seems it is a very patronizing amendment. It presumes that the local legislative bodies that now exist cannot make the right decisions for their towns and that the officials in those bodies, whether it be

town meeting or elected city council, are not competent and do not deserve the confidence and respect of their voters.

I think that that in fact is really arrogant of us to presume the towns (through their existing legislative bodies) can't make wise decisions. I would urge you to defeat this amendment.

Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong the issue but this is a very important amendment. My good friend from Harpswell, Representative Coles, calls it patronizing, I call it giving the people the right to vote.

Let's be serious, what we are talking about here is for the town or municipality the mill is centered in to enter into negotiations with that mill on what the decisions are. I don't think a public meeting or a vote by Australian Ballot is a bad idea.

I have been one of the elected leaders in my town and I had no problem bringing whatever major issue there was to town meeting, that is how we do it, or a special town meeting when it really concerns a lot of input that needs to happen. I know in my town I would hate the thought of having those five select people having to make that decision without the proper input of the planning board, without the proper input of the constituency. This is a very good amendment, it is a strong amendment.

Ladies and gentlemen, if someone gets up and says this could be a deal breaker, well then this deal should be broke. This is giving the people in the municipalities the right to go into a box and check the box after a public hearing, after finding out what the issue is. Someone is going to call it a mandate — well, it should be mandate. These people should take the time to print the ballots and have the hearings. This is a very important decision, it has great ramifications on the municipalities that these towns are in.

My town happens to be one of the richest ones in the state, but I don't see anybody in this body ever stopping in the town of Jay to spend the night at the local motel. Reason being, no motel will set up in Jay because of the stench, the air pollution, the noise pollution. No, we know what we deal with in these towns. This amendment simply gives the townspeople the input they need on a major decision.

The bill is going ahead like a steamroller, this amendment would give the people their say of their area.

As you know, sitting in this body, it is a lot harder to lobby a big body than a little body.

Please vote against the indefinite postponement of this measure so we can go on and adopt House Amendment "C."

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is becoming an old statement, I have made it so many times, the geniuses who elected us are the fools who elected our town councilors, the same people. If they were brilliant enough to send us up here and to decide a few years ago that we had the wisdom to deal with a sudden recession with about \$900 million in cuts and "gimmicks" and \$300 million in taxes and sent most of us who wanted to come back, back. Then, I think that

we can assume that they trusted our judgment in this situation and the judgment of the Governor who called for \$300 million in temporary taxes to deal with the fiscal crisis.

The truth is that in these towns they elect the council and the council has chosen to make economic decisions. Among the economic decisions the councils have made in other situations, they have already made TIF decisions, they have made TIF decisions for other industries. We are changing the TIF program to adjust it to the size of a paper mill but the town councilors who will be charged with that decision just as they are charged with a school budget, just as they are charged with what to do about solid waste (which has fiscal implications), just as they are charged with what to do about levying property taxes, they will be charged with figuring out, "is this a good thing for our town?"

Like you and I go back and listen to our constituents and talk to them about if we raise this particular tax maybe your property taxes won't go up and we will pay for the schools, maybe we will keep the university running, maybe we will keep the courts running, maybe this is a good decision for this time and our voters have to tell us we are in a recession, do a little of this as you can possibly get away with because it is a tough time. Well, these councilors are nearer to their constituencies than we are to ours when we are up here. I think that these councilors can be called upon to make the right decisions and to sit in the coffee shops in their home towns and to hear what the people have to say and to know how many jobs are being talked about and whether downsizing is being talked about or upsizing is being talked about, when they make this TIF decision and I will not insult these town councilors by implying that the geniuses who elected us are the fools who elected them.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, I would pose a question. Inasmuch as House Amendment "C" imposes or purports to impose a requirement on a municipality, my question to the Chair would be whether or not this amendment is properly constructed since it contains neither a mandate preamble nor a fiscal note for the state to absorb the cost of the mandate and I would request a ruling from the Chair as to its form.

The SPEAKER: The Chair would respond to the request of the Representative from Falmouth, Representative Reed, in regards to provisions in House Amendment "C" as to whether it is properly before the body. The Chair would respond by saying that since this is voluntary that the provisions of fiscal and/or mandate provisions would not apply and that the amendment is properly before the body.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, I would pose a question. With all due respect, Mr. Speaker, the language that I read says, "the designation of the development must be submitted..." My question would be as to how the Speaker has arrived at it as voluntary ruling?

The SPEAKER: The Chair would respond by saying that in fact that is the case if the municipality chooses to enter into a district it must have the hearing but the choice to enter the district is still voluntary.

The Chair recognizes the Representative from

Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: It is precisely because the Statement of Fact is so adamant about the fact that this is a voluntary program that I think this amendment is particularly important. In the towns that this is going to apply to people are going to be faced with what will probably not seem like a choice. If they are to have any effective kind of choice it seems to me it necessarily has to be by secret ballot.

I am sure all of you have heard stories, probably a lot longer than I have, about the kinds of elections where the people from the single large employer in town are at a municipal election watching who is voting on an issue that affects that employer. I don't expect it would be any different in something like this.

A TIF was originally set up for the benefit of municipalities. It was originally set up to allow municipalities to capture increased value from plant expansion to set aside so that it didn't go into the total property tax assessment so they could use that increased valuation for infrastructure and extra police protection and other things that might be warranted by an expansion.

What this bill does is, among other things, allows a municipality, if they choose, to have one of these districts to also choose to give that money back to the company, virtually in cash. As some of the discussion earlier has already suggested some times they will be doing that for purposes of allowing a company to modernize. Sometimes they will be doing it for purposes of allowing a company to put in what is absolutely required by federal or in some cases, state law, in order to be in compliance primarily with environmental regulations. Sometimes the result of that, either or both of those things will be that the plant is more efficient and more competitive. It may also, as was said earlier, result in the fact that they lay-off some of their workers. It may increase the plants valuation. It could also, coupled with current rate appeals by nearly every pulp and paper industry in the state, (as I understand it) end up resulting in less property taxes being paid in that municipality.

If you look at the fact that this TIF, this program that is supposedly so voluntary, which the paper companies are going to be able to people they have got to have to remain competitive and they have got to have to keep employees that these programs could result in less property taxes being paid in the municipalities. Fewer workers in that municipality working for that company and cash going out of that municipality once it comes in through the property tax base. I think that giving the municipal voters a secret ballot is about the only possible way they could have to see what they think about something like that in the face of that kind of threat.

I had asked at the work session that we had, and the committee meetings we had on this bill in Taxation this week, about the fact that the bill said that it was only to provide for equipment and improvements required by federal and state law. At first I was given an answer from the Representative from the pulp and paper industry that it wasn't all required, some of it was optional. It took me a few hours but eventually I asked what do you mean by optional? They said, "well, by optional we mean we don't have to do it here, we could do it out of

state." I guess I would just say that I don't think that is a choice when a municipal voter is in a room with people from their employer standing right there saying things like that.

I do think that municipal voters can look at the numbers, they can think about what it all means, they can think about the likelihood of this plant leaving. They know something about the economics but they need privacy in order to express their opinions safely.

I urge you to adopt this amendment because without this it seems to me it only is beginning to make me feel really bad, not just opposed but really bad about what we are doing to municipalities. I don't think that this is an insult, I think to do otherwise is a betrayal of trust.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: As a past town manager I can't believe that this body is trying to tell a town which is their given right to manage how to vote and what manner to vote. That is what those people do in that town in their town meeting and in their council meetings. I just can't believe that you want to micromanage how they are going to cast their vote, it is ridiculous.

Representative DORE of Auburn moved that House Amendment "C" (H-1112) to Committee Amendment "A" (H-1104) be indefinitely postponed.

The same Representative requested the Clerk to read the Committee Report.

Subsequently, the Clerk read the Committee Report in its entirety.

Representative RUHLIN of Brewer requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-1112) to Committee Amendment "A" (H-1104).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: Just briefly. To state that as a member of the Utilities Committee I know that we very often require votes to be taken in municipalities when it comes to such things as having to raise the amount of money a water district can raise to indeed put in antipollution equipment required by the Federal Government such as the many many towns and cities that are having to raise their taxes in order to pay for protection of surface water, drinking water sources. I wanted to tell my good friend, Representative Cross from Dover-Foxcroft, that I have great respect for him and his service to his community.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Dore of Auburn, that the House Amendment "C" (H-1112) to Committee Amendment "A" (H-1104) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 360

YEA - Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Brennan, Bruno, Campbell, Carleton, Carr, Carroll, Chonko, Clark, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Greenlaw, Hale, Heino, Hichborn, Hussey, Jacques, Johnson, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Michael, Mitchell, E.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Poinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rowe, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Sullivan, Tardy, Taylor, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Adams, Beam, Bowers, Cathcart, Chase, Clement, Coffman, Farnsworth, Gean, Gray, Hatch, Heesch, Hoglund, Holt, Joseph, Larrivee, Lemke, Melendy, Michaud, Mitchell, J.; Pendleton, Pfeiffer, Pineau, Rand, Richardson, Rotondi, Ruhlin, Stevens, K.; Townsend, E.; Tracy, Treat, Wentworth.

ABSENT - Cameron, Caron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 102; No, 32; Absent, 17; Paired, 0; Excused, 0.

102 having voted in the affirmative and 32 in the negative, with 17 being absent, House Amendment "C" (H-1112) to Committee Amendment "A" (H-1104) was indefinitely postponed.

Subsequently, the House voted to Concur. Ordered sent forthwith.

Representative STROUT of Corinth moved that the House extend until Sine Die.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, a point of order. House Rule 22 specifies it has to be to a time certain, the present motion has no time.

The SPEAKER: The Chair would respond replying that the Representative from Eagle Lake knows full-well the motion to adjourn sine die is a time certain.

Pursuant to House Rule 22 a vote of the House was taken.

Subsequently, 84 voted in favor of the same and 43 against, subsequently, the motion to extend did prevail.

The following items were taken up out of order by unanimous consent:

#### SENATE PAPERS

#### Non-Concurrent Matter

An Act to Establish a Catastrophic Health Expense

Program (H.P. 1473) (L.D. 2001) (C. "A" H-1061) (Governor's Bill) which was passed to be enacted in the House on April 7, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1061) as amended by Senate Amendment "C" (S-657) thereto in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

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**ENACTORS**

An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (Com. of Conf. "A" H-1120)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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**ENACTORS**

An Act to Establish the Maine School of Science and Mathematics (S.P. 733) (L.D. 1958) (Governor's Bill) (H. "A" H-1054 and H. "B" H-1118 to C. "A" S-511)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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**ENACTORS**

**Emergency Measure**

An Act Concerning Technical Changes to the Tax Laws (S.P. 613) (L.D. 1711) (C. "A" S-632)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

April 13, 1994

To The Honorable Members of the 116th Legislature:

I am returning without my signature or approval, H.P. 1243, L.D. 1670 "An Act to Amend the Harness Racing Laws."

Since the concept of off-track betting (OTB) facilities in Maine was first discussed, I have expressed concerns and skepticism about this new gambling endeavor in Maine. Ultimately, I did not oppose the creation of OTB's in Maine because a compelling case was made that, if it were designed to return a fair profit share, OTBs could help revive the entire suffering harness racing industry. I am still concerned, however, over the potential for rapid expansion of OTBs and I have encouraged the Harness Racing Commission to proceed cautiously and deliberately as Commissioners site these facilities. In my view, amending this law a mere six months after it was originally enacted, moves us too quickly toward further unplanned expansion.

I also object to the provision in this bill that amends the mile radius requirements between OTB facilities, particularly when these facilities would be within 50 miles of a live race track. If adopted, this bill increases the likelihood that Maine will have additional OTBs in close proximity to each other.

I do not object to many of the provisions in this bill. However, I believe it is inappropriate to alter existing law in a way that promotes the siting of additional OTB facilities until the current process and facilities are tested and proven to protect Maine's harness racing industry and the integrity of live racing in our State.

I have offered to the proponents of this legislation either to have this bill recalled from my desk or to file another piece of legislation that is identical except for the objectionable language. I stand ready to do so if that is the will of the proponents of this legislation.

I hope you will join me in rejecting this legislation.

Sincerely,

S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Amend the Harness Racing Laws" (H.P. 1243) (L.D. 1670) (H. "D" H-1003 and H. "F" H-1095 to C. "A" H-948)

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: This bill has been debated at length the past three or four days and I feel on behalf of an industry that I must speak, since I didn't speak on this bill during the process here.

As you all recall — I would like to speak on behalf of men and women of harness racing, the industry. Upon the passage last year of L.D. 1932 this legislature and this Governor assured the future of live racing in this state. The horsemen and women

who drive, train and race horses in this state now can race year-round and for larger purses and they also get a percentage from OTB parlors to help the purse account.

The Sire Stakes Program which finances the breeding of Maine bred horses also receives a percentage from the OTB parlors and the fairs, which is a very integral part of the life in the State of Maine because we have always supported our state fairs. The association also received a portion of OTB monies whether they are pari mutuel or non-pari mutuel fairs. Commercial race tracks revive some revenue through these parlors.

The Governor today, after a long deliberation in meeting with the horsemen and women, commercial race tracks, the fairs, and legal council from Millers Restaurant, thought that we had reached an agreement to prevent the vetoing of this bill. There was one dissenter from an OTB parlor who was represented by an attorney who felt that this bill should be vetoed. The Governor made a choice today -- he had two choices: one, to support the OTB parlors in this state; or to support a proud heritage that we have in this state, the horsemen and women and commercial tracks and fairs in this state. The Governor chose to support the OTB parlors.

I would urge you to override the Governor's veto.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 361V

YEA - Adams, Ahearne, Anderson, Bailey, R.; Bowers, Brennan, Bruno, Campbell, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Clukey, Cross, Daggett, Dexter, DiPietro, Dore, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Foss, Gean, Gould, R. A.; Gray, Hatch, Heeschen, Heino, Hichborn, Hoglund, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lord, MacBride, Martin, J.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Skoglund, Small, Spear, Strout, Sullivan, Tardy, Townsend, E.; True, Vigue, Walker, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Ault, Bailey, H.; Barth, Beam, Bennett, Birney, Carleton, Carr, Coles, Constantine, Cote, Donnelly, Erwin, Farnum, Farren, Gamache, Greenlaw, Holt, Joy, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Marsh, Marshall, Michael, Nickerson, Norton, Ott, Pinette, Plowman, Poulin, Pouliot, Ricker, Robichaud, Rydell, Saint Onge, Stevens, A.; Stevens, K.; Taylor, Tracy, Treat, Tufts, Whitcomb, Young, Zirnkilton.

ABSENT - Cameron, Caron, Cashman, Cloutier, Coffman, Driscoll, Hale, Hillock, Jalbert, Joseph, Kutasi, Look, Martin, H.; Melendy, Murphy, Nash, Oliver, Reed, G.; Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 78; No, 49; Absent, 24; Paired, 0; Excused, 0.

78 voted in favor of same and 49 against, with 24 being absent, and accordingly the veto was sustained.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the General Assistance Standard of Need (EMERGENCY) (MANDATE) (H.P. 1396) (L.D. 1905) which was Passed to be Enacted in the House on March 28, 1994. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-863)

Came from the Senate, failing of passage to be enacted in non-concurrence.

The House voted to Adhere. Ordered sent forthwith.

ENACTORS

An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing (S.P. 390) (L.D. 1185) (Com. of Conf. "A" S-650)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I want to continue to remind everybody that L.D. 1185 in its present form doesn't do much at all. It attempts to classify nurse practitioners and yet it leaves out two important classifications of nurses. It creates a tier system for practicing (which is confusing) and it continues to allow independent practice to hide behind the word collaboration.

Due to the problems with liability, the physician, if they follow their medical legal council, will not collaborate with nurses in advance practice.

Why pass legislation that is ineffective and useless? Remember there are no problems in the real world as to how nurses in advance practice and physicians are working well together.

The issue of independent practice needs further discussion and work, outside these walls. Let's build on the experience up to now and carry on from here. The controversy surrounding this bill reflects the fact that it needs more work.

I have maintained all along that this bill does not reflect positively on the nursing profession in spite of continued support by the Maine State Nurses Association.

I have circulated a letter from the Board of Nursing, seven of the members serve on that board, by the very nature of the fact that they are actively involved in nursing. I think they present a non-partisan objective view of the issues. I would just briefly read the last paragraph where they say, "The Board remains perplexed as to why nurse proponents believe this bill will benefit the public to a greater degree than the current statutory language."

I let you make your own judgment.

There is misconception that this bill would improve access to health care. If the infrastructure for practice of primary care in rural environments is

not improved for all, the same obstacles that prevent a physician from serving in rural areas such as isolation, family concerns (including schools), employment opportunities for spouses, financial limitations and whatever, will continue to limit the number of nurse practitioners seeking rural placements as well.

I continue to remind you there is nothing in law today that prevents nurses in advance practice to go practice in rural areas if they so choose and they have not done so in 25 years.

Lastly, whenever we talk about barriers to practice when we are talking about nurses in advance practice, there are two biggies that really stand out. The first is third-party reimbursement and the second is prescriptive writing privileges. Very rarely — and I have never seen in all the literature I have read that independent practice is a barrier to practicing for nurses in advance practice.

Interesting — what I got in the mail the other day from my Professional National Organization relative to pediatric nurse practitioner called NAP-NAP, there was a seven page strategic plan on how they were going to proceed from now until the year 2000. In those seven pages, guess what, there was not one mention of the word independent practice and how important it should be that we should be fighting for that issue, not one mention of it.

I continue to ask you to vote no on this bill.

Mr. Speaker, when the vote is taken I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HøGLUND: Mr. Speaker, Men and Women of the House: I don't want to prolong the event on nurse practitioners. I would ask you please to vote yes on enactment and stay with me with the support.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Green, Representative St. Onge.

Representative ST. ONGE: Mr. Speaker, Members of the House: I will try to be brief.

I simply want to go back a little bit and say to everyone that I do believe there is a need for this legislation. There will be several different alternatives that are offered in this bill, nurses that choose to remain in the supervisory capacity may still do so. This bill does create a collaborative arrangement and agreement now that can be worked between a physician and a nurse which will in fact help (or I believe help) to expand the profession. I do believe that this will be a benefit to the consumers and I do believe that it can certainly compliment the medical profession should they choose to use this.

The bill itself is a little bit more stringent than the current law right now. I would simply like to recap on that. We have increased the educational level for the nurse in advance practice that will deal with a collaborative relationship. We have, in fact, created an internship. The prescriptive

authority that has been brought up so many times on the floor as an issue that is not one that needs a great deal of debate, your nurses in advance practice may already prescribe certain medications. They do have to have a DEA license in order to do so. They may not prescribe narcotics nor may they prescribe experimental drugs. Diagnose — they may do so now within their scope of practice.

The letter that was received by the Board of Nursing — one other point I wanted to mention is that a lot of people may not be aware that this bill does not go into effect until January 1, 1995. This whole bill was a compromise. I do hope that you will support enactment and will stand by your previous vote.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 362

YEA - Adams, Ahearne, Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Daggett, Dexter, DiPietro, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heesch, Heino, Hichborn, Høglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lipman, Lord, Martin, J.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Townsend, E.; Tracy, Treat, True, Wentworth, Whitcomb, Young.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Carr, Clukey, Cote, Cross, Donnelly, Dore, Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Joy, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, MacBride, Marsh, Marshall, Melendy, Nickerson, Paradis, P.; Pendexter, Plowman, Pouliot, Reed, G.; Ricker, Robichaud, Saxl, Simoneau, Small, Stevens, A.; Taylor, Tufts, Vigue, Walker, Zirkilton.

ABSENT - Aliberti, Cameron, Caron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Tardy, Thompson, Townsend, G.; Townsend, L.; Winn, The Speaker.

Yes, 84; No, 47; Absent, 20; Paired, 0; Excused, 0. 84 having voted in the affirmative and 47 in the negative, with 20 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

An Act to Clarify the Jobs and Investment Tax Credit (S.P. 778) (L.D. 2008) (Governor's Bill) (S. "A" S-615) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

**ENACTORS**

An Act to Amend the School Funding Formula (H.P. 682) (L.D. 924) (H. "D" H-1119 to C. "A" H-1110)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

**BILLS IN THE SECOND READING**

Bill "An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees" (H.P. 1493) (L.D. 2013)

Was reported by the Committee on Bills in the Second Reading, read the second time.

Representative PARADIS of Augusta presented House Amendment "A" (H-1125) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: This bill that has been submitted under my signature and now this House Amendment that is before this body is the result of discussions that I have had in the last several hours with members of the Legal Affairs Committee and leadership of both sides of the aisle and a person from the Governor's office. I am seeking to address the concerns the Governor had in the veto message which is on our printed calendar that we tabled earlier today.

With this amendment I believe that we have a consensus between those of us who support this legislation that the Governor saw fit not to sign and to return without his signature and the concerns that he had.

It is my understanding — it is not in writing but is informal but it is honest and sincere that this bill and this amendment take care of the concerns the Governor had on this legislation and if we were to pass it that he would see fit to sign it.

So, I am presenting this in good faith, it addresses the concerns in the veto message that political action committees who were omitted originally from the bill — I have no problem with putting that in there, this new bill does that, the House Amendment corrects an inaccuracy in that and I have met with members from the second floor in full discussion with members of the committee and Republican leadership. I hope this takes care of our concerns and we can enact this bill tonight.

Subsequently, House Amendment "A" (H-1125) was adopted.

On motion of Representative KERR of Old Orchard Beach, tabled pending passage to be engrossed as

amended by House Amendment "A" (H-1125) and later today assigned.

**ENACTORS**

**Emergency Measure**

An Act to Continue the Maine Health Program (S.P. 781) (L.D. 2012) (S. "B" S-662)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative FOSS of Yarmouth requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 363**

YEA - Adams, Ahearne, Anderson, Ault, Bailey, H.; Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Carr, Carroll, Cathcart, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Young, Zirnkilton, The Speaker.

NAY - Aikman, Bailey, R.; Barth, Bennett, Birney, Clukey, Dexter, Farren, Foss, Greenlaw, Joy, MacBride, Marsh, Marshall, Nickerson, Pendexter, Reed, G.; Stevens, A.; Taylor, Whitcomb.

ABSENT - Aliberti, Cameron, Caron, Cashman, Chase, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Plowman, Poulin, Robichaud, Simonds, Small, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 108; No, 20; Absent, 23; Paired, 0; Excused, 0.

108 having voted in the affirmative and 20 in the negative, with 23 being absent, a two-thirds vote of all the members elected to the House being necessary, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.



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**ENACTORS**

An Act to Establish a Catastrophic Health Expense Program (H.P. 1473) (L.D. 2001) (Governor's Bill) (S. "C" S-657 to C. "A" H-1061)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Foss.

**Representative FOSS**: Mr. Speaker, Ladies and Gentlemen of the House: As you remember last years budget included a tax on the private pay nursing home patients as part of a larger scheme to draw down federal dollars. That proposal passed only because a tax credit was included to offset that tax on private pay patients in nursing homes.

This year when the Federal Government disallowed that tax credit. The tax was kept by this legislature and the Catastrophic Health Plan was developed to only partially help those nursing home private pay patients. That was the first time this legislature broke faith with those private pay patients.

Now this amendment comes along and breaks faith again by taking almost half the money generated by that tax on private pay nursing home patients and spending it elsewhere. I oppose that proposal.

Mr. Speaker, I request a roll call.

The **SPEAKER**: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Dore.

**Representative DORE**: Mr. Speaker, Ladies and Gentlemen of the House: Let me just review what happened last year on this and bring you up to date on this proposal. Last year, in the eleventh hour, this tax credit was put together by the Appropriations Committee, not the Taxation Committee but the Appropriations Committee, to try to deal with the fact that we had to have a gross receipts tax in order to preserve \$24 million in federal funds. At the time it was \$22 million but today it is \$24 million in federal dollars and some 600 nursing home beds. Because of federal law our contracts for what we pay for (those nursing home beds) for people on Medicaid is already set and we can't afford to lower what we pay without a challenge in court that we assume that we would lose.

Consequently, the net result would be that we would either have to reduce the number of nursing home beds that are subsidized in this state, virtually kicking people out of beds or we would have to come up with \$24 million somewhere else.

I know the good representative from Yarmouth, Representative Foss, can come up with \$24 million. What she cannot do is come up with \$24 million that two-thirds of the Maine Legislature in the House and in the other body agree to cut. We know that that

can't be done because we have seen various bills come through here and they never seem to get (when various cut proposals come through) the required two-thirds. So, the political reality here — and we are a political body dealing in political realities, is that in order to preserve \$24 million in federal funds and 600 nursing home beds we have got to do something to hold onto that program. That required, because of the federal decision, eliminating the kind of credit we had for nursing homes and converting it to a health care credit for any catastrophic illness. That meant you would get it if you were in a nursing home and you were paying income taxes in the State of Maine. It also meant you would get it if you were, say, earning \$20,000 a year and had a kid with cystic fibrosis and it was running you a good \$10,000 or a kid with leukemia or another family member with a serious illness and you didn't have enough insurance coverage and so you have a financial catastrophic illness.

That is how we got to the proposals that the tax committee developed for the Catastrophic Health Expense Program.

I would like to point out that of the people in nursing home beds, when we were talking \$5 million in a Catastrophic Health Expense Program, that was buying them less than three weeks, something around the neighborhood of 17 more days. Remember this, a private pay patient is usually a private pay patient in Maine for an average of five and half months. So, less than six months you would then become one of those Medicaid patients needing one of those Medicaid beds. Now, we have taken another \$2 million out of this program in order to fund education because there has been a concern that if we don't assist general aid to education a little bit more we are going to raise peoples property taxes yet again.

What does that do? I will tell you what that does to the 50 percent of the people who get the Catastrophic Health Expense Program who are in nursing homes; that reduces them from avoiding being in a Medicaid nursing home bed for about 16 or 17 days to avoiding it for about five days — now that we are down to only a \$3 million Catastrophic Health Care Program. So, now after five days that is the difference.

I want to hope that you all understand that you are not buying a significant amount of time as a private pay patient if you want to talk about the dignity of being a private pay patient. If we loose that \$24 million what are we losing? I would say there would be very few private pay patients left because if the rates go up to cover that \$24 million, which obviously they have to since we can't get two-thirds consent to any particular cut in the budget for \$24 million, you can imagine what nursing homes rates will look like if the private pay patients have to absorb that \$24 million.

I would suggest to you that the Catastrophic Health Expense Program is a good program and it does something for people who are finding that relative to their income they are facing an economic catastrophe due to the harshness of their medical expenses, due to a medical crisis in their family. But in addition to that, again, a political decision has been made that most of you would rather take home a higher General Purpose Aid to Education. I didn't make that decision but it seems to have been the will of the body and I guess the only way we are going to know if it is the will of the body is when we look at the



roll call today.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 364

YEA - Adams, Ahearne, Bailey, H.; Beam, Bowers, Brennan, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Marshall, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Poulin, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Tracy, Treat, Tufts, Vigue, Wentworth, Whitcomb, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Campbell, Clukey, Cross, Dexter, Donnelly, Farren, Foss, Greenlaw, Joy, Kerr, Kneeland, Libby James, Lord, MacBride, Marsh, Michael, Nickerson, Ott, Pendexter, Pouliot, Reed, G.; Robichaud, Ruhlin, Stevens, A.; Tardy, Taylor, Townsend, E.; True, Walker, Zirnkilton.

ABSENT - Aliberti, Cameron, Caron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Pineau, Simonds, Small, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 93; No, 38; Absent, 20; Paired, 0; Excused, 0. 93 having voted in the affirmative and 38 in the negative, with 20 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

## ENACTORS

## Emergency Measure

An Act Regarding State Government Evaluation and Justification (H.P. 1485) (L.D. 2011) (H. "A" H-1122)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative GWADOSKY of Fairfield requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 365

YEA - Adams, Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bennett, Birney, Bowers, Brennan, Bruno, Campbell, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Mitchell, E.; Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Tardy, Taylor, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Carleton.

ABSENT - Aliberti, Barth, Cameron, Caron, Cashman, Clement, Cloutier, Driscoll, Faircloth, Gould, R. A.; Hillock, Jalbert, Ketterer, Kilkelly, Kutasi, Look, Martin, H.; Michael, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Pendleton, Pineau, Plowman, Reed, G.; Simonds, Small, Sullivan, Swazey, Thompson, Townsend, G.; Townsend, L.; Whitcomb, Winn, Zirnkilton.

Yes, 112; No, 1; Absent, 38; Paired, 0; Excused, 0. 112 having voted in the affirmative and 1 voted in the negative, with 38 being absent, a two-thirds vote of all the members elected to the House being necessary, accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

## SENATE PAPERS

## Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1306) (L.D. 1761) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto in the House on April 11, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by Senate Amendments "H" (S-627), "I" (S-628), "K" (S-648), "M" (S-659) and "N" (S-663) thereto in non-concurrence.

On motion of Representative COFFMAN of Old Town, the House voted to Recede.

The same Representative presented House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, I presented this amendment before. This is asking for a \$200,000 appropriation to the Veterans Financial Assistance Fund. You all recall the explanation I gave on that the other day and you are familiar with the fund. I am sure you have probably been spoken to by members of the different veterans groups that have been here asking for this.

The problem that I ran into originally, when I presented it, was that I didn't have anywhere for the money to come from. So, I went on a quest looking for that \$200,000. I had it yesterday from a bill that was on the Governor's desk that wasn't figured in the budget, exactly \$200,000 but, when we adjourned at ten o'clock the Senate was still in, until eleven — and they stole my money. Excuse the expression — they appropriated that \$200,000.

So, I came back this morning and the good Representative from the Appropriations Committee, Representative Chonko, tipped me off to this and I went on another quest looking for another \$200,000.

I spoke with Sam Shapiro, this morning in Florida — he said he is having a great time down there but, he assured me he was there on business and not on pleasure, meeting with the executives of News Week. The reason I called him is I understood that there was a debt service fund that when we have bond issues and the monies are waiting to be given out, interest secures on those monies and right now there is a \$300,000 surplus there. That is free money, so to speak. It is nothing that was figured into the budget, it is just extra. That is where we found this \$200,000 from. So I would ask that you consider this amendment and to appropriate this \$200,000 from this surplus and knowing full well that it goes to a very good and very needy cause. I spoke about that before and I will spare you that now at this late hour.

I would appreciate your consideration on this matter.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I applaud Representative Coffman's efforts and determination on coming up with the \$200,000. I am going to support this initiative and would urge everyone else to also.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "H" (H-1121). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative CLARK of Millinocket requested a roll call on adoption of House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: There is no such thing as free

money. I would like to read to you the fiscal note to this bill. It says, "Reducing the fiscal year 1993-94 appropriation to the debt service program may result in an emergency fiscal year 1994-95 request if this carrying account lacks sufficient resources to meet debt service expenses for that that fiscal year."

My personal opinion is that we ought not to be messing around with the amounts in a set-aside account without having a thorough examination of whether or not that particular account is going to be left short by an appropriation such as this at this late hour. This is the reason I oppose this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "H" (H-1121). Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 366

YEA - Ahearne, Anderson, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Campbell, Carr, Cathcart, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Dexter, DiPietro, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Heino, Hichborn, Hogle, Hussey, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lord, Marshall, Martin, J.; Michael, Morrison, Nickerson, Norton, Pendleton, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, W.; Ricker, Rotondi, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Tracy, True, Tufts, Vigue, Young, Zirnkilton.

NAY - Adams, Ault, Bowers, Brennan, Bruno, Carleton, Chase, Chonko, Coles, Constantine, Daggett, Donnelly, Dore, Foss, Holt, Jacques, Lindahl, Lipman, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; O'Gara, Oliver, Ott, Paradis, P.; Pfeiffer, Plowman, Poulin, Reed, G.; Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Taylor, Townsend, E.; Treat, Walker, Wentworth, Whitcomb, The Speaker.

ABSENT - Aikman, Aliberti, Cameron, Caron, Carroll, Cashman, Driscoll, Dutremble, L.; Gamache, Hale, Hillock, Jalbert, Kutasi, Look, Martin, H.; Michaud, Murphy, Nadeau, Nash, Pendexter, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 81; No, 44; Absent, 26; Paired, 0; Excused, 0. 81 having voted in the affirmative and 44 in the negative, with 26 being absent, House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081) was adopted.

Representative STROUT of Corinth moved that Senate Amendment "K" (S-648) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: It is kind of tough for me tonight to make this motion. But, I have to because I believe the amendment that I offered on Monday of this week, (and by the vote that we received in this body), that it was our priority that that was the way that we wanted to go.

Let me tell you that basically the difference between Senate Amendment "K" and the amendment that I offered the other day is that the way that this is set up (with that property tax relief program that the proposal that I put before you on Monday) would allow us to have a program in place that (I believe)

would give money back to the property tax payers of this state.

The amendment that I just moved the indefinite postponement — on yesterday I had partially agreed to go along with this proposal. But, when I arrived here this morning I found out that exactly what that amendment did was not what I wanted to do.

The two differences are that my proposal on Monday would put in place and be in competition with those other programs like the government's Contingency Fund, the FAME Loan Fund and the Quality Centers. I don't know how to say to you tonight that whether there is going to be sufficient funds available to put money back to municipalities if my amendment was to stay in place. But, somehow, I have got to believe that we are talking with various people and (people who seem to know what may happen in the months ahead) that in fact time will tell us that there was sufficient funds to do what we want to do with this program.

I honestly believe — and I have to tell you that all I am asking you to do is to set in place a law that we had in effect in 1989 that what in essence would say to the municipalities across this state that once the budget has been put in place; and all the monies are there and expended with the balance; that any surplus over and above that would go back to the municipalities on one-half of the one-half.

I am sure the Appropriations Committee understands that and today I have got a better idea in my mind what it does. I am not going to touch that Rainy Day Fund if the money is there.

Just to give you an example, if we should be lucky enough to see the economy turn around and there was \$8 million to \$10 million (over and above) if there was, (God love us if there is) one-half of that would go into the Rainy Day Fund and the municipalities would receive one-half of the other half.

I think tonight we ought to send a message with our budget to the municipalities that we are trying to do something for them. It may be only a little bit but I feel confident in my mind, having spoken with people who know (in the last 12 hours), that there is a very good possibility in the months ahead that there will be some funds go back to the municipalities.

I hope you will support me on this indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, I would pose a question through the Chair.

As we work through the budget and all the deliberations, it was clear to us that we had reached about all the revenue reprojections we were going to reach.

I would like to ask the previous speaker if he is aware of some new parts of money somewhere that we in the Appropriations Committee were unaware of that we may be able to tap at this point in the process or, if in fact this is just wishful thinking on his part?

The SPEAKER: Representative Carroll of Gray has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I will try to answer in the best way I can. I don't think that there is any of us that can really say if there are going to be extra funds

available down the road. I have reason to believe, and have had information given to me today that there is a possibility that there might be a little bit of money in that pot down the road. I don't know how much plainer to tell you that it is just possible that maybe some people want to use it for a different purpose, maybe different than what I wanted to. But, we have, I hope, when we put together a balanced budget — and if my amendment was to stay in place and, there just was a possibility that there was a little bit more money at the end of the rainbow, I would love nothing better than to see a little bit of this go back to the municipality.

To answer you, the way you would like to have me answer you tonight, I can't do as well as I would like to.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question through the Chair.

I am confused (at this late hour). Could anyone tell me if I am interpreting Senate Amendment "K" properly when I think that the property tax relief fund is being moved from one level of priority to a level of priority which is a lot lower, which would be addressed only after not only on appropriated surpluses but balances in various departments have been expended for various other purposes? If that question makes sense. There is some confusion here, it is not only with me.

The SPEAKER: Representative Chase of China has posed a question through the Chair to Representative Strout of Corinth who may respond if he so desires.

The Chair recognizes that Representative.

Representative STROUT: Mr. Speaker, Men and Women of the House: The answer to the question is exactly right, the priority in my amendment is higher than the amendment that I am asking to be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Strout of Corinth that the House indefinitely postpone Senate Amendment "K" (S-648). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.  
98 voted in favor of the same and 9 against, subsequently, Senate Amendment "K" (S-648) was indefinitely postponed.

On motion of Representative PARADIS of Augusta, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto and later today assigned.

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SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its former action whereby it Failed to Enact Bill "An Act to Amend the General Assistance Standard of Need" (EMERGENCY) (H.P. 1396)(L.D. 1905).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

**ENACTORS**

An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry (H.P. 1466) (L.D. 1993) (S. "C" S-660 to C. "A" H-1104)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative FARNSWORTH of Hallowell requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Portland, Representative TOWNSEND.

Representative TOWNSEND: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cameron of Rumford. If he were present and voting he would be voting yea, I would be voting nay.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 367**

YEA - Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Campbell, Carleton, Carr, Carroll, Cathcart, Chonko, Clark, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Greenlaw, Hale, Hatch, Heino, Hichborn, Hوجلund, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Michael, Michaud, Mitchell, E.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plourde,

Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Taylor, Tracy, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirnkilton, The Speaker.

NAY - Adams, Bowers, Brennan, Chase, Clement, Farnsworth, Gean, Gray, Heeschen, Holt, Melendy, Mitchell, J.; Pineau, Richardson, Rowe, Treat, Wentworth.

ABSENT - Aikman, Aliberti, Caron, Cashman, Coffman, Driscoll, Hillock, Jalbert, Kutasi, Lemke, Look, Martin, H.; Murphy, Nash, Pendleton, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

PAIRED - Cameron (Yea)/ Townsend, (Nay).  
Yes, 111; No, 17; Absent, 21; Paired, 2; Excused, 0.

111 having voted in the affirmative and 17 in the negative, with 21 being absent, and 2 paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1306) (L.D. 1761) (Governor's Bill) which was tabled by Representative PARADIS of Augusta pending passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in non-concurrence and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry for the lateness of the hour. I had intended to offer an amendment to the budget at this time. However, after a number of consultations with the administration, we had decided, finally, instead of offering the amendment that the Governor would address our concerns, the concerns of the Bangor area delegation in regard to the Bangor Mental Health Institute.

At this time I would like to read the letter into the Record. It is addressed to "Representative Mary E. Sullivan, 116th Maine Legislature, 81 Grant Street, Bangor, Maine 04401. Dear Mary: I am writing to confirm our conversation this evening regarding your concerns about appropriate placement for patients in the P-3 nursing ward at the Bangor Mental Health Institute.

I wish to assure you that the Department of Mental Health and Mental Retardation will retain within the Program on Aging the ten patients currently in the P-3 nursing unit at the Bangor Mental Health Institute unless appropriate community placement, acceptable to the patient and/or his or her legal guardian, can be made.

Also, the Department will maintain adequate staffing in the Program on Aging to carry out the

directive of this letter.

Thank you for your continued concern for the welfare of the patients and the quality of care at the Bangor Mental Health Institute. I hope you will convey my assurances to the other members of the Bangor delegation. Sincerely, John R. McKernan Jr., Governor."

Ladies and gentlemen, I want to tell you something. This is a matter of grave concern to all the members of the Bangor area delegation. I wasn't alone in this. It happened that my name was on the amendment but the Representatives from Orono, Bangor, Holden, all worked with me and we kept the pressure on until we got the assurances that we needed for those ten patients. Ten patients doesn't sound like very much to get worked up about but they were ten patients who are in the Program on Aging and it is a major concern to uproot them and to move them out at this time.

I thank you for all the support I did get from all the Representatives in this House, from the Speaker and from some Senators too.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

Bill "An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees" (H.P. 1493) (L.D. 2013) which was tabled by Representative KERR of Old Orchard Beach, pending passage to be engrossed as amended by House Amendment "A" (H-1125).

Representative BENNETT of Norway presented House Amendment "B" (H-1126) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill that is before us is a response to another matter which has been tabled pending a response to a veto message that was sent up from the second floor. I am concerned that this bill, L.D. 2013, (in its present form) may continue to find opposition that would prevent it from becoming law.

This bill certainly invites confusion among any party or other political committee seeking to abide by its vexing verbosity and circumlocution.

Let me share with you what I mean. This bill would require party committees and political action committees to report any expenditure made for a political cause. A political cause, as defined under the bill, as "any course of activities undertaken by a party committee or by a political action committee for the specific purpose of advocating for or against or attempting to influence public opinion about an issue or matter of public concern that is or may come under consideration by any branch of state government other than a course of activities that would constitute a campaign as defined in this section of the law."

What this means, of course, is that virtually any activity of any party committee or any political committee which is presumably formed to espouse a

political cause or point of view or perspective would have to be reported.

What I seek to do with this amendment, House "B," is to make it much simpler and to rather than to confuse law abiding people who may want to report everything they need to, under this confusing language, with regard to political cause, is just make them report everything, all expenditures that they make for whatever purpose.

Currently a party committee has to itemize its expenditures in behalf of political candidates, candidates for office, or other committees but it can lump-sum its general operation expenditures and whatnot. I would consider that under this language, and other people may disagree, but you have to admit that it is confusing, under the language of the bill the Democratic Party (for example) seeking to maintain its majority as a political cause, seeking to put forth its platform is a political cause and why invite all the confusion and potential litigation and potential problems with the language that is in the bill when we can just simply do what is better, frankly, and would require more disclosure — which is just require them to disclose all of their expenditures.

I encourage you to adopt House Amendment "B." It is true it is non-compatible with House Amendment "A" and once the House does adopt House Amendment "B" we can take the technical amendment that House Amendment "A" offers off the bill. So, I encourage you to go along with House Amendment "B."

Representative TRACY of Rome moved that House Amendment "B" (H-1126) be indefinitely postponed.

Representative BENNETT of Norway requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-1126).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: This amendment does come as a bit of a surprise to me. I think it does address some issues pretty well. I am the Treasurer of the Maine Democratic Party and I have always been in favor of more disclosure. I feel like this is an issue that maybe we should deliberate but this is not an issue that we have addressed in committee.

The Representative from Norway may be right, this may be an easy way to do it.

I guess I would ask one question for clarification. The question is, is it the intent from the Representative from Norway that when the party committee submits its reports that we would be allowed to submit the Federal Elections Commission Report from one account and then to just attach an addendum for non-federal expenditures?

The SPEAKER: Representative Bowers of Washington has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and

Women of the House: If that meets the requirements, yes.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Tracy of Rome, that the House Amendment "B" (H-1126) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 368

YEA - Brennan, Coffman, Gray, Johnson, Townsend, E.; Tracy.

NAY - Adams, Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Bruno, Campbell, Carleton, Caron, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Taylor, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Aikman, Aliberti, Beam, Birney, Cameron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn, The Speaker.

Yes, 6; No, 124; Absent, 21; Paired, 0; Excused, 0.

6 having voted in the affirmative and 124 in the negative, with 21 being absent, the motion to indefinitely postpone House Amendment "B" (H-1126) did not prevail.

Subsequently, House Amendment "B" (H-1126) was adopted.

On motion of Representative BENNETT of Norway, the House reconsidered its action whereby House Amendment "A" (H-1125) was adopted.

On further motion of the same Representative, House Amendment "A" (H-1125) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-1126) and sent up for concurrence. Ordered sent forthwith.

**AFTER MIDNIGHT**

Thursday, April 14, 1994

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS****Non-Concurrent Matter**

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1306) (L.D. 1761) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1121) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto in the House on April 13, 1994.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by Senate Amendments "H" (S-627), "I" (S-628), "K" (S-648), "M" (S-659) and "N" (S-663) thereto in non-concurrence.

On motion of Representative MICHAUD of East Millinocket, the House voted to Recede and Concur. Ordered sent forthwith.

**ENACTORS****Emergency Measure**

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 1306) (L.D. 1761) (Governor's Bill) (S. "H" S-627, S. "I" S-628, S. "K" S-648, S. "M" S-659, and S. "N" S-663 to C. "A" H-1081)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative FOSS of Yarmouth requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Representative MARTIN of Eagle Lake,

tabled pending passage to be enacted and later today assigned. (Roll Call Ordered)

The Chair laid before the House the following item which was tabled earlier in today's session:

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 1306) (L.D. 1761) (Governor's Bill) (S. "H" S-627, S. "I" S-628, S. "K" S-648, S. "M" S-659, and S. "N" S-663 to C. "A" H-1081) which was tabled by Representative MARTIN of Eagle Lake pending passage to be enacted. (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 369

YEA - Adams, Ahearne, Anderson, Bailey, H.; Beam, Bowers, Brennan, Bruno, Campbell, Carleton, Caron, Carr, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Hichborn, Hogg, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Ault, Bailey, R.; Barth, Bennett, Coffman, Dexter, Farren, Foss, Greenlaw, Heino, Hussey, Joy, Libby Jack, Libby James, Lindahl, Lipman, Morrison, Nickerson, Pendexter, Reed, G.; Saint Onge, Stevens, A.; Taylor.

ABSENT - Aikman, Aliberti, Birney, Cameron, Cashman, Cathcart, Driscoll, Hillock, Jalbert, Kutasi, Lemont, Look, Martin, H.; Murphy, Nash, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 107; No, 23; Absent, 21; Paired, 0; Excused, 0.

107 having voted in the affirmative and 23 in the negative, with 21 being absent, a two-thirds vote of all the members elected to the House being necessary, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval H.P. 1303, L.D. 1758, "An Act to Protect Expenditure of Public Funds."

This bill would make it illegal to spend state funds to influence employees for or against union organizing or union representation. It would also make it illegal to expend state funds to commit violations of a labor, wage and hour, fair employment or human rights law or rule. It is my position that to the extent this bill seeks to prohibit actions which are already prohibited by other laws it is unnecessary, and to the extent it goes beyond those laws it is inappropriate and against the public interest.

It is important that employers have the right to disseminate accurate information to employees when appropriate to balance or counter information from union organizers that could be incomplete or inaccurate, so that the employees can make informed choices as to whether to have union representation and who their representative will be.

The range of employers affected by this bill is broad. For example, hospitals, nursing homes, and nonprofit health care agencies. The current law addresses the intended goal of the bill and does it in a manner that is fair to both the employers and employees.

Because of these concerns, I am in opposition to L.D. 1758 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 1303) (L.D. 1758) (S. "B" S-575 to C. "A" H-865)

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I am tired and I want to go home, but first, I urge you to sustain this veto. This bill was unfair, and unnecessary, to begin with, particularly to employers who are 100 percent state funded.

As our previous discussion of this bill, employers would be prohibited from discussing their organization concerns with their employees on the clock but yet they are prohibited from requiring attendance at meetings off the clock. For this reason, I urge you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the

Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that tonight you take a very important step in overriding this veto for some reasons that are, I think, of particular concern to us as a state.

One of those is that we presently have a system of monitoring or auditing the people who are involved here, the different people receiving our tax monies. In that auditing process, if they are receiving federal money, the federal government and federal law says that they will have that subtracted from their accounts and they will be exempt from receiving it. However, they can continue to receive state money.

That is not the way it should be. We should have some uniformity to our laws. We should have state law that matches with federal law and if we are auditing them in any event and making sure that they do fulfill the requirements of federal law to receive the monies, (like from Medicaid) then it is very simply, very logical, and a very uniform step to make it a part of state law as well.

I think in reading, however, the objections of the Governor and listening to the objections of the highly respected member of the Labor Committee, the Representative from Sanford — when I read that letter, what I find in their objections, is something I really do take a very strong objection to and that is the principle we call the captive audience. That's the crux of this issue. The real problem isn't that people have objection to us saying you can't use our tax money either for or against. What they are really afraid of is that this bill will make it so that you can't use a captive audience. The captive audience in labor terms means that you will bring employees in (at the cost of doing public business), sit them down in an auditorium and do your best to tell them how to vote and you will do it at the expense of the public, at the expense of taxpayers money. That is inherently wrong. That is one of the things that this bill attempts to correct.

I think the Governor shows a very short-sighted viewpoint in saying that we can use taxpayer money to obviously push for one particular viewpoint and that money can be used for other than to be neutral.

I think also, the opposition to this bill has been equally shortsighted. I will hope, therefore, that tonight you will override this particular veto.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I had to rise just to clarify a couple of issues that were brought up by the good Representative from Brewer.

These captive audience speeches that he talked about are what we call informational meetings and they are legal and blessed under federal law. If it is federal law to comply with state law certainly we should bless them here also. It is the only opportunity that an employer has in order to address any question or concerns without violating unfair labor practices, the employer cannot lie, cannot promise, cannot spy, nor can he — (there is another one but I cannot think of it at this late hour). However, he can answer any employees question and address any concerns that have risen at the meeting. That is, again, why I wish you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.



Representative CHASE: Mr. Speaker, Colleagues of the House: A vote to override the veto is by nature a very partisan thing. I would understand a partisan vote from all members at this time. However, I would ask you to try to think of this one a little differently.

When I was campaigning and speaking to people about their taxes, mostly because I was interested in getting rid of property taxes and increasing income taxes, people tended to say to me that they wouldn't mind their income taxes being increased if they could believe that what we did with the taxes that we collected from them was to use them wisely, effectively, and efficiently. All that we are asking with this bill is to use taxpayers dollars for the purposes for which they were intended. If those purposes are weatherization services, home heating assistance, day care services or myriad of other programs and services that we provide, that that is what the dollars should be spent for.

My good colleague and seatmate on the Labor Committee who is smiling that I call him good, mentioned that this is unfair to businesses. It is unfair to a handful of employers who are 100 percent funded by state or federal funds. I say if those employers are funded 100 percent by tax dollars, those employers have a duty to the citizens of this state to use their time 100 percent for the programs for which they are being supported. They are being supported by your money, my money and our constituents money.

I hope you remember that when you make this vote.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 370V

YEA - Adams, Ahearne, Beam, Bowers, Brennan, Caron, Carroll, Chase, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kikelly, Kontos, Larrivee, Lemke, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Skoglund, Stevens, K.; Sullivan, Tardy, Townsend, E.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Campbell, Carleton, Carr, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gray, Greenlaw, Heino, Joy, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Nickerson, Norton, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, True, Tufts, Whitcomb, Young, Zirnkilton.

ABSENT - Aikman, Aliberti, Birney, Cameron, Cashman, Cathcart, Chonko, Driscoll, Dutremble, L.; Gamache, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Pfeiffer, Ricker, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Vigue, Winn.

Yes, 75; No, 50; Absent, 26; Paired, 0; Excused, 0.

75 voted in favor of same and 50 against, with 26 being absent, and accordingly the veto was sustained.

Representative Jacques of Waterville was granted unanimous consent to address the House.

Representative JACQUES: Mr. Speaker, Men and Women of the House: A couple of weeks ago this body was debating an issue dealing with the election of Constitutional Officers and some comments were made by the Minority Floor Leader, Representative Whitcomb, that really brought some concerns to myself as well as many members of our caucus because they weren't exactly sure to what he was referring to.

I will attempt, this evening, on the Record, to clarify the situation.

In his remarks last week, Representative Whitcomb said, and I quote, "as recently as last week there was a matter of petitions filed from people in this body seeking gubernatorial nominations — in one party, petitions that did not qualify were allowed to go through. In another party, petitions that were done exactly the same were ruled upon exactly the opposite."

When I heard that and when many of you asked what the story was I could not give you an answer because I didn't know anybody he was talking about and clearly did not know what my counterpart from the other side of the aisle was talking about. But, I did have a conversation with him behind the glass and told him that I would find out what had occurred and get back to him and this body as well as members of our caucus.

What happened was a Republican candidate for Governor brought the petitions to the Secretary of State's office two days prior to the filing deadline. One of these petitions had been certified by the Town Clerk. Because state law allows for only the Registrar of Voters to certify petition signatures, the candidate was told that the petition may not be valid. The candidate was then told that if the Town Clerk in question also held the office of Registrar, Deputy Registrar or was a member of the Board of Registration, the certification would indeed be valid. However, because the candidate in question had a sufficient number of signatures with which to file, this particular petition was pulled and the investigation into the nature of the Town Clerk's position was dropped.

On the day of the filing deadline, one Democratic candidate for Governor and one Republican candidate for Congress filed their petitions, some of which were scrutinized for the same reasons, that is, the Town Clerk was the certifying official. Because the filing deadline was only a couple of hours away and because neither candidate had a sufficient number of signatures to qualify if the petitions in question were not allowed, the Secretary of State's Office accepted both petitions and immediately attempted to determine if the Town Clerks who indeed certified the petitions may also be Registrars or Deputy Registrars. The candidates were informed that if the Town Clerks were not legally able to certify these petitions these petitions would indeed be deemed invalid.

After the investigation it was determined that both Town Clerks in both cases of these petitions filed were indeed also Deputy Registrars. This indeed meets the requirement of the law and the

petitions were rightfully accepted. Because the former Republican candidate for Governor who had filed earlier did not choose to refile the petition in this case (the one that was in question) it still remains unknown at this time whether it may or may not have met the legal requirements because further investigation to find out if indeed these other aspects of the law were met were never followed through.

I had assured Representative Whitcomb that I would find out what had happened. I also assured members of the caucus that wanted to know what had happened and clearly, for the Record, we have answered the concerns of those that were put forth and now we understand why the situation developed the way it did.

I am sure that Representative Whitcomb, in no way, intended to impugn or question the integrity of the Secretary of State's office or any of the staff there. Clearly, that was not his intent, I am sure. We want to make the Record clear of why this situation occurred.

I thank the House for its indulgence.

Representative Whitcomb of Waldo was granted unanimous consent to address the House.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Thank you, members, for allowing me to address the House briefly on the Record.

I want to do that because I want to concur with the comments from the Majority Floor Leader. Because, after that debate and after the discussion that he and I had, I too, spent some time understanding the details of what had occurred, which we only knew superficially when we had this debate on the matter of the Constitutional Officers.

The facts as he has stated them are correct, from my understanding of the situation.

To recall the debate, the context in which that information was presented was to underscore the sensitivity of those in the Minority party in regard to the control of the Secretary of State's Office. But, I would concur with the last comment from the Majority Floor Leader, the Representative from Waterville, that we found the staff, in dealing with those individuals who had taken petitions to the office of the Secretary of State, to be very professional. We had a number of members who were members and people who seek to be members from the Republican party who were aided in terms of told that there were errors in the petitions and made quick trips back to their district to make corrections so they could be filed properly and I think were handled in a professional manner by the staff of the Secretary of State.

I appreciate the opportunity to say that on the Record.

Representative Martin of Eagle Lake was granted unanimous consent to address the House.

Representative MARTIN: Mr. Speaker, Men and Women of the House: Apparently it is the time to give mea culpa speeches. I would like to make one corrections that I made earlier in the course of debate. When I was talking about the nursing home legislation I referred to the triple A's and the incident in Aroostook County involving a nursing home. In fact,

it was not the Aroostook County Agency on Aging, it fact, the problem arose with the Visiting Nurses of Aroostook. I have already corrected it publicly in Aroostook and also with the organization in question but for the Record it should be made clear that it was the Visiting Nurses of Aroostook that created the problem.

On motion of Representative JACQUES of Waterville the following item was removed from the Tabled and Unassigned matters:

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-961) - Minority (6) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Provide Family Security through Quality, Affordable Health Care" (H.P. 956) (L.D. 1285)

TABLED - March 29, 1994 by Representative JACQUES of Waterville.

PENDING - Acceptance of Either Report.

Representative PINEAU of Jay moved the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Women and Men of the House: As you have heard, we are talking about the Maine Health Care Program, "An Act to Provide Family Security through Quality, Affordable Health Care." This piece of legislation was sponsored by more than 50 percent of the legislature and had six public hearings around the state. The people of this state overwhelmingly supported the concept of "An Act to Provide Affordable Health Care." Those hearings were held in Augusta, Bangor, Presque Isle, Portland, Lewiston and Sanford.

This bill established the Maine Health Care Plan was administered by a Maine health care agency and under this Maine Health Care plan all residents would receive health care services. This bill allowed choice. The residents of our state would choose their own providers through organized delivery systems or through the open plan which is open to all the providers in our state. Health care services that would be available through the plan would include in-patient and out-patient medical services, laboratories, and imaging, home health services, rehabilitation services, prescription drugs and devices, substance abuse and mental health services, dental services, vision appliances, equipment and hospice care.

Payments into the Maine Health Care Trust Fund would come from premium payments from employees, employers, payments on unearned income, limited co-payments and payments from governmental entities and a five cent per pack increase in the cigarette tax.

The majority of the Banking and Insurance Committee felt strongly about this bill. We understand, as you all do, that the time for this issue is not now but will be in the future.

I would urge you to vote for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: As all of you know, I was the major

sponsor of L.D. 1285. I believe that L.D. 1285 embodies principles which we will see again as we work toward a system for universal health care coverage for all the citizens of Maine.

Maine has been a leader in health care reform over the past several years. We have pioneered income base premiums. We have pioneered practice parameters, and we have pioneered assisting rural physicians who practice obstetrics to pay their medical malpractice premiums.

And, we are a leader across the nation in our insurance reform efforts through our continuity of coverage bills, through our community rating laws for both individuals and small group coverage we have assisted many people to be able to have insurance that they were not able to get before. We no longer allow rating on this state based on health status or gender.

We are now going to move on through the establishment of a health care commission to look at various models that we feel would be appropriate for our state that would make affordable and available health care coverage to every citizen from birth throughout their entire lives.

I look forward to the work of that commission and I truly believe that many of the principles that are embodied in L.D. 1285 you will see again through the work of that commission and through the opportunity that a future legislature will have to vote on one model for our state.

I thank all of you for the work that you have put in on L.D. 1285, for the study that you have given to it and I thank all the people of this state who attended the hearings, who wrote letter, who have worked with us on this bill. I hope that you will all continue your work for health care reform in our state and our nation.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Colleagues of the House: I join in the comments of the previous speakers and just want to speak briefly about L.D. 1285 and about the process. From my point of view I thought that L.D. 1285, while not a perfect bill, it certainly advanced the public understanding and discussion of the health care problems that we have in this country. It is the granddaddy of all public policy issues. It is the most complex thing I have ever seen.

I think that my colleagues on the Banking and Insurance Committee and Representative Rydell have worked together in a fair and collegial way to try to advance the cause of health care reform that we can agree on. It is a longer process than any of us, I think, had ever figured. I think that there will be some interesting developments in the next year and if I am back and back on the Banking and Insurance Committee I will certainly want to have my hand in that.

Again, and finally, I am very appreciative of the collegiality that has existed on the Banking and Insurance Committee on this very difficult issue.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Women and Men of the House: I worked on this committee — when I came, I knew very little about health care reform. 1285, from my perspective, was a very thoroughly and thoughtfully drafted bill which had a particular vision for health care reform. As we traveled around

the state it became apparent to me that it wasn't the vision that the majority of the people in this state wanted. It lacked two components, it lacked input from the providers and the insurers and then there were other issues that needed more focus, such as rural health care.

I think, as Representative Rydell, has addressed, we have made progress in the State of Maine but we still have to address the component of access. We need access for all Maine citizens. We also have to address the component of cost containment. Cost containment to me has answers and the answers lie with the providers and the insurers who have gotten us to a point where we have benefit from the best health care in the world.

I am committed to comprehensive health care reform. I believe that 1985, the consensus bill that everyone worked on, will allow that. It allows for three commissioners to insist on all stakeholders to provide input so we can create and study three models. One of which is pretty much a reflection of 1285. But, beyond that, (those three models) it is in a time certain format. By January 1995 we will have in draft form or at least in outline form, legislation which will come to us by January 1996 in a form for the legislature to consider and will be in such a form, similar to 1285, which will be able to be enacted, hopefully with implementation no later than July 1997. So, in fact, we have addressed comprehensive health care reform and we hope that the time certain does accommodate the tremendous need for reform.

I would obviously concur with the motion and look forward to L.D. 1985.

One of the very strong advocates for 1285, Representative Townsend of Canaan would like to have been here to speak to the motion and the bill and she apologizes for her absence but I am sure she would like to be remembered as one who would promote 1285.

Subsequently, L.D 1285 was indefinitely postponed and sent up for concurrence. Ordered sent forthwith.

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On motion of Representative JACQUES of Waterville the following item was removed from the Tabled and Unassigned matters:

**HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-960) - Committee on Banking and Insurance on Bill "An Act to Continue Health Care Reform in Maine and Prepare for Federal Reforms" (EMERGENCY) (H.P. 1429) (L.D. 1954) (Governor's Bill)**

TABLED - March 30, 1994 by Representative JACQUES of Waterville.

PENDING - Acceptance of Either Report.

Representative PINEAU of Jay moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: This bill was the Governor's health care bill. What the committee did was took parts of the bill that we liked and actually put it in a different bill that has already passed and is enacted. The rest of the bill was laying around.

The SPEAKER: The Chair recognizes the

Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I concur in the comments of the Representative from Jay.

Subsequently, L.D. 1954 and all accompanying papers were indefinitely postponed. Ordered sent forthwith.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

April 13, 1994

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval, H.P. 1461, L.D. 1986, "An Act Regarding Access to Chiropractic Services."

This bill limits the ability of Health Care Maintenance Organizations to control the quality of care provided in a managed care environment. Managed care is recognized as a key component to health care cost containment. Managed care ensures that consumers of health care use the necessary amount of health care and visit the appropriate health care provider. The gatekeeper in managed care is a primary care physician whose role is to diagnose and treat a broad range of ailments. The gatekeeper serves the function of referring patients to a broad range of specialists. In the event that a consumer requires a specialist, the gate keeper is responsible for referring the patient to the appropriate specialist.

This bill requires insurance companies to use chiropractors as gatekeepers. I believe it is inappropriate to use any specialist in such a role. Instead we should be focusing on expanding the role of primary care physicians in order to reduce the costs of health care.

It is also inappropriate for the state to enter into mandating the components of health maintenance organization plans. I oppose this legislation because it will hinder the natural expansion of managed care in Maine. This bill would also interfere with managed health care companies' ability to enter into agreements with providers of their choosing. It would restrict the bargaining power and represents unwarranted meddling by the State in the business affairs of these companies.

This kind of state intervention in today's rapidly changing health care market is poor public policy. For these reasons, I am opposed to L.D. 1986 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act Regarding Access to Chiropractic Services" (H.P. 1461) (L.D. 1986) (H. "A" H-998; H. "B" H-1023)

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill in front of you, 1986, was originally 1491 or something along that line. We passed it out as a bill and it was supposed to be a Resolve so we needed to go back, order a committee bill out and got the new number 1986.

What this is is a chiropractic bill. The bill came to the committee. If you look at the second paragraph of the veto message, the one where it says, "This bill requires insurance companies to use chiropractors as gatekeepers." That is what the original bill called for. That is not what 1986 does. That sentence there goes to the original bill which is not what the committee did.

What the committee did in fact was pass language saying that when a person couldn't get chiropractic service through their medical gatekeeper system that they had to register it with the Bureau of Insurance. The Bureau of Insurance was supposed to keep a record of that, come back to us on group and individual practices (up in B & I) so that we could have an idea of who could get through the gatekeeper system. The chiropractors were saying (and some of their clients) that physician gatekeepers were not allowing their services to be used. Both HMO's in Maine that we currently have now have and do utilize chiropractic services.

The bill also called for any other HMO that would be developed in Maine would have to have chiropractic services as part of their provider network. It did not have them as gatekeepers. What we were looking at was for a status quo only for chiropractic services in the state.

I am really surprised by this veto because I thought once and for all we would be able to verify how many people could not get through the gatekeeper system to chiropractors. If this veto is sustained it is going to set health care, again, back another year with people saying they can't get through the gatekeeper system. We are going to come into committee, have to deal with facts, but we are not going to have the facts sent up there. We can't move without the data that this bill would have given us. This bill wasn't heavy handed, it didn't force people to go to chiropractors, it did not make chiropractors gatekeepers. So, I am really surprised with the veto message. I really do hope you vote to override the veto.

I won't talk any longer on this but I think this is another one of those really important messages. The Governor, when he talks in the first paragraph about managed care as recognized — well, there is a study that was produced for the Banking and Insurance Committee saying that chiropractic care, in a lot of cases, lowered cost as opposed to increase cost. So, if we are looking at managed care, holistically, chiropractic services probably ought to be in it and with this veto, if it is sustained, you are saying that the two HMO's that are now trying to be licensed in Maine can come in, not offer this service to your constituents, and "get away with it" under the Maine licensure laws.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Members of the House: There is a lot in this bill that I like. I like the reporting requirements. There have been reports of discrimination against chiropractors and that is part of the bill.

The part of the bill that is a problem is an amendment that was put on which mandates that every health maintenance organization shall include in every plan chiropractic services.

I have said it before and I will say it again, whenever a particular provider, and there are now 20 or 30 or 40 different types of providers, wants to insulate itself, grandfather itself from the affects of health care reform, they put in a bill to say that this particular organization or that shall use that particular provider or that. It is bad public policy to allow providers to do this. It doesn't make any difference whether it is chiropractors or anybody else. It reduced flexibility in our health care system and it is going to lead to higher costs.

I urge you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Women and Men of the House: I urge you to do just the opposite. I think this bill is very important because it will allow you, as members of state select, or if you are in HMO's and managed care systems, to have access to chiropractic services.

There is discrimination against chiropractic services by physicians allopaths. It has been proven that in some cases the care is needed and is less expensive, as Representative Pineau of Jay has already told you.

I urge you to override this veto.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I worked on this bill and as I read the veto message. It concerns me to read so frequently the fact that this does indicate that a chiropractor would become a gatekeeper. I was concerned about that as I worked the bill, knowing well that a chiropractor should not be a gatekeeper. So, it concerned me to a point where I just read the amendments, offered by the Representative from Jay, and I still didn't read in those amendments that it allows chiropractors to be gatekeepers. It confuses me, I don't want them to be gatekeepers but I do feel that chiropractic services should be available through the process. As one who has enjoyed the services of chiropractors, I think they are important. I know they have been very important for me. I wouldn't want to have one as a gatekeeper. So, it confuses me that this message comes to us in this form. So, I haven't decided yet what I will do about the veto but it does disturb me that it came to us in this manner.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I first went to a chiropractor after being at one of the longer or the longest session this House has ever had, and I have to say it has changed my attitude considerably, I am very grateful for their existence. I would just want to suggest that I can't think of a more bipartisan issue

than this. There is no one in here who does not have a spine and no one in here who doesn't have the potential to need the services of a chiropractor some day.

I would like to suggest in the spirit of what I think has turned out to be a very amiable session that everybody give serious consideration to their vote on this and do something that we have never done in the entire time I have been here and that is override a veto.

I would like to suggest that we send a message that when we do that that the members of the House of Representatives of the State of Maine have backbone and that we wish to manipulate the results and give an adjustment to this bill and its veto by pressing the green button.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 371V

YEA - Adams, Ahearne, Beam, Bowers, Brennan, Campbell, Caron, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lord, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Richardson, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Carleton, Carr, Clukey, Donnelly, Farnum, Farren, Foss, Greenlaw, Joy, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, MacBride, Marsh, Nickerson, Norton, Ott, Pendexter, Plowman, Reed, G.; Robichaud, Simoneau, Stevens, A.; Taylor, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Aikman, Aliberti, Birney, Cameron, Cashman, Cathcart, Driscoll, Dutremble, L.; Gamache, Hillock, Jalbert, Kutasi, Look, Martin, H.; Morrison, Murphy, Nash, O'Gara, Pfeiffer, Pouliot, Ricker, Ruhlin, Simonds, Small, Swazey, Thompson, Townsend, G.; Townsend, L.; Vigue, Winn.

Yes, 82; No, 39; Absent, 30; Paired, 0; Excused, 0. 82 voted in favor of same and 39 against, with 30 being absent, and accordingly the veto was not sustained. Ordered sent forthwith.

The following item was taken up out of order by unanimous consent:

**ENACTORS**

An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees (H.P. 1493) (L.D. 2013) (H. "B" H-1126)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The following item was taken up out of order by unanimous consent:

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator O'DEA of Penobscot, Senator LUDWIG of Aroostook, and Senator DUTREMBLE of York - of the Senate.

Representative CLOUTIER of South Portland, Representative MELENDY of Rockland, and Representative REED of Falmouth - of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

The Committee of Conference Report was read and accepted in concurrence.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Clarify Reporting Requirements for Party Committees" (H.P. 1244) (L.D. 1671) (C. "A" H-918) which was tabled by Representative PARADIS of Augusta pending reconsideration.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I shall be very brief. It did occur to me just a few moments ago that this is the third time that the last bill or the last roll call during the last few minutes of the session, before sine die, is a bill that has my name on it.

In 1990 it was rural health care, it was co-sponsored by several members, one that stands out to me is the good Representative from Presque Isle who co-sponsored the bill with me, we worked so hard on that issue.

Two years ago it was the state TIF on shopping centers and that was the last one and that was around 4:30 in the morning (this is a little earlier).

Now it is a bill on campaign finance committees and everything.

In the spirit of cooperation that has been exhibited, to a degree I have not seen in years in this chamber, I urge you to sustain the Governor's veto and vote nay and follow my light on this.

We have cooperated on both sides of the aisle. I think we passed just a few moments ago a very good

bill and sent it on to the other body and I am sure that the Governor will see that bill early this morning.

It is a good feeling to work together.

I wish you all a very happy spring time and let's vote to sustain the Governor's veto.

In my own heart, as a member of the loyal opposition, it does feel good to know that we did, in eight years time, override one veto. Thank you very much.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 372V

NAY - Adams, Ahearne, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Campbell, Carleton, Caron, Carr, Carroll, Chase, Chonko, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gean, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Rand, Reed, G.; Reed, W.; Richardson, Robichaud, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Sullivan, Tardy, Taylor, Townsend, E.; Tracy, Treat, True, Tufts, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

ABSENT - Aikman, Aliberti, Birney, Cameron, Cashman, Cathcart, Clark, Driscoll, Dutremble, L.; Gamache, Hale, Heino, Hillock, Hussey, Jalbert, Kutasi, Lemke, Look, Martin, H.; Morrison, Murphy, Nadeau, Nash, O'Gara, Pfeiffer, Pouliot, Ricker, Ruhlin, Simonds, Small, Strout, Swazey, Thompson, Townsend, G.; Townsend, L.; Vigue, Winn.

Yes, 0; No, 114; Absent, 37; Paired, 0; Excused, 0. 0 voted in favor of same and 114 against, and accordingly the veto was sustained.

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 580, Legislative Document 1624, An Act

to Ensure Quality Psychological Services, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and no Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 356, Legislative Document 1070, An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo

Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 724, Legislative Document 1945, An Act to Amend the Public Smoking Laws, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 390, Legislative Document 1185, An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

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ORDERS

On motion of Representative HICHBORN of LaGrange, the following Order:

ORDERED, that Representative Brenda Birney of Paris be excused April 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence F. Nash of Camden be excused April 9 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused April 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Louise Townsend of Canaan be excused April 8 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Winn of Glenburn be excused April 9 to 14 for personal reasons.

Was read and passed.

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At this point, a message came from the Senate borne by Senator BUSTIN informing the House that the Senate had transacted all business before it and is ready to adjourn without day.

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The Speaker appointed Representative JACQUES of Waterville on the part of the House to inform the Senate that the House had transacted all business before it and is ready to adjourn without day.

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Subsequently, Representative JACQUES reported that he had delivered the message with which he was charged.

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The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the House has transacted all business before it and is ready to receive any communication that he may be pleased to make.

Representative CHONKO of Topsham  
Representative MacBRIDE of Presque Isle  
Representative FOSS of Yarmouth  
Representative MICHAUD of East Millinocket  
Representative MITCHELL of Freeport  
Representative CARROLL of Gray  
Representative RYDELL of Brunswick  
Representative MELENDY of Rockland  
Representative COLES of Harpswell  
Representative LORD of Waterboro

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Subsequently, the Committee reported that they had delivered the message with which they were charged and the Governor would attend forthwith.

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At this point, His Excellency, the Honorable John R. McKernan Jr., entered the Hall of the House amid applause, the members rising.

The Governor addressed the House as follows:

Good Morning: To everything there is a season. I just said to the Senate in my concluding remarks, that is the way I began my State of the State Address back in January, and the season of the 116th Maine Legislature is coming to an end.

I wanted to have a chance to make some brief remarks. I know that it is late. But, I believe that when people look back on this session of the Legislature, the 116th, that they will see that it was this session that truly turned the corner for our state in preparing Maine for the 21st Century.

Just think about what has been accomplished in improving our business climate, in having Maine become what I believe will be viewed as the leader in the nation in education reform, in having us join the cutting edge of states in terms of improving the skills of our work force, all of which is going to mean more jobs for the citizens of our state that all of us represent.

I congratulate all of you as well, for returning civility and a bipartisan spirit to this building.

I want to thank your presiding officer, Speaker Gwadosky, for his willingness to work with us in trying to find a way for us to join together to meet the problems and the challenges that we face as a state.

I want to thank the majority leadership, both Paul and my good friend Pat, are people who have gone out of their way to try to find an opportunity to work with us, to jointly meet the needs that both parties have in trying to find a way to bridge the gap, perhaps, between their differences in order to truly meet the needs of the people of our state.

I think I speak for the Republican leadership in this House when I say that we appreciate the attitude that I think has pervaded our deliberations during this session. That should have been clear to you, really the view of both Walt and Steve in their appreciation for the way they have been treated during this session of the Legislature in the fact that we thought it would be a wonderful way to end this session by letting you override one of my vetoes. You can express your appreciation to them later.

Seriously, I do want to thank all of you, and especially the Appropriations Committee, which I believe in their very difficult deliberations have demonstrated to all of us that there is a way by just continuing to work together to hammer out differences that we can truly work together in a bipartisan way to meet the needs of this state.

I want to thank my staff, my cabinet, other members of my administration, who have worked countless hours in order to make sure that my views were truly represented before your deliberations as a Legislature.

I know that the successes that we have had have been because of their hard work in their ability to convey to you my beliefs on the appropriate future for this state.

Lastly, I want to thank all of you, the members of



the 116th Maine House of Representatives. I want to thank you in a couple of ways. First, I want to thank you as a citizen. I want to thank you for restoring or beginning at least, a process of restoring the confidence of the people in their governmental institutions. I believe that your efforts during this session have done that.

I applaud and congratulate each and every one of you for getting involved in this process. Because representative democracy only works when people are willing to stand up and to serve others, you have been willing to do that.

As a citizen, I truly believe that we are fortunate to have the men and women of this legislature serving us.

I want to just say, as we adjourn the Second Regular Session of the 116th Legislature, that I have enjoyed working with you. I believe that because of your efforts the state is truly better off. I thank you not only as a fellow citizen but as your Governor. Thank you.

Subsequently, the Governor withdrew amid prolonged applause, the members rising.

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The Chair recognizes the Representative from LaGrange, Representative HICHBORN.

Representative HICHBORN: Mr. Speaker and Members of the House: I move the House stand Adjourned Without Day.

The SPEAKER: The Representative from LaGrange, Representative Hichborn, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 2:30 a.m., Daylight Savings Time, Thursday, April 14, 1994, the Speaker declared the House adjourned without day.

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