

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
16th Legislative Day
Friday, February 17, 1995

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

Prayer by Reverend James P. Vreeland, Lebanon and North Berwick Baptist Church, East Lebanon.

The Journal of Tuesday, February 14, 1995 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 41)
Maine State Senate
State House Station 3
Augusta, Maine 04333
February 14, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333
Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Transportation, John G. Melrose of Vassalboro for appointment as Commissioner of the Department of Transportation.

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Require Liability Insurance Carriers to Disclose to Claimants Limits of Liability and Policy Coverage Prior to Initiation of Suit" (H.P. 392) (L.D. 527) which was referred to the Committee on **Judiciary** in the House on February 14, 1995.

Came from the Senate referred to the Committee on **Banking and Insurance** in non-concurrence.
The House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (H.C. 38)
117TH MAINE LEGISLATURE
January 23, 1995

Honorable Deborah R. Lee
Assistant Secretary of Defense
for Reserve Affairs
Pentagon
Room 2E520
Washington, D.C. 20301-1500
Dear Ms. Lee:

We invite you to join us in Augusta, Maine on February 22nd at 11:15 a.m. to address a joint session of the Maine Legislature.

The Maine National Guard and the 117th Legislature are coordinating a "Legislative Awareness Day" at the Maine State House and it would be most interesting to hear your thoughts on the National Guard in its Federal role. Should your schedule allow you to attend our activities, the Maine House of Representatives and Senate will come together in

joint session to hear your remarks. Maine's Independent Governor, Angus King, will be invited to join us.

We hope that by participating in the events planned by the Maine National Guard, and through the insight gained from your unique perspective, we can better understand the roles and missions of our National Guard.

We look forward to meeting you in February.

Sincerely,
S/Jeffrey H. Butland S/Dan A. Gwadosky
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 39)
117TH MAINE LEGISLATURE
January 23, 1995

Hon. Angus S. King
Governor of Maine
State House Station #1
Augusta, Maine 04333
Dear Governor King:

We invite you to join us on February 22nd at 11:15 a.m. for a Joint Session of the Maine Legislature.

Honorable Deborah R. Lee, Assistant Secretary of Defense for Reserve Affairs, will share her thoughts on the National Guard and its federal role as we join in a "Legislative Awareness Day."

We would be honored if you would take part in our activities aimed at better understanding the roles and missions of our National Guard.

If you are able to attend, please notify Joseph Mayo, Clerk of the House.

Sincerely,
S/Jeffrey H. Butland S/Dan A. Gwadosky
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 40)
ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION #120
AUGUSTA, MAINE 04333
February 15, 1995

Hon. Dan A. Gwadosky
Speaker of the House
State House Station #2
Augusta, Maine 04333
Dear Speaker Gwadosky:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1994. This report is submitted to you in accordance with 38 M.R.S.A. 1453-A(4), which requires the Commission to "submit an annual report of activities to the Governor, the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by February 15th of each year."

The report provides an overview of most of the major radioactive waste issues facing Maine policy-makers and residents. Whenever you need more information on any aspect of the Commission's work, please call the Commission office at 287-3059.

Sincerely,
S/James Mitchell
Chairman
Advisory Commission
on Radioactive Waste

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture, Conservation and Forestry

Bill "An Act to Transfer Regulatory Control of Whitewater Rafting to the Department of Conservation's Bureau of Parks and Recreation" (H.P. 415) (L.D. 572) (Presented by Representative ROTONDI of Madison) (Cosponsored by Representatives: GREENLAW of Standish, JACQUES of Waterville, KEANE of Old Town, ROSEBUSH of East Millinocket, TUFTS of Stockton Springs, UNDERWOOD of Oxford, Senators: HALL of Piscataquis, KIEFFER of Aroostook)

Banking and Insurance

Bill "An Act to Amend the Laws Governing Retail Credit Cards" (H.P. 420) (L.D. 577) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: MAYO of Bath, PLOWMAN of Hampden, RICE of South Bristol, Senators: CIANCHETTE of Somerset, KIEFFER of Aroostook)

Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans" (EMERGENCY) (H.P. 431) (L.D. 594) (Presented by Representative CARLETON of Wells)

Bill "An Act Regarding Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 432) (L.D. 595) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: ADAMS of Portland, CAMERON of Rumford, CHASE of China, ETNIER of Harpswell, FITZPATRICK of Durham, GERRY of Auburn, GWADOSKY of Fairfield, JOSEPH of Waterville, KERR of Old Orchard Beach, MITCHELL of Vassalboro, MITCHELL of Portland, MORRISON of Bangor, SIMONEAU of Thomaston, WATSON of Farmingdale, Senators: ABROMSON of Cumberland, BERUBE of Androscoggin, McCORMICK of Kennebec, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland)

Business and Economic Development

Bill "An Act to Modify the Exceptions to the Practices of Cosmetology and Barbering" (H.P. 407) (L.D. 564) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: BARTH of Bethel, CROSS of Dover-Foxcroft, DONNELLY of Presque Isle, KNEELAND of Easton, LIBBY of Kennebunk, MARVIN of Cape Elizabeth, McELROY of Unity, PLOWMAN of Hampden, Senator: SMALL of Sagadahoc)

Human Resources

Bill "An Act to Require the Department of Human Services to Pay for Testing Public School Water Supplies in Accordance with the Safe Drinking Water Act" (H.P. 418) (L.D. 575) (Presented by Representative McELROY of Unity) (Cosponsored by Representatives: BARTH of Bethel, CLARK of Millinocket, CLUKEY of Houlton, CROSS of Dover-Foxcroft, JOY of Crystal, REED of Dexter,

STEDMAN of Hartland, TUFTS of Stockton Springs, Senator: ABROMSON of Cumberland)

Bill "An Act to Increase the Availability of Certain Drugs Used to Treat Mental Illness" (H.P. 422) (L.D. 579) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: DORE of Auburn, ETNIER of Harpswell, JONES of Bar Harbor, POVICH of Ellsworth)

Resolve, Directing the Department of Human Services to Review the Regulations for the Licensure of General and Specialty Hospitals and Report to the Joint Standing Committee on Human Resources (H.P. 408) (L.D. 565) (Presented by Representative MERES of Norridgewock) (Cosponsored by Representative KILKELLY of Wiscasset and Representatives: CHIZMAR of Lisbon, HARTNETT of Freeport, HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, LEMONT of Kittery, LUTHER of Mexico, MARSHALL of Eliot, UNDERWOOD of Oxford, WATERHOUSE of Bridgton)

Inland Fisheries and Wildlife

Bill "An Act to Require a Person to Have a Hunting License to Participate in the Moose Lottery" (H.P. 429) (L.D. 592) (Presented by Representative DAMREN of Belgrade) (By Request) (Cosponsored by Representatives: CLARK of Millinocket, JOY of Crystal, PERKINS of Penobscot, STEDMAN of Hartland, WINSOR of Norway, Senators: CARPENTER of York, RUHLIN of Penobscot)

Judiciary

Bill "An Act to Remove Restrictions on Compensation For Deputy District Attorneys" (H.P. 412) (L.D. 569) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator MILLS of Somerset and Representatives: BIGL of Bucksport, BUNKER of Kossuth Township, GATES of Rockport, JONES of Bar Harbor, LAYTON of Cherryfield, PINKHAM of Lamoine, ROWE of Portland, THOMPSON of Naples, Senator: RUHLIN of Penobscot)

Bill "An Act to Amend Provisions of the Child and Family Services and Child Protection Act Relating to Voluntary Agreements" (H.P. 424) (L.D. 581) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, DORE of Auburn, ETNIER of Harpswell, JONES of Bar Harbor, POVICH of Ellsworth)

The Committee on **Judiciary** was suggested.

On motion of Representative TREAT of Gardiner, the Bill was referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

Legal and Veterans Affairs

Bill "An Act Relating to Municipal Clerks Who Chair Boards of Voter Registration" (H.P. 410) (L.D. 567) (Presented by Representative WINN of Glenburn)

Marine Resources

Bill "An Act Concerning Licensed Activities for Marine Worm Diggers" (H.P. 413) (L.D. 570) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representatives: BENEDIKT of Brunswick, CHARTRAND of Rockland, ETNIER of Harpswell, FITZPATRICK of Durham, HARTNETT of Freeport, LaFOUNTAIN of Biddeford,

VOLENIK of Sedgwick)

Natural Resources

Bill "An Act to Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas" (H.P. 409) (L.D. 566) (Presented by Representative MERES of Norridgewock) (Cosponsored by Representative TREAT of Gardiner and Representatives: ADAMS of Portland, CHIZMAR of Lisbon, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, KILKELLY of Wiscasset, LEMAIRE of Lewiston, LEMONT of Kittery, LUTHER of Mexico, SAMSON of Jay, SHIAH of Bowdoinham)

State and Local Government

Bill "An Act to Facilitate the Use of the Installment Method for the Collection of Sewer Assessments and Charges" (H.P. 419) (L.D. 576) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: MURPHY of Berwick, RICE of South Bristol, Senator: FERGUSON of Oxford)

Bill "An Act to Clarify Law Enforcement Relating to Junkyards and Automobile Graveyards" (H.P. 427) (L.D. 590) (Presented by Representative KILKELLY of Wiscasset)

Taxation

Bill "An Act to Eliminate the Sales Tax Exemption for Packaging Materials" (H.P. 411) (L.D. 568) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: CHASE of China, ETNIER of Harpswell, HATCH of Skowhegan, JONES of Bar Harbor, TRUMAN of Biddeford)

Bill "An Act to Eliminate the Personal Property Tax on Individuals in the State" (H.P. 414) (L.D. 571) (Presented by Representative GUERRETTE of Pittston) (Cosponsored by Representatives: AULT of Wayne, BIRNEY of Paris, CAMPBELL of Holden, CARLETON of Wells, CHICK of Lebanon, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DONNELLY of Presque Isle, HARTNETT of Freeport, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, LIBBY of Kennebunk, LUMBRA of Bangor, MADORE of Augusta, MARSHALL of Eliot, MURPHY of Berwick, PEAHEY of Woolwich, PERKINS of Penobscot, PLOWMAN of Hampden, REED of Dexter, ROBICHAUD of Caribou, SAVAGE of Union, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEDMAN of Hartland, STONE of Bangor, TRIPP of Topsham, VIGUE of Winslow, WATERHOUSE of Bridgton, WINSOR of Norway, Senators: McCORMICK of Kennebec, SMALL of Sagadahoc)

Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes" (H.P. 421) (L.D. 578) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: DiPIETRO of South Portland, GUERRETTE of Pittston, MURPHY of Berwick, RICE of South Bristol, SIMONEAU of Thomaston, Senator: FERGUSON of Oxford)

Bill "An Act to Adjust the Taxation of Public Pensions and Social Security Benefits" (H.P. 423) (L.D. 580) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: DORE of Auburn, JOY of Crystal, LOVETT of Scarborough, PENDLETON of Scarborough, Senators: CAREY of Kennebec, HALL of Piscataquis)

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals" (H.P. 425)

(L.D. 582) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: DiPIETRO of South Portland, DORE of Auburn, GREEN of Monmouth, KONTOS of Windham, MURPHY of Berwick, SIMONEAU of Thomaston, SPEAR of Nobleboro, TRUE of Fryeburg, Senators: CAREY of Kennebec, FERGUSON of Oxford, RUHLIN of Penobscot)

Bill "An Act to Increase the Veterans' Property Tax Exemption" (H.P. 430) (L.D. 593) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, GERRY of Auburn, HATCH of Skowhegan, MURPHY of Berwick, NADEAU of Saco, TRIPP of Topsham, Senator: CAREY of Kennebec)

Transportation

Bill "An Act to Establish Retreaded Truck Tire Safety Standards" (H.P. 416) (L.D. 573) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Representatives: LEMKE of Westbrook, SHIAH of Bowdoinham, SIROIS of Caribou)

Bill "An Act to Require the Department of Transportation to Post Signs Indicating That Headlights Must Be On When Windshield Wipers Are in Use" (H.P. 417) (L.D. 574) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: RICE of South Bristol)

Bill "An Act to Give Motor Vehicle Drivers and Owners the Option of Keeping Motor Vehicle Information Confidential" (H.P. 428) (L.D. 591) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: ADAMS of Portland, DAVIDSON of Brunswick, HEESCHEN of Wilton, JOSEPH of Waterville, LaFOUNTAIN of Biddeford, SAXL of Bangor, STEVENS of Orono, TREAT of Gardiner, WATSON of Farmingdale, Senator: HARRIMAN of Cumberland)

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

ORDERS

On motion of Speaker GWADOSKY of Fairfield, the following Joint Resolution: (H.P. 433) (Cosponsored by President BUTLAND of Cumberland and Representatives: CARLETON of Wells, CHICK of Lebanon, FARNUM of South Berwick, GREENLAW of Standish, HATCH of Skowhegan, JACQUES of Waterville, JOYCE of Biddeford, JOYNER of Hollis, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, MARSHALL of Eliot, McALEVEY of Waterboro, MITCHELL of Vassalboro, MURPHY of Berwick, NADEAU of Saco, NASS of Acton, OTT of York, POIRIER of Saco, TRUE of Fryeburg, TRUMAN of Biddeford, TUTTLE of Sanford, WHITCOMB of Waldo, Senators: CARPENTER of York, HATHAWAY of York, LAWRENCE of York, LORD of York, PENDEXTER of Cumberland.)

JOINT RESOLUTION IN HONOR AND RECOGNITION OF THE LATE MONA WALKER HALE

WHEREAS, the Legislature has learned with shock and deep regret of the passing of Mona Walker Hale, Representative from Sanford; and

WHEREAS, Representative Hale was a friend to all of us and a Legislator with a singular record of service to this body and to the people of the State of Maine; and

WHEREAS, Representative Hale began her many years of legislative service as the Representative from Sanford in the 112th Legislature and has served continuously with us since that time; and

WHEREAS, among her many accomplishments, Representative Hale served on the Joint Standing Committees on Labor, Transportation, Banking and Insurance and the former Ways and Means and Audit and Program Review, and provided consistent and valued contributions to those committees; and

WHEREAS, Representative Hale was not only a tireless, independent, hardworking and feisty representative of her district, but was also recognized as a representative of all the people of Maine in her dedication and service to the State; and

WHEREAS, Mona Walker Hale was known to all of us for her ready smile and wit, her caring, her fighting spirit and her commitment to the average person and we will greatly miss those precious qualities; and

WHEREAS, Mona Walker Hale died as she lived, in the service of the State and the people of Maine; now, therefore, be it

RESOLVED: That We, the Members of the 117th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to express our sorrow at the passing of Representative Mona Walker Hale of Sanford; and be it further

RESOLVED: That our membership pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of Representative Hale and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the memory of her; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be prepared and presented to her husband, Reginald I. Hale, and to her daughter, Tambre Lee Daney, as expressions of our esteem.

Was read.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative **GWADOSKY**: Mr. Speaker, Ladies and Gentlemen of the House: We pause this morning to remember a member of our extended family, a close friend, admired colleague. As we grieve over Mona's passing we also remember joyfully our many moments with her.

In addition to her many other roles in life, as a daughter, as a mother, as a wife, as a grandmother, a neighbor, as a confidant — Mona Walker Hale was a public servant. She served her community with distinction, integrity and compassion. She served as she lived — with a feisty determination, a sparkle in her eyes and, a commitment to the people in her life. Mona's death deprives her community of Sanford and the entire state of her caring service as an elected official.

As elected officials and members of this great body we sometimes forget that while we deal with one another in a professional capacity on a day-to-day basis that each of us have a personal side. We have families, friends, neighbors and communities of individuals who both represent our life outside this legislature and sometimes decide and define why we serve as a member of this legislature.

Public service takes people away from their families. We all accept that responsibility. We know it comes with the territory. But, that doesn't

always make it any easier when you have to explain to your spouse or your wife or your children or grandchildren that you won't be home tonight or you won't be home tomorrow or you won't be home next week. Mona never hesitated from her commitment to public service. Yet, she was equally determined to find time to spend with her loved ones to somehow compensate for the many long days and nights she spent as a member of this great body.

I had the great opportunity to speak on your behalf about Mona at the funeral services.

The day before I had talked to many of you and asked your recollections and observations and your reflections about Mona. The words you used were typical and not surprising because you used words like "strong-willed," "unbending," "tenacious." Someone said "outspoken" — but I am not sure by whom. You said that she was always willing to help anyone whether it was a member of her constituency or a member of her extended family here in Augusta. She was a fighter, someone who was always looking out for the little guy. She felt her role as a Representative was to look out for and take care of the average person.

She had a personal relationship with her constituency that was unique, I think, for any legislator.

She played a prominent role in politics in the City of Sanford for nearly two decades. She was the first female selectperson elected in that community.

She held a legendary make-shift office at a corner table at Dunkin Donuts on Main Street and people know that either Mona or her husband Regie would be there. It was at that location where she was available, accessible and they argued the great issues of the day in Dunkin Donuts.

I called her former seatmate, a former Representative from Portland, Peter Manning. Peter and Mona used to sit side by side right up here. They spent day after day debating smoking bills. Peter — Mona, as you know, was a strong advocate for smokers rights, Peter felt somewhat different on that issue. Often they would begin that debate with Mona in the smoking room and Peter was nice enough to wait so she could get back here and listen to every single word that he said.

One of the comments that Peter made to me was that she always referred to her constituents as "my people" and she took it personal. Whether the issue was workers' compensation, minimum wage, you could always count on Mona to accurately reflect the views of her constituents. She would stand and say "My people feel that..." "My people believe that..."

She was very proud to be a member of the York County Delegation. That was very important to her. She served with another good friend, Representative Eleanor Murphy, as one of two female members of that delegation. The convention of wisdom of the York County Delegation was that if there was a specific issue being proposed and Mona and/or Eleanor were against it, you were in for a real challenge. But, if Mona and Eleanor were both against it, you were in deep trouble.

I tried to think of a particular bill that I think best represented Mona. If there was one item that I think meant more than anything else to her it was establishing a technical college in York County. I can't begin to imagine how many people she talked to about this. I can't tell you how many times she came into my office or Representative Jacques' office, sat

down — she would often be out of breath. She would grab my arm to make sure I was paying attention. Sometimes for 20 minutes and it was difficult not to pay attention when Mona was talking to you — and she never had an appointment — and she would talk about the changes in York County and the needs of the people in York County and how badly they were in need of a Technical College. She said to me on one occasion, "Before I die we will pass a bill to establish a technical college in York County." Mona got her wish.

She was fun. She liked to have fun. She was a caring person. She cared for people and people cared for her.

Representative Kilkelly reminded me of the incident five years ago — a very unusual time for Mona, she was absent, she was hospitalized, the session was going in late that night and it was being covered live by Maine Public Television. The decorum then was the same as it is now, there were certain things you could and could not get away with. But, during the publication on this side of the House, there began to appear five by seven note cards with letters upon them. One letter said "H," the next letter that was taped to a members desk was an "I" and as the camera faded you could begin to pick up a message that her seatmates had left to Mona (who they knew was watching on television) which said, "Hi, Mona."

She cared about people and they cared about her.

I have said before that serving in the legislature is like having an extended family. We share in the joys, the births of our sons and daughters and grandchildren. We have also shared the sorrow of the loss of many of our members and members of their families.

Not long ago Mona lost her son. It was an ordeal that she struggled with for over two years. She confided in only a few people.

Mona had a big heart but when her son Jesse died, her heart broke. I am not sure it ever really healed.

Each of us, I think, has an expectation that sometime we are going to be called upon to leave this world — but to Mona and to many others losing a son or a daughter somehow seemed to violate life's natural cycle. She received a tremendous amount of support from her daughter Tambre, she was a tremendous source of inspiration during that time.

Representative Hatch was such another good friend of Mona. She told me how often Mona talked about Regie, her husband. How supportive he was during that time but throughout their life.

Representative Hatch also told me that Mona was somebody who always tended to business, that if she felt sick, felt tired, she still came to session, she still rushed back to go to the Council meetings. Nothing epitomized that more, I think, than the convening of session last December. I remember talking to Mona about it for days at a time. Over the weekend, prior to the swearing in date, her attendance was an issue that we discussed privately and at one time on the speaker phone with Representative Mitchell and Representative Jacques. We told her we were concerned about her health. I begged her not to come the day before. She told me that she would consider my thoughts but that she had to leave now to get her hair done just in case.

And, when the roll call was being read and she struggled to her feet to say "present" I had tears in

my eyes — it is a moment I will never forget — for as long as I shall live.

Yesterday would have been Mona's birthday. It was a birth date that she shared with myself and Representative Luther.

People deal with death in many different ways. Some feel frustrated, some are angry, some are confused. If there is a reason, a rationale for Mona's death, I am at a loss to explain it. But, I know that she is with her son Jesse now. For that, I am grateful.

Her death should remind us all of our shared mortality. It should remind us that our life and our time here is temporary. That our time for life is the moment that we are living here today.

Not long ago we lost another member, the former Representative from Winslow, Representative Carter. He was killed tragically leaving an Appropriations meeting on a stormy day.

I remember coming into the Chamber after his funeral late in the afternoon, the Chamber was vacant. There was a television camera crew here that day, they had hoped to get a picture of Don Carter's desk and his name plate as kind of a lasting tribute to part of their story.

I remember talking to the reporter at the time because they were struck with emotion when they came into the empty House, not knowing exactly where it was that Don sat, to find on seat 122 that all the papers were gone, the books were gone but there was but a simple flower appearing on his desk. I told him, as I will tell you, that that is the tradition that we have used as members of the Maine House, it was not for the press, it was not for the public, but rather it was tradition for us. It was an opportunity for us to show our respect for a member we had lost, to be mindful of their commitment to public service and to be mindful of the sacrifices they made for that commitment.

When Don Carter passed away I stood on the floor of the House and offered two quotes that I will offer today. "Memory", said Cicero, "is the treasurer and guardian of all things." "Praising what is lost", said Shakespeare, "is what makes the remembrance so dear." We meet here today in an attempt to treasure and praise one who has been lost to us to somehow make that memory so much more meaningful. As we remember and say good-bye to Mona Walker Hale today each of us can draw from a memory or remembrance that will make her life so much more meaningful for each of us forever.

THE SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Members of the House: Fortunately for all of us this is the kind of day that, in the memory of those of us who have been here a session or few, doesn't occur very often but it does occur. I think it is a testimony to the fact that there are many many days in this chamber when we assume adversarial roles while we are in the Chamber and that as soon as we walk through those doors those roles are dropped and we are friends.

Mona Walker Hale was that kind of person.

Mona began her service the same time I did in 1984. I can share with you that we probably never cosponsored a piece of legislation. Mona and I — are from different parts of the state, different views on many subjects and yet in this Chamber and outside of this Chamber we were friends, not personal

friends, rarely knew each other, knew very little about each other. But, it dawned on me as I watched the expressions on your faces as the Speaker made his comments, some of the words he shared with Mona's family and the rest of us at the services in Sanford — that most of you did not know Mona, in fact many of you saw her only once in a condition that Mona was not at all like Mona. Mona was constantly on the move prior to that day in December.

Mona typified the service that I hope you strive to provide your constituents in this Chamber. There is not a thing that she would not do for her people. That was said over and over again in Sanford.

It has been said by several members in the last few days, that it is sometimes hard to find the impact that you make on the people of Maine as you strive very vigorously to change the laws, to redirect the government to help your people.

Sometimes it is hard but I think Mona approached her work with the vigor and the sensitivity that is a model. I say that as one who probably day after day disagreed with the direction that she wanted to take issues.

It struck me, as it probably struck you, to approach the Chamber and see the flag at half mast, to see the Maine State Flag at half mast. In Sanford, see the flags there in the same position, at half mast. And, to hear the comments of the people in her community about the things she had done there that most of us were unaware of in Augusta.

It is a tragedy in a sense, beyond the personal loss, the loss of a friend, the loss of someone who works with us in committees. A tragedy in a sense that many of you will not have an opportunity to work with Mona, to try to be an opponent of Mona — try, few of us have ever claimed that we were successful in out debating Mona.

Mona's service to this state was outstanding. Mona's service to her people in her district was very much appreciated.

The impact, as is the impact of your work, will be felt over time. Perhaps someday the Technical College in southern Maine will reflect on one of its buildings the contribution that Mona has made.

She was a wonderful person and many of us will miss her.

The SPEAKER PRO TEM: The Chair recognizes the Representative Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: There are few times in this House when you meet and make a true friend. We are all friends, we all like one another, we all work together.

With Mona and I it was a little different. She was a Democrat, I was a Republican. Our lives kind of started in the same way for public service. She was a selectwoman in Sanford, I, the term before her, I guess, was a selectwoman in the town of Berwick. I came to the Legislature in the 111th, Mona came in the 112th. I will never forget the first time I saw Mona, it was at the Senator, she stayed that night when we were up here for the swearing in. The minute I met her I liked her. I really believe she felt the same way.

We did a lot of things together. We cosponsored — Mona sponsored and I cosponsored the York County Technical College in 1988 and we have worked ever since to get it through.

Mona and I never had a disagreement over politics. We didn't agree on things, we might discuss them and drop them, we never had a harsh word

over it. We would go out to dinner and we would sit there like teenage girls for hours just talking with one another. We shared our family secrets, we shared our problems. There are very few people you will meet here that you can do that with. I will personally miss her and I would like to say, not good-bye Mona, someday we will meet.

Subsequently, the Order was passed and sent up for concurrence.

At this point the House members stood in a moment of silence in memory of Representative Mona Walker Hale of Sanford.

At this point Speaker Gwadosky resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative HICHBORN of LaGrange, the following Order: (H.O. 10)

ORDERED, that Representative Richard H. Campbell of Holden be excused February 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Birger T. Johnson of South Portland be excused February 10, 14 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jean Ginn Marvin of Cape Elizabeth be excused February 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Royce W. Perkins of Penobscot be excused February 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Roger M. Pouliot of Lewiston be excused February 13 to 17 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Criminal Justice

Representative TREAT from the Committee on Judiciary on Bill "An Act to Ensure that a Juvenile Conviction for a Serious Crime Is Made a Permanent Part of the Juvenile's Record" (H.P. 362) (L.D. 482) reporting that it be referred to the Committee on Criminal Justice.

Report was read and accepted and the Bill referred to the Committee on Criminal Justice and sent up for concurrence.

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

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

HOUSE ORDER - Relative to amending House Rule 49 (H.O. 7)

- In House, Read on January 24, 1995.

TABLED - February 14, 1995 by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, the House Order (H.O. 7) was tabled unassigned pending passage.

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

SENATE PAPERS

The following Joint Order: (S.P. 231)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 22, 1995, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Expand the Uses of the Economic Opportunity Fund" (EMERGENCY) (S.P. 230) (L.D. 596)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Change the Membership of the Task Force on the Maine School of Visual and Performing Arts" (S.P. 225) (L.D. 585)

Came from the Senate, referred to the Committee on **Education and Cultural Affairs** and Ordered Printed.

Was referred to the Committee on **Education and Cultural Affairs** in concurrence.

Bill "An Act to Facilitate Cooperative Agreements among Hospitals" (S.P. 223) (L.D. 583)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Prohibit Game Wardens from Violating State Laws to Carry Out Their Powers and Duties" (S.P. 229) (L.D. 589)

Came from the Senate, referred to the Committee on **Inland Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Inland Fisheries and Wildlife** in concurrence.

Bill "An Act Concerning the Required Distance between Agency Liquor Stores" (S.P. 227) (L.D. 587)

Came from the Senate, referred to the Committee on **Legal and Veterans Affairs** and Ordered Printed.

Was referred to the Committee on **Legal and Veterans Affairs** in concurrence.

Bill "An Act to Change the Width of the Saco River Corridor and Allow Municipalities to Extend the Corridor Width" (S.P. 228) (L.D. 588)

Came from the Senate, referred to the Committee on **Natural Resources** and Ordered Printed.

Was referred to the Committee on **Natural Resources** in concurrence.

Bill "An Act to Establish a Flat Income Tax Rate for Certain Persons" (S.P. 226) (L.D. 586)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Taxation** in concurrence.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker pro tem.

The House was called to order by the Speaker pro tem.

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 434)

ORDERED, the Senate concurring, that the Joint Standing Committee on Human Resources report out a bill no later than March 15, 1995, to fund a limited transitional drug benefit program for those persons who remain on the Maine Health Program as of March 31, 1995; and be it further

ORDERED, that the bill contain provisions for providing essential medication to those on the program from April 1, 1995, to June 30, 1995.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. The Order itself, I think, is relatively straight forward.

It is the result of discussions many of you have had for the last couple of weeks as we proceed with our eventual enactment of the Supplemental Budget today, in the other body.

Most of you (I believe all of you) are in receipt of a letter from Governor King which he described his interest in a process that has been discussed, once again, by many of you to move ahead with adoption of the Supplemental Budget. A process that involves decoupling the Maine Health Care Program from consideration of the Supplemental Budget, a process that embodied in this particular Order that would allow the Human Resources Committee to put together a bill to fund a limited transitional drug benefit program for those persons who remain on the Maine Health Care Program as of March 31st, 1995 to ensure that those people who may be in a catastrophic or other type of condition who are required and have, by necessity, an obligation and responsibility to maintain themselves on these particular prescriptions will not be denied those and there will be no shortage of coverage.

Finally, in our discussions over the last several weeks and more importantly, the last couple of days, of long going and outstanding interest as to how do we provide health care in this state, a commitment from the Governor, to work with the Human Resources Committee as well as the new commissioner of Human Services, Kevin Concannon, to look at comprehensive alternative methods of expanding our current managed care initiatives in the state, including the development of 1115, a demonstration waiver, if that is ultimately deemed the appropriate way to proceed.

It is with the knowledge that the Human Resources Committee, the members of this body and the Governor of the State of Maine as well as Commissioner of Human Services have committed to work together collaboratively to find an answer that I offer this particular order which, once again, would require the Human Resources Committee to report out a bill no

later than March 15th of this year to fund a limited transitional drug benefit program for those persons to remain on the program as of March 31, 1995.

I urge your support.

Subsequently, was passed and sent up for concurrence.

The following item was taken up out of order by unanimous consent:

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 406)

ORDERED, the Senate concurring, that the Joint Standing Committee on Human Resources report to the Governor of the State of Maine, the President of the State Senate, and the Speaker of the Maine House of Representatives, recommendations for a health insurance program for uninsured Maine Children based on the "Caring for Children Program" currently operating in several states across the nation. The recommendations may include legislation, if necessary; and be it further

ORDERED, that the Joint Standing Committee on Human Resources work with Blue Cross of Maine and the Commissioner of Human Services to design a health insurance program for children that includes a public-private partnership, the formation of a 501(C)(3) foundation to which tax deductible contributions may be made, and a provision that targets all contributions exclusively to health insurance and restricts these contributions from administrative costs; and be it further

ORDERED, that the Joint Standing Committee on Human Resources develop eligibility criteria and medical services that focus primarily on uninsured children in households that do not qualify for Medicaid and are close to the poverty line. At a minimum, these services must include primary and preventative health care; and be it further

ORDERED, that state agencies cooperate with the Joint Standing Committee on Human Resources and provide the Committee with timely information that it requires, including statistical and cost data; and be it further

ORDERED, that the Joint Standing Committee on Human Resources report its findings and recommendations, including any necessary legislation, no later than May 1, 1995.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Approximately two or three weeks ago we began discussions on the issue of health care and how we were to provide it in the State of Maine. There seemed to be a consensus in many areas that we ought to be also not forgetting the many many children who are currently uninsured in the State of Maine. We know that there are many children who come from families who are too poor to afford health insurance coverage but they may not be poor enough to qualify for Medicaid coverage so in fact they are falling between the cracks.

We began to look around the state. We contacted the National Conference of State Legislatures, contacted the Council of State Governments, and we are asking for models that we can take a look at as to finding an effective mechanism that might fit well

for Maine and dovetail with our own efforts in the State of Maine.

We came across a program that was called Caring for Children that currently exists in 25 different areas, not necessarily 25 different states, but in 25 different areas. While these are different in each area, they have proved to be relatively effective in providing primary and preventative care for children of families who are, once again, falling between the cracks.

While each state is a little bit different for the most part, they envision the creation of a foundation that is developed. It is a 510C3 type of foundation which is tax deductible. Most often than not they are administered by Blue Cross Blue Shield. When they are done most effectively, Blue Cross Blue Shield does these at no administrative cost. So, when they are in fact soliciting funds from charitable trusts, foundations, corporations or individuals they can tell people who are donating that 100 percent of the monies will go directly to Caring for Children for health purposes.

The programs themselves are funded by donations from corporations, whether it be civic groups, foundations, grants or individuals — in many states such as Kansas they also have a general fund obligation so it becomes a true public private type of partnership, very unique for a state to find a new way to provide a care that I think we all agree exists in the State of Maine.

A range of benefits in these states are provided from well child physician exams to routine immunizations and there are a variety of different types of services that are provided but they tend to be diagnostic, they are designed to be preventative to assure that children are getting the type of care that they need early on in the process before they develop a serious illness and/or sickness that will become a future drain on the Medicaid system in and of itself.

The average cost of a premium for children has been much less than what you would imagine obviously with adults. It has ranged anywhere from \$212 a year to as high as \$700 in the State of Pennsylvania which has probably the Cadillac of programs. We believe that for \$300 or so per year you will be able to cover more kids and get more coverage than we currently get in some of these existing programs.

Caring programs for Children have been successful in other states because they provide businesses, civic organizations and other individuals with incentives to make a contribution because the contributions are in fact tax deductible. In many states the contributions can be designated to a particular county or regional area so that you can be insured the money goes to an area that is important.

All the donations are going to the cost of providing insurance to children and individuals can contribute and feel that they are having a direct impact on the health care for children.

The purpose of this order is to have the Human Resources Committee take action on this issue. The reason, the rationale that it is not in a bill form is because really and frankly I am less interested in my name or anybody else's name being on this versus getting care that I think we all agree is necessary for children. So, I am willing to take this, offer it as a tool for the Human Resources Committee to look at, to examine.

We have talked to ten or twelve states now, we have information that we would like to provide the Human Resources Committee, allow them the opportunity to take a look at this program, see how it dovetails with other efforts that Commissioner Concannon may have to provide additional coverage for children and families in the State of Maine.

The experiences in the other states have been very promising to start, while some have only been in existence for two to three years, their experience has been as kids become healthier their parents have missed less time at work, the parents then end up getting bumped up higher in their own economic condition at their work place and eventually the kids are off the program in two to three years.

So, we think it is a very exciting new way of looking at providing health care, it is a true public/private type of partnership.

It may not work, frankly. We don't know if it will but I am entrusting the Human Resources Committee to take a look at it to see if it is a model. I am very optimistic about it myself. I hope that you will support it today and it can become part of the mix of items that we have within the Human Resources Committee to provide the type of health care we believe are important to Maine people.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

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

My question is this Order in the proposal that the Human Resources Committee study, is this designed to be an additional program to encompass those children currently not covered under any other program or is it such that the scope could include, where it found, that this idea would actually work to include and or replace some of the existing programs? What I am getting at is is it an addition to the governmental structure that we already have or is this a possible improvement/replacement that will incorporate more children?

The SPEAKER PRO TEM: Representative Robichaud of Caribou has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I have deliberately kept the Order itself as vague as possible to allow as much flexibility of the committee in and of itself to provide whatever option they felt was necessary.

We know currently in the state of Maine that children between the ages of 0 and 1 are covered under Medicaid if their total household income is under 185 percent of the Federal poverty level. Children between the ages of 1 and 5 are covered if their total household income is less than 1/33 percent of the Federal poverty level and between the ages of 6 to 18 they are covered if they make more than 1/25 percent of the Federal poverty level.

So, we are covering some kids now by Medicaid and by options.

This is attempting to pick up those who are falling between the cracks. So, it could be a program that could supplement any efforts that we have that Commissioner Concannon views that might work well in the State of Maine in terms of drawing down additional federal funds or applying federal funds towards. But, it is unique in that it is a public/private partnership aspect of it that would be

somewhat separate from the existing structure in that it does envision creating a separate foundation 510C3 type of foundation that hopefully will be administered by Blue Cross Blue Shield.

We have talked with Blue Cross Blue Shield, they are very excited about working on this mechanism at this point. They certainly can't give us a guarantee that they can provide the administrative costs until they have a chance to see the proposal itself as to how it might work, but the fact that they have been willing to very enthusiastically sit down and talk about it is a good sign (I think) and the direction I think we want to go towards the future.

Subsequently, the Order was passed and sent up for concurrence. Ordered sent forthwith.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

On motion of Representative MURPHY of Berwick, the House adjourned at 1:40 p.m., pursuant to the Joint Order (S.P. 231), in honor and lasting tribute to the memory of Representative Mona Walker Hale of Sanford.