

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
23rd Legislative Day
Tuesday, March 14, 1995

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

Prayer by Pastor Warner A. Howard, North Nobleboro Baptist Church.

National Anthem by the Wiscasset High School Band.

The Journal of Thursday, March 9, 1995 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act to Create a Transitional Pharmacy Benefit Program (EMERGENCY) (H.P. 570) (L.D. 775) which failed of passage to be enacted in the House on March 9, 1995.

Came from the Senate passed to be enacted in non-concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolutions 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

Resolve, Establishing the Commission to Study Procedures for Documentation of Feline Rabies Inoculations (H.P. 624) (L.D. 849) (Presented by Representative BENEDIKT of Brunswick)

Appropriations and Financial Affairs

Bill "An Act to Dedicate the State Lottery Fund for School Funding" (H.P. 606) (L.D. 816) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representative CAMERON of Rumford)

Bill "An Act to Dedicate a Percentage of the Actual Individual Income Taxes from Each Community to Be Returned to the Community for School Funding" (H.P. 613) (L.D. 823) (Presented by Representative SIMONEAU of Thomaston)

Bill "An Act to Improve Legislative Oversight of Lease-purchase Agreements" (H.P. 615) (L.D. 825) (Presented by Representative WINN of Glenburn) (Cosponsored by Representatives: CLARK of Millinocket, MORRISON of Bangor, VIGUE of Winslow, YACKOBITZ of Hermon)

Resolve, to Direct the Department of Administrative and Financial Services to Limit the Administrative Costs of State Agencies to 10% (H.P. 593) (L.D. 803) (Presented by Representative WINN of Glenburn) (Cosponsored by Representatives: CLARK of Millinocket, GERRY of Auburn, JACQUES of Waterville, MORRISON of Bangor, POULIOT of Lewiston, VIGUE of Winslow, YACKOBITZ of Hermon)

Resolve, to Initiate an Outside Audit to Identify Savings and Duplicate or Unnecessary Programs within State Government (EMERGENCY) (H.P. 601) (L.D. 811)

(Presented by Representative REED of Falmouth) (Cosponsored by Representatives: KERR of Old Orchard Beach, SIMONEAU of Thomaston)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund (H.P. 630) (L.D. 855) (Presented by Representative REED of Falmouth) (Cosponsored by Representative: SIMONEAU of Thomaston)

Banking and Insurance

Bill "An Act Concerning the Lapse of Auto Insurance" (H.P. 612) (L.D. 822) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representative AHEARNE of Madawaska and Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, HEINO of Boothbay, KEANE of Old Town, LAYTON of Cherryfield, McALEVEY of Waterboro, O'NEAL of Limestone, WHEELER of Bridgewater, WINN of Glenburn, Senator: FAIRCLOTH of Penobscot)

Business and Economic Development

Bill "An Act to Amend the Laws Related to Optometry" (H.P. 590) (L.D. 800) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: BARTH of Bethel, CLARK of Millinocket, DIPIETRO of South Portland, DONNELLY of Presque Isle, GUERRETTE of Pittston, GWADOSKY of Fairfield, KEANE of Old Town, KONTOS of Windham, MURPHY of Berwick, PLOWMAN of Hampden, VIGUE of Winslow, Senators: BEGLEY of Lincoln, FAIRCLOTH of Penobscot, KIEFFER of Aroostook, LAWRENCE of York, PARADIS of Aroostook, STEVENS of Androscoggin)

Bill "An Act to Protect Natural Gas Customers and the Public through Licensing and Regulation of Natural Gas Technicians" (H.P. 622) (L.D. 832) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: CHASE of China, CLARK of Millinocket, DONNELLY of Presque Isle, MORRISON of Bangor, PENDLETON of Scarborough, SAXL of Bangor, STONE of Bangor, TAYLOR of Cumberland, TYLER of Windham, Senators: CARPENTER of York, CLEVELAND of Androscoggin)

Criminal Justice

Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 591) (L.D. 801) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: LINDAHL of Northport, WHEELER of Bridgewater, Senator: HALL of Piscataquis) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Enhance Criminal Penalties for Hate Crimes" (H.P. 592) (L.D. 802) (Presented by Representative KONTOS of Windham) (Cosponsored by Representative SAXL of Portland and Representatives: ADAMS of Portland, DORE of Auburn, MITCHELL of Vassalboro, MITCHELL of Portland, POVICH of Ellsworth, RICHARDSON of Portland, ROWE of Portland, SAXL of Bangor, TOWNSEND of Portland, TREAT of Gardiner, WATSON of Farmingdale, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BUSTIN of Kennebec, FAIRCLOTH of Penobscot, LAWRENCE of York)

Bill "An Act to Amend the Laws Specifying the Place of Imprisonment" (H.P. 602) (L.D. 812) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and

Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BUNKER of Kossuth Township, CLARK of Millinocket, CLUKEY of Houlton, DESMOND of Mapleton, DONNELLY of Presque Isle, GWADOSKY of Fairfield, JACQUES of Waterville, JOY of Crystal, KNEELAND of Easton, LAYTON of Cherryfield, LINDAHL of Northport, MARTIN of Eagle Lake, McALEVEY of Waterboro, MITCHELL of Vassalboro, MORRISON of Bangor, NASS of Acton, O'NEAL of Limestone, POULIN of Oakland, SIROIS of Caribou, STEDMAN of Hartland, Senators: BENOIT of Franklin, MICHAUD of Penobscot, PARADIS of Aroostook)

Bill "An Act to Amend the Sexual Abuse Laws by Including 18-year-olds Who are Still in School in the Provisions for the Sexual Abuse of Minors" (H.P. 616) (L.D. 826) (Presented by Representative O'NEAL of Limestone) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BUNKER of Kossuth Township, CLARK of Millinocket, DRISCOLL of Calais, KILKELLY of Wiscasset, LAYTON of Cherryfield, LEMAIRE of Lewiston, McALEVEY of Waterboro, MORRISON of Bangor, POIRIER of Saco, ROSEBUSH of East Millinocket, WHEELER of Bridgewater)

Bill "An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital" (EMERGENCY) (H.P. 611) (L.D. 821) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: BOUFFARD of Lewiston, GAMACHE of Lewiston, POULIOT of Lewiston, RICHARDSON of Portland, RICKER of Lewiston, Senators: BERUBE of Androscoggin, CLEVELAND of Androscoggin)

The Committee on Criminal Justice was suggested.

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

Education and Cultural Affairs

Bill "An Act to Require the State Agency Placing a Child in Foster Care to Pay for Special Education for the Child" (H.P. 585) (L.D. 795) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: ADAMS of Portland, CLOUTIER of South Portland, GOOLEY of Farmington, PEAHEY of Woolwich, STEVENS of Orono, WHEELER of Bridgewater)

Bill "An Act to Require That School Buildings Be Renovated Unless New Construction Is More Cost-effective" (H.P. 600) (L.D. 810) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: BAILEY of Township 27, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, FARNUM of South Berwick, GUERRETTE of Pittston, HATCH of Skowhegan, JOYNER of Hollis, KEANE of Old Town, MARSHALL of Eliot, NADEAU of Saco, NASS of Acton, POULIOT of Lewiston, RICE of South Bristol, TAYLOR of Cumberland, UNDERWOOD of Oxford, WINSOR of Norway, Senator: KIEFFER of Aroostook)

Bill "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants" (H.P. 617) (L.D. 827) (Presented by Representative O'NEAL of Limestone) (Cosponsored by Representatives: AHEARNE of Madawaska, BUNKER of Kossuth Township, CLARK of Millinocket, DRISCOLL of Calais, GERRY of Auburn, KILKELLY of Wiscasset, LAYTON of Cherryfield, LEMAIRE of Lewiston, McALEVEY of Waterboro, MORRISON of Bangor, POIRIER of Saco,

ROSEBUSH of East Millinocket, WHEELER of Bridgewater, Senator: PARADIS of Aroostook)

Bill "An Act to Establish Charter Schools" (H.P. 620) (L.D. 830) (Presented by Representative BARTH of Bethel) (Cosponsored by Representatives: MITCHELL of Vassalboro, TRUE of Fryeburg, Senators: AMERO of Cumberland, STEVENS of Androscoggin)

Human Resources

Bill "An Act to Replace Existing Child Support Guidelines" (H.P. 603) (L.D. 813) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: CLARK of Millinocket, O'NEAL of Limestone, TRUMAN of Biddeford, Senator: PARADIS of Aroostook)

Inland Fisheries and Wildlife

Bill "An Act to Require Firearm Hunters to Wear Blaze Orange" (H.P. 586) (L.D. 796) (Presented by Representative CHICK of Lebanon) (Cosponsored by Representatives: CLARK of Millinocket, KEANE of Old Town, MURPHY of Berwick, UNDERWOOD of Oxford) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Bill "An Act to Control the Overpopulation of Coyotes" (H.P. 594) (L.D. 804) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, DRISCOLL of Calais, LOOK of Jonesboro, Senator: CASSIDY of Washington)

Bill "An Act to Clarify the Registration of Snowmobiles by Nonresidents" (H.P. 604) (L.D. 814) (Presented by Representative DONNELLY of Presque Isle)

Resolve, to Encourage the Harvest of Coyotes (H.P. 583) (L.D. 793) (Presented by Representative CHICK of Lebanon) (Cosponsored by Representatives: CLARK of Millinocket, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, MARSHALL of Eliot, PENDLETON of Scarborough, RICE of South Bristol, TUFTS of Stockton Springs, Senator: HALL of Piscataquis)

Judiciary

Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" (H.P. 589) (L.D. 799) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Representatives: BUNKER of Kossuth Township, DONNELLY of Presque Isle, LINDAHL of Northport, PLOWMAN of Hampden, Senator: MICHAUD of Penobscot) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Labor

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System (H.P. 631) (L.D. 856) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Senator BUSTIN of Kennebec)

Legal and Veterans Affairs

Bill "An Act to Limit the Size and Display Period of Campaign Signs" (H.P. 584) (L.D. 794) (Presented by Representative HATCH of Skowhegan)

Bill "An Act to Make Appropriations to Improve Services to Veterans" (H.P. 595) (L.D. 805) (Presented by Representative MAYO of Bath) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, DONNELLY of Presque Isle, HEINO of Boothbay, KNEELAND of Easton, McALEVEY of Waterboro, McELROY of Unity, RICE of South Bristol, SPEAR of Nobleboro, WINSOR of Norway, Senators: CAREY of Kennebec, PARADIS of Aroostook)

Bill "An Act to Better Enable Small Businesses to Keep On-line Lottery Machines" (H.P. 598) (L.D. 808) (Presented by Representative POULIN of Oakland) (Cosponsored by Representatives: DEXTER of Kingfield, GOULD of Greenville, JACQUES of Waterville, MURPHY of Berwick, NADEAU of Saco, TRUE of Fryeburg, TRUMAN of Biddeford, Senators: CAREY of Kennebec, MICHAUD of Penobscot, STEVENS of Androscoggin)

Bill "An Act to Strengthen Maine's Live Harness Racing Industry" (EMERGENCY) (H.P. 619) (L.D. 829) (Presented by Representative REED of Falmouth) (Cosponsored by Representatives: AULT of Wayne, BUCK of Yarmouth, CHICK of Lebanon, CROSS of Dover-Foxcroft, DEXTER of Kingfield, JOYCE of Biddeford, MURPHY of Berwick, POULIOT of Lewiston, SAVAGE of Union, SPEAR of Nobleboro, UNDERWOOD of Oxford, WINSOR of Norway, Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset, FERGUSON of Oxford, HARRIMAN of Cumberland, LORD of York, MICHAUD of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin)

Marine Resources

Bill "An Act to Limit the Size of Drag Nets Used in South Bay in Eastport" (H.P. 605) (L.D. 815) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representative: BUNKER of Kossuth Township)

Bill "An Act to Regulate the Use of Gill Nets in the Coastal Waters of the State" (H.P. 625) (L.D. 850) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: ADAMS of Portland, BENEDIKT of Brunswick, DAVIDSON of Brunswick, SAXL of Portland)

Natural Resources

Bill "An Act to Establish a System of Recycling Credits for Processed Wood Products" (H.P. 607) (L.D. 817) (Presented by Representative RICE of South Bristol) (Cosponsored by Representatives: HEINO of Boothbay, JOYNER of Hollis, LAYTON of Cherryfield, LINDAHL of Northport, LOOK of Jonesboro, MARSHALL of Eliot, MAYO of Bath, SAVAGE of Union, SPEAR of Nobleboro, STEDMAN of Hartland, TUFTS of Stockton Springs)

Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone" (H.P. 609) (L.D. 819) (Presented by Representative BUNKER of Kossuth Township) (By Request) (Cosponsored by Representative: GOULD of Greenville)

Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control" (EMERGENCY) (H.P. 614) (L.D. 824) (Presented by Representative BUCK of Yarmouth) (Cosponsored by Representatives: GUERRETTE of Pittston, UNDERWOOD of Oxford)

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Agency Rulemaking (H.P. 588) (L.D. 798) (Presented by Representative MARTIN of Eagle Lake)

Taxation

Bill "An Act to Eliminate the Sales Tax Exemption for Certain Property Purchased by Out-of-State Purchasers" (H.P. 596) (L.D. 806) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: ETNIER of Harpswell, JOHNSON of South Portland, JONES of Bar Harbor, McALEVEY of Waterboro, RICHARDSON of Portland, TRIPP of Topsham)

Bill "An Act to Expand the Definition of "Taxable Services"" (H.P. 597) (L.D. 807) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: BERRY of Livermore, GREEN of Monmouth, JOHNSON of South Portland, LEMAIRE of Lewiston, RICHARDSON of Portland, TRIPP of Topsham)

Bill "An Act Regarding the Payment of Excise Taxes on Leased Motor Vehicles Registered in One Municipality and Garaged in Another Municipality" (H.P. 599) (L.D. 809) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: BUNKER of Kossuth Township, CAMPBELL of Holden, CHICK of Lebanon, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DRISCOLL of Calais, FARNUM of South Berwick, HARTNETT of Freeport, MADORE of Augusta, ROBICHAUD of Caribou, STROUT of Corinth, YACKOBITZ of Hermon, Senators: FAIRCLOTH of Penobscot, STEVENS of Androscoggin)

Bill "An Act to Require Review by the Attorney General of Purchases of Large Tracts of Land under the Maine Tree Growth Tax Law" (H.P. 610) (L.D. 820) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representative JACQUES of Waterville and Representatives: CLARK of Millinocket, DEXTER of Kingfield, GOULD of Greenville, TREAT of Gardiner, Senators: HALL of Piscataquis, LAWRENCE of York, LONGLEY of Waldo, LORD of York, MICHAUD of Penobscot, PARADIS of Aroostook, RUHLIN of Penobscot)

Bill "An Act to Establish Individual Medical Savings Accounts" (H.P. 621) (L.D. 831) (Presented by Representative BARTH of Bethel) (Cosponsored by Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, GUERRETTE of Pittston, LANE of Enfield, LUMBRA of Bangor, ROBICHAUD of Caribou, UNDERWOOD of Oxford, VIGUE of Winslow, Senators: ABROMSON of Cumberland, BUTLAND of Cumberland, PARADIS of Aroostook, SMALL of Sagadahoc)

Bill "An Act to Conform the Maine Tax Laws for 1994 with the United States Internal Revenue Code" (EMERGENCY) (H.P. 626) (L.D. 851) (Presented by Representative DORE of Auburn) (Cosponsored by Senators: FERGUSON of Oxford, HATHAWAY of York) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.)

Bill "An Act to Create the Position of Problems Resolution Officer in the Bureau of Taxation" (H.P. 627) (L.D. 852) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Representatives: DESMOND of Mapleton, DORE of Auburn, GATES of Rockport, GREEN of Monmouth, JACQUES of Waterville, KEANE of Old Town, LEMKE of Westbrook, MERES of Norridgewock, MITCHELL of Vassalboro, MITCHELL of Portland, REED of Falmouth, RICHARDSON of Portland, ROSEBUSH of East Millinocket, SHIAH of Bowdoinham,

SIMONEAU of Thomaston, SPEAR of Nobleboro, TREAT of Gardiner, TRIPP of Topsham, TRUMAN of Biddeford, TUTTLE of Sanford, Senators: BERUBE of Androscoggin, HARRIMAN of Cumberland, LONGLEY of Waldo, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland)

Transportation

Bill "An Act to Provide Recipients of the Purple Heart Medal with a Special Motor Vehicle Registration Plate" (H.P. 587) (L.D. 797) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: CLARK of Millinocket, DEXTER of Kingfield, DiPIETRO of South Portland, FITZPATRICK of Durham, GAMACHE of Lewiston, GWADOSKY of Fairfield, HATCH of Skowhegan, JACQUES of Waterville, JONES of Bar Harbor, LAYTON of Cherryfield, LEMKE of Westbrook, MERES of Norridgewock, MITCHELL of Vassalboro, MORRISON of Bangor, NICKERSON of Turner, POULIN of Oakland, SAXL of Bangor, SAXL of Portland, WINGLASS of Auburn, Senators: HALL of Piscataquis, LORD of York, RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Require One License Plate for a Motor Vehicle" (H.P. 623) (L.D. 833) (Presented by Representative O'NEAL of Limestone) (By Request) (Cosponsored by Representatives: AHEARNE of Madawaska, BRENNAN of Portland, KNEELAND of Easton, LAYTON of Cherryfield, WHEELER of Bridgewater, Senator: PARADIS of Aroostook)

Resolve, Directing the Maine Turnpike Authority to Establish a Formula to Reimburse Municipalities for the Costs of Municipal Services Provided (H.P. 608) (L.D. 818) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: ADAMS of Portland, BOUFFARD of Lewiston, BRENNAN of Portland, CLOUTIER of South Portland, DiPIETRO of South Portland, DORE of Auburn, GAMACHE of Lewiston, GIERINGER of Portland, JOHNSON of South Portland, JONES of Bar Harbor, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, MITCHELL of Portland, PENDLETON of Scarborough, POIRIER of Saco, POULIOT of Lewiston, RICHARDSON of Portland, ROWE of Portland, SAXL of Portland, TOWNSEND of Portland, TRUMAN of Biddeford, Senators: ABROMSON of Cumberland, CLEVELAND of Androscoggin, ESTY of Cumberland, HATHAWAY of York, LAWRENCE of York)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Dedication of a Portion of Vehicle Registration Fees to the Motor Vehicle Inspections Program (H.P. 628) (L.D. 853) (Presented by Representative TOWNSEND of Portland)

The Committee on Transportation was suggested.

On motion of Representative O'GARA of Westbrook, the Resolution was tabled pending reference and later today assigned.

Utilities and Energy

Bill "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications" (H.P. 618) (L.D. 828) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, CHARTRAND of Rockland, CHASE of China, DAGGETT of Augusta, DAVIDSON of Brunswick, GATES of Rockport, GERRY of Auburn, GREEN of Monmouth, GREENLAW of Standish, HARTNETT of Freeport, HATCH of Skowhegan, JOSEPH of Waterville, KILKELLY of Wiscasset, KONTOS of Windham, LaFOUNTAIN

of Biddeford, MADORE of Augusta, MARTIN of Eagle Lake, MAYO of Bath, MITCHELL of Vassalboro, PERKINS of Penobscot, ROWE of Portland, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TOWNSEND of Portland, VOLENIK of Sedgwick, WATSON of Farmingdale, Senators: CAREY of Kennebec, CARPENTER of York, ESTY of Cumberland, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, HATHAWAY of York, LAWRENCE of York, McCORMICK of Kennebec, O'DEA of Penobscot, PARADIS of Aroostook)

Bill "An Act to Amend the Charter of the Searsport Water District" (EMERGENCY) (H.P. 629) (L.D. 854) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator: LONGLEY of Waldo)

ORDERS

On motion of Representative HICHBORN of LaGrange, the following Order: (H.O. 14)

ORDERED, that Representative Gail M. Chase of China be excused March 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative William Guerrette of Pittston be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles H. Heino of Boothbay be excused March 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney W. McElroy of Unity be excused March 14 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

the Wiscasset High School Redskins, who are the Western Class C Boys Basketball Champions: Jesse Cheney, Nate Faulkingham, Toby Stockford, Casey Paton, Adam Newcomb, Jeremy Rankin, Torey Carr, Justin Tancredi, Robert Beal, Eric Bleile and Corrie Johnson, and their managers Jon Greenleaf, Jessica Moody, Erin Bagley and Alicia Barnes, and Assistant Coach Bill Carr and Coach Warren Cossette. We extend our congratulations and best wishes; (HLS 157) by Representative KILKELLY of Wiscasset. (Cosponsors: Senator BEGLEY of Lincoln, Representative PEAVEY of Woolwich, Representative HEINO of Boothbay)

On objection of Representative KILKELLY of Wiscasset, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It is my very great honor and pleasure today to be able to present this sentiment to the boys varsity basketball team from Wiscasset. It is also an added benefit to be able to have the band here as well. Since they were playing this morning and then did the National Anthem I have gotten a number of notes and comments about what a great band it is. And, it really is. We are very pleased, we are very proud of the band and very proud of the team.

One of the things that has been important to me and, in watching the team over the season is that they certainly play to win and they did that, 21

wins/1 loss. But, more importantly, they really did play as a team and they set a great example for the younger folks of Wiscasset as well as some of us who are not so young any more.

One of the things that they may not know but I understand clearly just how hard they have been pushed and just what a taskmaster their coach is because for the last six years he has served as my campaign manager. So, they have my sympathy in terms of how difficult it must have been to have the whip cracked by Warren Cossette.

One of the other fascinating parts about this story is that this is Warren's rookie year as a coach and it has been a great team, they did a great job and I am really pleased that they could be here, pleased that the band could be here and now you know why I am so proud of Wiscasset and glad to not only represent them here but be third selectman.

Subsequently, was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass Pursuant Public Law

Representative DORE for the Committee on Taxation on Bill "An Act to Postpone the Date by Which Withdrawal from the Tree Growth Tax Laws Must Occur" (EMERGENCY) (H.P. 632) (L.D. 857) reporting "Ought to Pass" Pursuant to Public Law 1993, chapter 576, section 2.

Report was read and accepted. The bill read once and assigned for second reading Tuesday, March 21, 1995.

Divided Report

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-20) on Bill "An Act to Amend the Law Regarding the Administrative Suspension of a Driver's License for Operating under the Influence" (H.P. 189) (L.D. 248)

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis

Representatives:

O'DEA of Penobscot
CLARK of Millinocket
BUNKER of Kossuth Township
GOOLEY of Farmington
JOHNSON of South Portland
McALEVEY of Waterboro
PEAVEY of Woolwich
THOMPSON of Naples

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives:

CLUKEY of Houlton
WATERHOUSE of Bridgton
WHEELER of Bridgewater

Was read.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought Not to Pass" on Bill "An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls" (H.P. 293) (L.D. 397)

Signed:

Senators:

STEVENS of Androscoggin
FERGUSON of Oxford
MICHAUD of Penobscot
TRUMAN of Biddeford
FISHER of Brewer
LEMONT of Kittery
CHIZMAR of Lisbon
LABRECQUE of Gorham
NADEAU of Saco
GAMACHE of Lewiston
MURPHY of Berwick

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representatives:

TRUE of Fryeburg
BUCK of Yarmouth

Was read.

Representative NADEAU of Saco moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 32) (L.D. 26) Bill "An Act to Increase the Pay of Trustees of the Kingfield Water District" Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25)

(H.P. 47) (L.D. 41) Bill "An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 21, 1995 under the listing of Second Day.

(H.P. 270) (L.D. 372) Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (EMERGENCY) Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24)

On motion of Representative JACQUES of Waterville, the Bill was removed from the First Day Consent Calendar.

The Report was read and accepted. The Bill read once. Committee Amendment "A" (H-24) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, March 21, 1995.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 20) (L.D. 51) Bill "An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants"

(S.P. 115) (L.D. 290) Bill "An Act Concerning the Degree-granting Authority of Beal Business School"

(H.P. 119) (L.D. 154) Bill "An Act to Make Supplemental Allocations from the Highway Fund for

the Fiscal Year Ending June 30, 1995" (EMERGENCY) (Governor's Bill)

(H.P. 247) (L.D. 349) Bill "An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections"

(H.P. 22) (L.D. 16) Bill "An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax" (C. "A" H-16)

(H.P. 29) (L.D. 23) Bill "An Act to Remove the Debt Limit on the West Paris Water District" (C. "A" H-17)

(H.P. 44) (L.D. 38) Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk by Expanding Its Territorial Limits" (EMERGENCY) (C. "A" H-18)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING As Amended

Bill "An Act to Reinstate Funding for the Saco River Corridor Commission" (H.P. 125) (L.D. 173) (C. "A" H-13)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

ENACTORS Emergency Measure

An Act Regarding the Functioning of the Department of Mental Health and Mental Retardation and Several Professional Regulatory Boards (H.P. 483) (L.D. 664)

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

On motion of Representative FITZPATRICK of Durham, the Bill and all accompanying papers were committed to the Committee on Human Resources in non-concurrence and sent up for concurrence.

An Act to Restore Funding to the Department of Conservation that was Deappropriated Due to Loon Plate Revenue (S.P. 120) (L.D. 295)

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

Representative JACQUES of Waterville 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 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. 13

YE - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, The Speaker.

NAY - Cross, Joy.

ABSENT - Guerrette, Kilkelly, Kontos, Mayo, McElroy, Ott, Simoneau, Stevens, True, Volenik, Winn, Winsor, Yackobitz.

Yes, 135; No, 2; Absent, 13; Paired, 0; Excused, 0; Vacant, 1.

135 having voted in the affirmative and 2 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 9, 1995 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-12) - Committee on State and Local Government on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 111) (L.D. 146) TABLED - March 9, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative JACQUES of Waterville, tabled until later in today's session, pending the motion of Representative DAGGETT of Augusta, to accept the Majority "Ought Not to Pass" Report.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-15) - Minority (5) "Ought Not to Pass" - Committee on Human Resources on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373)

TABLED - March 9, 1995 (Till Later Today) by Representative FITZPATRICK of Durham.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative JACQUES of Waterville, tabled until later in today's session, pending the motion of Representative FITZPATRICK of Durham, to accept the Majority **"Ought to Pass"** as amended Report.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

Expression of Legislative Sentiment recognizing Peter Miesburger (HLS 137)

TABLED - March 7, 1995 by Representative ROBICHAUD of Caribou.

PENDING - Passage.

On motion of Representative ROBICHAUD of Caribou, tabled pending passage and specially assigned for Thursday, March 23, 1995.

Expression of Legislative Sentiment recognizing Aroostook River Camping and Recreation (HLS 138)

TABLED - March 7, 1995 by Representative ROBICHAUD of Caribou.

PENDING - Passage.

On motion of Representative ROBICHAUD of Caribou, tabled pending passage and specially assigned for Thursday, March 23, 1995.

Expression of Legislative Sentiment recognizing John McCormack (HLS 139)

TABLED - March 7, 1995 by Representative ROBICHAUD of Caribou.

PENDING - Passage.

On motion of Representative ROBICHAUD of Caribou, tabled pending passage and specially assigned for Thursday, March 23, 1995.

SENATE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (4) **"Ought to Pass"** as amended by Committee Amendment "A" (S-17) - Committee on **State and Local Government** on Bill "An Act to Make the Term of Certain Commissioners Coterminous with the Term of the Governor" (S.P. 61) (L.D. 90)

TABLED - March 9, 1995 by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority **"Ought Not to Pass"** Report.

On motion of Representative JACQUES of Waterville, tabled until later in today's session, pending the motion of Representative DAGGETT of Augusta to accept the Majority **"Ought Not to Pass"** Report.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-21) on Resolve, to Change the Nature of the Commission to Study the Feasibility of a Capital Cultural Center and Its Powers (EMERGENCY) (H.P. 154) (L.D. 202)

Signed:

Senators: SMALL of Sagadahoc
ESTY of Cumberland
ABROMSON of Cumberland

Representatives: AULT of Wayne

BARTH of Bethel
DESMOND of Mapleton
STEVENS of Orono
CLOUTIER of South Portland
MARTIN of Eagle Lake
McELROY of Unity
BRENNAN of Portland

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Resolve.

Signed:

Representatives: LIBBY of Buxton
WINN of Glenburn

Was read.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on Resolve, Creating the New England Regional Commission on Fiscal and Public Policy (H.P. 216) (L.D. 275)

Signed:

Senators: LONGLEY of Waldo
AMERO of Cumberland
CARPENTER of York
Representatives: ROBICHAUD of Caribou
DAGGETT of Augusta
AHEARNE of Madawaska
GERRY of Auburn
LANE of Enfield
SAVAGE of Union

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-23) on same Resolve.

Signed:

Representatives: LEMKE of Westbrook
ROSEBUSH of East Millinocket
YACKOBITZ of Hermon
SAXL of Bangor

Was read.

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

ORDERS

On motion of Representative WHITCOMB of Waldo, the following Joint Resolution: (H.P. 633) (Cosponsored by Representative TUFTS of Stockton Springs, Senator: LONGLEY of Waldo)

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY

OF THE INCORPORATION OF THE TOWN OF WALDO

WHEREAS, Waldo is a charming and historic small town located near the center of Waldo County; and

WHEREAS, the first clearing for the Town of Waldo was made in 1798, its first family came to settle in 1811 and it was organized as a plantation in 1821; and

WHEREAS, it was 150 years ago, in 1845, that Waldo was incorporated as a town, taking its name from the family of whose estate it was once a part; and

WHEREAS, Waldo best exemplifies the small-town virtues and ideals of the State of Maine and America; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature of the State of Maine,

now assembled in the First Regular Session, take this occasion to recognize the sesquicentennial anniversary of the Town of Waldo and to extend our congratulations and warmest wishes; 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 this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 308)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 21, 1995, at 9:30 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

By unanimous consent, the Joint Resolution (H.P. 633) having been acted upon, was ordered sent forthwith.

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

House Divided Report - Committee on Legal and Veterans Affairs - (11) Members "Ought Not to Pass" - (2) Members "Ought to Pass" on Bill "An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls" (H.P. 293) (L.D. 397) which was tabled by Representative NADEAU of Saco pending his motion to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

An Act to Create a Transitional Pharmacy Benefit Program (EMERGENCY) (H.P. 570) (L.D. 775) which was tabled by Representative JACQUES of Waterville pending further consideration.

-failed of passage to be enacted in the House on March 9, 1995.

-came from the Senate passed to be enacted in non-concurrence which was tabled earlier in the day and later today assigned.

Representative FITZPATRICK of Durham moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: What I would like to speak to is my motion in regard to L.D. 775.

What I would like to do is talk a bit about what this bill does and what this bill doesn't do. My understanding there is some confusing information that has been available to the body. As I spoke to you, the last time we met, this drug bill is designed to fit available monies. There was \$200,000 available, so this bill was designed to fit that amount. It is designed — and this is a key point — to be extended to life-saving drugs, life-sustaining drugs.

These are drugs that are intended to treat chronic conditions, to treat a population in the vicinity of 2,500 people who are currently served by the Maine Health Program, the majority of whom are working, who work in (as I explained before) blue collar jobs, as

bus drivers, sales people, working in retail stores, store clerks, working as CNA's in nursing homes. This information has been very available through runs through DHS. 63 percent of the people who are currently covered under this Maine Health Program are people who are working.

So, again, what this Act to Create a Transitional Pharmacy Benefit Program does is simply provide life-sustaining drugs to a fixed number of people who are currently covered by the Maine Health Program through the end of this fiscal year. It is essentially a three month program. It really provides them a bridge so they can make other arrangements in regard to their medication.

Now, the reality is that pharmacies don't give away medication. We can't afford to shift this during this three month period (the pharmacies) because frankly, again, they don't give away medication.

Secondly, General Assistance is not a resource. We can't shift this cost on to the towns because we agreed, again, no gimmicks — and, we don't want to shift these expenses on to our municipalities.

Third, there has been some information passed around by the Pfizer Company that talks about a free drug program.

I can tell you in my other life I spend a fair amount of time trying to find free drugs for people in programs run by pharmaceutical firms. I can tell you and insure you that these drugs virtually don't exist. Pharmaceutical companies don't give away free drugs to people. In fact, the drugs listed on the letter from the pharmaceutical firm, Pfizer, are not life-sustaining drugs anyway and wouldn't be covered by the Maine Health Program. So, what I am suggesting to you is that there is some misinformation being provided to the body.

I think that is unfortunate because what we are talking about is a very simple program, a very common sense program to provide a small benefit, a time limited benefit, to Maine citizens who are working for a living by and large, who simply need a bridge until they can make other arrangements.

For these very simple reasons, I ask you to support L.D. 775.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Johnson.

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I plan to support L.D. 775. One of my constituents is a state employee and he has insurance for himself. Under the Maine Health Insurance which will be for a little while, his wife is covered. If we take this away — and it is going to be taken away, she will not be able to receive her very life-supporting medication. It is a real hardship. This is a working family, though the recipient herself is not working, she is a housewife.

I will support this in the names of those persons who in a sense do have some insurance from with whom they are working but cannot afford to spread that insurance further into their family.

I am going to support L.D. 775.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you would expect that anybody who has been on Earth for three score years and fourteen wouldn't be surprised or disappointed or amazed at anything. But, I was not

only surprised and amazed and disappointed by our action here last week, and I want to say that I have three "C's" in mind. The first one is the word "compassion," "consistency," and plain "common sense."

I don't know how many members here in this body are aware of the fact that many of us are covered. I understand the majority of us are covered by a state health plan for which our constituents, the taxpayers back home, are paying to the tune of \$240 a month which brings the cost for the insurance which is being paid for by those of us who aren't covered by that insurance to \$5,774.40 for the two year term that we are going to be here. What amazes me is how any of us can hold out our hand and take that \$5774.40 free-be, paid for by the taxpayers, and at the same time put out the hand and say I am going to vote that 2700 people aren't going to be eligible to receive a life-saving prescription.

I would expect that the fellow who is waiting for us at the pearly gates isn't going to ask whether we are Democrat or Republican because politics shouldn't enter into this issue. It is not a partisan issue. It is a human being issue. I would expect that they might say, when we get there, (if we do) did you treat your fellow man as well as you yourself was treated? I think if we ask that question of ourselves today, perhaps we will think twice before we vote.

I hope that we will vote in support of the motion that is before this body.

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

Representative WINGLASS: Mr. Speaker, Members of the House: Today I stand with those who oppose enactment of this limited pharmaceutical program. This position was reached only after careful listening and consideration of the information that was presented to the Human Resources Committee on which I serve. I listened attentively to those who appeared before us and frankly I listened to the comments and observations that were advanced by my committee associates on both sides of the aisle. I value their views and I frankly applied what I thought to be a careful assessment to what I heard. Since I do hold out a great deal of admiration and respect for my colleagues I took what they had to say seriously. I think to do anything but that would have been wrong on my part.

I understand that the work of our committee is about people. It is about helping people fulfill their aspirations and allow them to overcome the obstacles which they confront. But, like everybody else in this body, our Committee's task is to accomplish the objective without wasting tax dollars. Dollars which are in terribly short supply. I get a sense for that every single day we deliberate in the Human Resources Committee. There is program after program after program which cries out for additional funding, for adequate funding. When making that comparison, therefore, this proposed legislation in my judgment doesn't pass the muster. Uncertainty surrounds who will be served. We have learned there are about 2400 people who are currently considered eligible for the benefits of the so called Maine Health Program. But, are they? If this is truly a program for the working poor I believe that most of the beneficiaries would be on the job. The survey samples that we have done have revealed something else. As many as perhaps 50 percent of the people or as few as 30 percent are currently not

employed as suggested by the samples that were provided to us.

You know, if you look at those 244 adults, remember that the Maine Health Program as we know it today doesn't provide any support to children, they are covered by Medicaid.

If we take and believe in the numbers in the sample we have reduced the inventory to about 1200 people and then, as a matter of fact, we are told that about 1200 people currently on the program receive medicinals. If in fact half of them are not working I am not sure of their eligibility.

There is \$200,000 set aside for the program which seems like a poultry amount until you talk to some of the other agencies that come before us with their requirements, \$200,000 then seems like an awful lot of money.

We, by the way, were told and most of you know this by this time, that the price tag on this program really is \$259,000. Our Chairman, Mike Fitzpatrick, has provided us with some additional information here this morning and perhaps what he has to say is something we should take under advisement and think about. I think the comparison of the two numbers suggests that there is some (perhaps) uncertainty surrounding these things.

I could go on and on but I am not going to. Instead, I am going to simply say once again that I do not support this particular piece of legislation in its current form and I think that quite frankly we should all wait and give our director of Human Services, the newly appointed Commissioner, the opportunity to come forward with a solution to the problem that plagues not only 24, 12 or 600 people, but a number that goes well beyond that. I think we will see such a proposal forthcoming in the months ahead and I think that will deserve our full and complete attention and hopefully our support.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: There has been a lot of talk about the cost of this program. \$200,000 is what we are planning to spend and that really comes down to about \$80 per family. \$80 per family to provide life-sustaining drugs, these are of critical importance.

What is not being discussed is if we do not provide this \$200,000 for these families, the cost do not go away. In fact, they increase. People who need life-sustaining drugs and do not have access to them, their health problems worsen and their costs increase. They end up in the Emergency Room and we pay for them in a more expensive and less sufficient way.

Representative Winglass mentioned that the children are no longer on this plan, children do have Medicaid coverage, however, children require healthy parents to take care of them and this is providing for parents who have severe medical need. It is in the best interest of all Maine families to keep our Maine families in tact and healthy.

I urge your support of this program.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I would like to respond to my good friend from Auburn. Clearly this is not a perfect bill. This is something the Human Resources

Committee agonized over and we don't consider this to be a health reform bill or a new Maine health program or anything we are going to stand up and clap about. What we say, again, is this bill being a very common sense approach for some people who are Maine citizens, at least 63 percent of them who are working for a living, get up every morning and go to work — all of whom appear to have families who are in a bind.

We are ending the Maine Health Program. Common sense solution is to give them a bridge for three months for them to find other solutions to finding medications that they need from chronic conditions.

This is what we agonized with, this is what we came up with.

Again, the Pfizer company and other pharmaceutical companies are not going to give these folks drugs, medication. General Assistance isn't a resource. You can't shift this on to Maine Pharmacies, we do that enough. I think it is time for us to look ourselves in the mirror, take a common sense approach and simply to fund this program for the next three months.

Representative MITCHELL of Vassalboro 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 Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Ladies and Gentlemen of the House: I stand to oppose L.D. 775. I would like to share with you two segments taken from an article that appear in the Saturday edition of the Portland Press Herald. Both have to deal with the Governor's reaction to the defeat last Thursday of this legislation. "After explaining the Governor's failure to get the two-thirds vote needed for passage in this body" the article goes on to say, "the defeat has taught him to take no one for granted in the legislature where he failed to court Republicans early on." Then a quote, "They felt a little taken for granted and we won't make that mistake again."

Later in the article the Governor goes on to say, "We have learned in this process who we can count on in both parties. The Republicans who voted against me on this will want me to do things for them in the future."

I would like the Governor and this body to know that I didn't vote against this issue because the Governor failed to court me, and, furthermore I will not base my decisions on threats or misinformation from the Governor or his staff. I voted against this legislation and will do so again because it was ill-conceived and unnecessary.

If this program was so important to the Governor then why wasn't it a part of the Supplemental Budget? The reason why, is until it became a bargaining tool with the other body, it is my opinion that the Governor felt the same as I do.

I have, and will continue to, to base my votes on what is best for my constituents and the people of Maine. I will not base my votes on deals made behind closed doors. I hope the Governor will base his

support for legislation on its own merits and not by who proposed it or by which party that person belongs.

I ask all of you to vote no on this motion.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to share with you my feelings of the prescription drug bill. Here is a program that the voters of our state have been promised would end by March 31st. This bill is being kept alive today only because of some deals that have been cut.

What really bothers me is how we have deceived the public on this piece of legislation. We allowed a public hearing and we went through the motions of allowing public input when in fact the decision has been predetermined. We all forgot then about the recipients that were left on this program. You know, we left them dangling in mid air while deals were continued to be made.

I ask each of you, is it any wonder that the people of Maine have lost faith in their government and in their elected officials? I came to Augusta in order to restore the public trust. I voted against this measure because I felt the facts had been misrepresented and that this legislation was discriminating to the largest segment of the needy people in our state.

Consequently I have decided to rise above the back-room politics and I will continue to go with my conviction. I will vote no on this discriminating piece of legislation.

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

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

My question is for Representative Underwood. I heard him say that the program is unnecessary. I would like to ask him to expand on his comment and explain why the program is unnecessary.

The SPEAKER: Representative Townsend of Portland has posed a question through the Chair to Representative Underwood of Oxford, who may respond if he so desires.

The Chair recognizes that Representative.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I feel that this program is unnecessary because there are other alternatives for these people to get prescriptions.

I received a letter, which I unfortunately don't have with me today, which deals with an alternative for people to get life-sustaining drugs.

The way I look at this program and the reason I feel it is unnecessary is we promised the taxpayers that we were going to abolish this program as of the end of the month. To continue it until June, I feel is not necessary at this time.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would be very interested in receiving a copy of that same letter. If there is an alternative out there I think we would all be very interested to know exactly what it is.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Joyner.

Representative JOYNER: Mr. Speaker, Ladies and Gentlemen of the House: A lot of you have been receiving information from the Pfizer Pharmaceutical

Company concerning low-income families and programs they have established. Based on this, I contacted the company and talked with a few individuals about this program and exactly what does it do. They sent me a fax this morning. I will just read you a line from this. "This program is available to low-income patients who are not insured for pharmaceuticals. This program covers all Pfizer products, which is approximately 33 total drugs."

I then asked is this program just in this company or is this something that most drug companies do? They stated almost all research based pharmaceutical companies offer similar programs. So this is where I am basing my information, on that. Their limits on this program are a single individual, working individual, with income less than \$12,000 or an individual family earning less than \$15,000 are able to get on this program.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Just quickly in regard to the Pfizer letter and to respond to my good friend from Hollis — I don't know how to simply put this, I can put this a third time. Talk to anyone who works with low-income people, anyone who works with folks with mental illness. Researched based drug companies all offer, because of a deal they cut with Congress a number of years ago, free medications but by and large what you will find is this is fantasy. These medications are not available. If you are voting against this motion because you have some sense that Pfizer Pharmaceutical or other pharmaceutical companies are going to give free medications to these people you are wrong — this is fantasy.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to L.D. 775. I am in opposition for several reasons and I will list some facts. In my opinion this program is a discriminatory program, it will provide life-sustaining medications for only a little over 1,000 people in the whole State of Maine.

I believe there are many more working poor in our state. Passage of this bill will lull us into a false utopia for the next 90 days, that we have helped the working poor.

If we vote against this bill it will put our feet to the fire to come up with a program, a real solution, that will truly help all of our working poor and most of all encourage and assist welfare recipients off welfare and into the workplace, encouraging and enabling them to have a better life style and a higher self esteem.

Another fact is that this \$200,000 is not a surplus. From July 1994 to December of 1994 there was over \$5 million in charges on this health program. Yet, there were about only \$1.5 million in payments.

I ask you where the surplus is?

I am confident that if I asked health care providers if they felt that this was extra money that they would feel quite differently, that this was not a surplus. I have always been taught that a surplus is after you have paid all of your bills and you have money left over. That is a surplus.

I am confident that while we are working on a new plan, nobody that is currently on the Maine Health Program will go without life-sustaining prescriptions.

There are several options for them. One I think is quite obvious, they have until March 31st to get a 90 day prescription from their physician. Which is what we are all saying that we want them to do.

Another thing is that I did call the 1-800 number from Pfizer and I received the same information as Representative Joyner. I would ask how many people did call that 1-800 number and talk with these pharmaceutical companies offering free medications?

I strongly urge you to consider a few of these facts and vote against L.D. 775, therefore forcing us to design a program helping more than approximately 1,000 people. We need a real solution, not a 90 day band aid.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would really like to believe that these pharmaceutical companies would help these people. But, out there in the real world — there are some of us who maybe have been here too long and have got to know our constituents, have gone to some of their homes. I had a constituent this summer, in fact, I have known this gentleman for many many years, he and his wife. Their daughter and my daughter have been friends since kindergarten. He is 80 some years old, the man has worked all his life, brought up five children, educated them, never asked the town or the state for anything. Now he has got bone cancer. He and his wife are on Social Security, they earn \$12,000. Our cut-off is \$11,800 for drugs. His prescription drugs for the pain pills for that bone cancer is \$500 a month, one half of his Social Security check. They were living on \$500 a month.

When my daughter brought it to my attention I went up and talked to them. We tried everything. Finally, (he was a Veteran) so we did get the Veterans that are helping them with their prescription drugs. But, if it hadn't been for the Veterans Administration I want you to know those people would have gone hungry or, as Jim said to me, "I will suffer the pain so that Eileen can eat."

Is that what we want out there? I know these people aren't the working poor but they are the people that have worked all their lives and pay taxes to the State of Maine and who fought — this gentleman happened to fight in World War II, he was gone five years over there. He is the one who has protected the freedoms of this country. I think that we at least owe them the right to die without pain when we have the knowledge. I didn't see any pharmaceutical companies coming forward and helping this gentleman, therefore I want to make sure that if someone really and truly needs a prescription that there is some way, some how, they get it. I don't ever want to have to talk to a gentleman suffering like that again.

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

Representative CHASE: Mr. Speaker, Colleagues in the House: I didn't plan to speak to you today about this program. I think my feelings have been made very clear in private conversations. But, two ideas that have been raised have made me stand. One has to do with the promises that we have made to the taxpayers of this state. I am frankly appalled to

think that we have promised people to end a program forgetting that in fact what we did was promise people when we collected \$13 million in taxes to provide a program. That was the promise that we made. That is the promise that we have been breaking and we have been breaking ever since we instituted not this drug program but the Maine Health Program.

The second statement that makes me rise is that this program is discriminatory because it does not serve all our citizens. It is absolutely true that this limited drug program will not serve all of our citizens. The Medicare program does not serve all our citizens. Social Security does not serve all our citizens. Any age related or income related program does in fact not serve all our citizens. I hardly think that they are discriminatory. To my mind discrimination is preventing someone from exercising their rights under law for arbitrary reasons, generally because those people are not empowered to make the law.

Most of our programs that are limited not only to age or income, even to ability, when they are of limited resources. Scholarships go to some bright pupils, the sixth pupil who does not receive the scholarship that the top five receive is not discriminated against. I don't believe discrimination enters the argument. To say that this program does not serve all our citizens is absolutely correct. To say that it is discriminatory absolutely strains credulity.

While I am on my feet let me also add that a statement was made that someone can simply take care of the problem by getting a 90 day prescription. I would like either the Chair of Human Resources Committee or someone else to speak to this.

My understanding is that according to the rules of DHS that someone can in fact only get a 30 day prescription under this program. I may be misinformed.

Thank you for your attention.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I am rising in support of the L.D. 775. But there has been a lot of misinformation given out. I guess my concern is that if in fact the Medicaid Account is approximately \$76 million in dealing with drugs, and these pharmaceutical companies are going to, within their guidelines, supply drugs without a cost, why aren't they supplying the entire Medicaid account if they are willing to come forth?

Apparently what they are telling you and what they are willing to do are two different items. I think that this bill was important enough that the Appropriations Committee, with the authorization of both bodies in the Legislature, authorized the Appropriations Committee (if you remember about a month or two ago) to send out separate bills. We thank you for that.

I think that this bill is an FY '95 budget issue and it was not provided for in the Governor's budget. But, unanimously, the Appropriations Committee felt that it was a concern for Maine people and maybe a prudent way to cover some costs between now and June 30th.

We unanimously sent out this bill, a bill similar to this which would have allowed the Human Resource Committee the flexibility to come up with an

alternative approach to fund the Maine Health Care Program through June 30th. In doing that, as we passed the emergency budget, we set aside \$200,000 in the unappropriated surplus which in essence came from savings through the Maine Health Care Program.

So, in actuality we are just taking the dollars that were created through savings through a program and trimming it back and paying for some drugs because if these people don't get these drugs they are going to go to the Emergency Room and we are going to pay for it any way at a much higher cost.

The way that this bill is structured — I guess coming from the other body, passed to be enacted, it is a little bit odd in that area. So, the Appropriations Committee, in hopes of this bill being passed by two-thirds in this body, would have to meet and waive the requirement so that this bill would not lie on the table. I think that with all intentions this would be done immediately.

But, I just beg to differ when there is an assumption that is being made that because someone has received a fax or someone made a call to an 800 number that these pharmaceutical companies are going to provide these drugs at no cost. I would only remind you that our Medicaid account is approximately \$76 million and not one of them has belied up to pay for those drugs.

I urge you to support L.D. 775.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I rise in support of passage of this bill.

I have heard a lot of talk in the last week about this program not being fair, about it not covering enough people. I would like to remind all of us that this program once did cover more people. It has been cut back substantially over the years at the request of many members of this body.

We have heard a lot of talk during campaigns and on this floor about welfare reform, about only covering the absolute, most necessary people with programs like this. That is what we have here today. We have a program that is only covering the most needy.

So, to hear our reason for not passing it, that it doesn't cover enough people, strikes me as quite humorous. If we would like to cover more people there is another bill that would cover twice as many for a \$400,000 price tag and we would be back with the original Maine Health Program from one month ago. It is quite humorous that somebody would call it not fair when it is only covering the most needy and that is the group that we have all decided on who do deserve this kind of help.

I would also like to remind my colleagues that this price tag only brings it down to about \$55 a month of prescription medication for each one of the 1200 participants. I don't know how many of you have had conditions that dictate that you require life-saving drugs each month but if you do you will know that \$55 a month is not much and won't nearly as far as the people on this program need to cover their illnesses.

I would also like to remind my colleagues that the taxes that were originally set for this program are still being collected from all citizens in Maine and the least we can do for them and the people on the program is give them this minor amount of money

to cover life-saving medications for the next three months while we work on something that might cover more of them if that is the wish of the members of the House.

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

Representative CROSS: Mr. Speaker, Men and Women of the House: The Representative from Bangor hit the nail right on the head when she elaborated to the effect that this program will be paid for whether it is through this manner or not. That is right. Because if we don't vote to pass this particular law (as it is) you can bet your sweet tooties that it is coming back to the towns and the towns are going to pay the bill because you cannot refuse these people medication if they come into your general assistance office and ask for help.

I urge you to vote for this bill, 775.

Representative Fitzpatrick of Durham was granted unanimous consent to address the House a third time.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: What I would like to do is simply answer a couple of questions that have been posed. Medicaid rules don't allow more than a 30 day allocation of medication — so, for those of you who believe that somehow people will be given a 90 day script or prescription for these medications, that is simply not allowable.

Secondly, in terms of the Pfizer letter (which I have had a chance to take a look at) and in my other life I have had some dealings with Pfizer Pharmaceuticals, what they speak to in their letter has nothing to do with what we are speaking to today in that the drugs that they speak to on that letter are not allowable under this program because they don't treat life-threatening or chronic conditions.

Again, we are talking a little bit again of apples and oranges here.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would pose, perhaps to the Appropriations Committee. It has been suggested in debate that physicians and hospitals have not been paid for the services they have already performed on this program. I am wondering if there is anything in next years budget that will reimburse those people?

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

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

Representative KERR: Mr. Speaker, Men and Women of the House: I would just like the good Representative to realize that we are still working on next years budger, the biennial budget. So, if that is a problem I would only hope that you would bring it up to the committee and we can address it because we would hope that any bills that are incurred in this biennium would be paid in this biennium so we can start off on a clean slate. I hope that answers your question.

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

Representative LUMBRA: Mr. Speaker, Men and Women of the House: In reference to the 90 day prescription, which I spoke on before, that came directly from the second floor Exectuive Department.

I posed a question to the second floor as to how the appointments, the physicians appointments, were to be paid for under this plan. Would they just be (again) unpaid? And, I was told that the purpose of this bill was for them to be able to go to the doctor before the 31st to get a 90 day prescription. So, that is directly from the second floor.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I just want to reassure the good lady from Bangor that under current law you can only get a 30 day supply of drugs. I think a lot has been said, there is a lot of uncertainty on this issue. One thing that there is not — I think that if people are going to try and make a decision based on information that is shared here in this body, let's be as factual as we can. Number one, I think it is imperative that we all realize that the pharmaceutical letter and the conversations that have been passed on in this chamber, if in fact the pharmaceutical companies were going to comply with those guidelines that they have set out, there would not be an expenditure in the General Fund for \$76 million to the Medicaid account because those drugs would be coming forth free.

As far as there has been some mention of some back room deals — I just want you to know that I, as chair of that Appropriations Committee and my co-chair and every member on that Committee has been open as possible, in any way, shape and form. Leadership has been the same because we feel that there has to be an attitude change in this body and in the other body and we are concerned about what the public perception is. I want you to know that there was never any back door deals on this issue or any other issue, nor have I ever spoken with the Governor on this issue. Unfortunately the information that you have been getting from the second floor is inaccurate and I only urge you to address this issue today and support L.D. 775.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I just want to follow up to some remarks that the Representative from Dover-Foxcroft said about shifting the cost here. Maybe something could be brought out here today that we are talking about \$200,000 but my question is to the Chairman of the Appropriation or Human Resources — when we put budgets together we estimate what it is going to cost for various programs. If this was to stop March 31st and we don't use the \$200,000, is there going to be \$200,000 there the end of June or is some of this going to be shifted somewhere else? And, what is the net result? Are we talking a savings of \$200,000 or are we talking \$8,000 maybe that is going to be picked up through General Assistance or other programs?

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

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

Representative KERR: Mr. Speaker, Men and Women of the House: As I said earlier, the unanimous committee report that came out of Appropriations because this item was left out of the Governor's Supplemental Budget, there were many on the committee that felt that they were concerned about those

impacts that would be to the municipality and to the General Fund should people go into the emergency rooms to get these drugs. Which we all know, in past practices has always happened. So, there was a surplus in the Maine Health Care Program to the tune of approximately \$400,000. In that we took \$200,000 and put it in the unappropriated surplus account should the Legislature pass some type of health care reform between now and June 30th, to extend the Maine Health Care Program, regardless of the title, to take care of those people that can't take care of themselves. And, we did that.

The other \$200,000 that we took went to pre-school handicap because there are about 5300 (or in that area) that are continuing on that program and that program was coming to an end. We felt that those are the types of people that government is supposed to be taking care of. So, we did allocate \$200,000 from the original \$400,000 surplus from the Maine Health Care Program, \$200,000 went to pre-school handicap, the other \$200,000 went in to unappropriated surplus so we could give the Human Resource Committee an opportunity to review this issue and that they would be able to expend up to \$200,000. This would still continue to leave, in the General Fund, a \$29,000 surplus as we speak.

I hope that answers your question, Representative Strout.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Mr. Speaker, Men and Women of the House: To clear up Representative Strout and Representative Cross's concerns about General Assistance, I was able to retrieve some numbers that in FY '94 the total GA expenditure was about \$9.8 million. And, of that, only 2.09 percent was for all medical care. That is everything — that is glasses, dental work, what have you, 2.09 percent. This year it is estimated that the department will spend approximately \$10 million. Quartering it out to \$2.5 million for this last quarter that we are talking about (at 2 percent) is only \$75,000. Again, that 2 percent represents everything and we are only talking here about prescriptions, so it is felt by me — I can tell you it is nine years of administering General Assistance in my town — that I can count on this hand how many times anybody came in for prescriptions.

So, keep in mind that there is going to be — understand that there is a cost shift back to municipalities. It is not to the impact that I think the majority of us think it is.

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

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

I was wondering if any member of this body could tell me what percentage of services under the old Maine health program were for drugs, which of course would be continued under this L.D. 775? And, out of that percentage how much of those costs for drugs were reimbursed to the local communities and what percentage of those costs were not reimbursed and that cost had to be born by the local community and local health providers?

The SPEAKER: 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 Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Let me try to answer the good Representatives questions. From just taking a snap-shot of the Maine Health Program from July through December of 1994, what we know is that 11.9 percent of the expenditures were for medication. Now, these were reimbursements to pharmacies and what have you for the medications. So, this wasn't a reimbursement, for example, to a municipality. So, again, 11.9 percent (given that is a snap-shot of what the activity was in the Maine Health Program during that period). The way to look at this is it was probably the third of all the expenditures in the Maine Health Program. What they typically paid for were hospital and clinic visits, doctors visits, then the third category was medications.

I hope that answers her question.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

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

Of this \$200,000 that we are talking about, how much had been delegated for administration expense?

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

The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, I would pose a question back to the Chair and would ask clarification of what the good Representative's definition of administration expense? What is he looking for?

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: This is for administrating this \$200,000. Does that clarify it or not? Somebody has to run the program.

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

The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: What I understand, it is much like other similar programs, recipients would receive a card and that would allow them to purchase pharmaceuticals from drug stores. So, actually it is expensive neutral, administratively.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I am sure we will get at this sooner or later. The people that administrate these cards that the people receive are part of the administration, I would consider. Now, people such as this who pass the cards or do the book work or do all those things I would consider in the administration. My question then is, once again, how much money out of this \$200,000 is delegated for these particular people?

The SPEAKER: Representative Libby of Kennebunk 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 Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: This program is administered by the Bureau of Medical Services, which is a bureau within the Department of Human Services. It is currently administered by existing personnel. No personnel are scheduled to be eliminated as a result of the demise of the program. It seems to me, therefore, that the discussion of its administration is neither here nor there.

Mr. Speaker, I would like to address the body.

Men and Women of the House: This is really an interesting debate, I think. It is certainly the first thorough debate we have had in the 117th Legislature and it is taking an interesting turn.

I am very much in support of the bill. I would like to say that it seems to me that we ought to be making public policy here in this body based on reason and on facts. So, as far as I am concerned the issue of who did what, where deals were made, what was said on the second floor, is irrelevant.

Further, it seems to me, from what I am hearing that the argument regarding the Pfizer program and the 90 day availability of prescriptions don't hold up.

As I understand it, the Pfizer Pharmaceutical program applies to two drugs, two pharmaceuticals, neither of which is a life-sustaining drug. Neither of which would be covered under the current compromise program. So, it is irrelevant whether they offer us these drugs or not, they are not the drugs that the people who would be covered under the compromise stand to lose. Further, under DHS rules if you are leaving a DHS program you are not able to get a 90 day prescription, you can only get a 30 day prescription, therefore that argument is beside the point.

So, it seems to me the only remaining issue is whether you believe as I do that health care is a basic need and a basic right. If you don't, I don't know how to argue against that. But, to my mind health care is a basic need and a basic right.

We heard in our committee last week from a woman — I can tell you I am glad I am not her. She has a pulmonary problem and without her drugs she will die, frankly. I would ask each of you how you could look at her and tell her that this program is a waste of tax dollars? The pharmaceutical drugs she receive keep her alive.

Beyond that, I guess I would just say that if you believe that health care is a basic need, a basic right, vote in support of this program. If you don't, it is beyond me how I could convince you that it is.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: In answer to the Representative from Cherryfield, I would agree somewhat, but I think the 2.9 percent that you are talking about didn't factor in the cost of prescription drugs at that time because the Maine Health Care Program took care of it. So, I don't think you can look at that.

My question was, and I still am not clear on it — but, if you shift this program it doesn't necessarily mean that it is going to go back to the municipalities in costs because our smaller communities get 50 percent reimbursement, your cities get 90 percent. My question again is if you shift this are we talking 80 percent of it going to come out of the Human Resource General Assistance Program

and take care of this or is it just going to be wiped out, nobody is going to pick up this cost?

I can guarantee you that some of these costs, after March 31st, are going to be paid somewhere else through the Department of State Government and municipalities. I would also challenge you to tell you today that it is going to more than 2.9 percent, to answer the gentleman from Cherryfield.

If those had been available so you could factor in and there was no Maine Health Care Program, I would dare say that the cost would be greater than that 2.9 percent.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: In response to some of the questions about the cost being shifted to municipalities, it is also important to recognize that a lot of these costs will go to Medicaid. People who are forced to leave their jobs because of lack of health insurance become eligible for AFDC and Medicaid. Medicaid, right now, is the second biggest piece of our state budget and a lot of the costs will be shifted to that program.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: There is no denying that we are a nation of compassionate people, that is why we are debating here today. But, there is also a known fact, that these people will be covered some how. There is no argument there. We are discussing who is going to pay for this, the insurance company, the town, the state? That is what I am hear as an argument, who is going to pay for this? It is all going to come out of the taxpayers pockets somehow and we have added Medicare now. We are going to take care of those people so why don't we just take care of them with the program that we have in front of us now? We are going to have to do that so let's take care of them with a program that we know and that we have crafted ourselves.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: My grandfather said if you are going to speak, speak early and then you won't continue to muddy the waters. I apologize for not getting up before because I don't want to be accused of doing that.

In listening, I am wondering about all the statistical information that we are trying to quote and understand. It is my understanding from the facts which we received a couple of days ago that if this approved that approximately 1100 to 1200 people will undoubtedly be covered because that is the number that were using this particular type of thing before. I know that there are many more eligible but they perhaps are not using it.

Now, if I look at the \$200,000 that was there for approximately 3,000 people and now you consider only 1200 people — it would seem to me that we don't need to worry about the \$200,000.

I did ask my town administrative assistant and he had the same concerns that the two gentlemen that spoke that are working and have worked for many years with the towns. I conclude that there is a concern there. However, it would seem to me that this is a small amount of money for this type of a service.

Secondly, I asked the doctor, and I called the pharmacy about the 90 days. Now, there are statements that have been made — you can take them two ways. I think some of us have taken it one way and some of us another. It is true that we have a law that says that you cannot get 90 days of those particular drugs at one time. However, you can get 90 prescription and it can be taken to the pharmacy, you get 30 days, you come back on the 60th day and you come back on the 90th day. I understand that that is not breaking the law and it is being done.

I only asked two people, you can probably call eight more and then my statistical measurement is gone. However, I do believe what I was told and I am going to continue to vote in favor of this particular bill.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I am holding in my hand a Fax I received from Pfizer at 12:00 o'clock today, listing 33 drugs that they do provide, including medications for diabetes, heart problems, anti-depressants, anti-inflammatories, antibiotics and on and on and on.

They also did tell me about — they told me what makes you eligible for this program and not one Maine Health Care Program recipient is eligible for this program because we have continued the program. Eligible patients must not be covered under any public or private insurance plan that pays for prescription drugs and should be ineligible for Medicaid. What they do tell me, though, is that these people can make up to \$12,000 a year for one person and up to \$15,000 for others, or a family with others.

The fact that we have kept the Maine Health Care Program going has kept these people out of this program. They can make \$5,000, they don't have to self-limit. They don't have to worry about making too much. They don't have to worry about whether they are employed or unemployed. They have to apply and their doctor has to help them. So, if we are trying to get it for Medicaid patients, it won't work. If we are trying to get these drugs for people who are on the Maine Health Care Program, it won't work. The people who aren't eligible for the Maine Health Care Plan because we won't let them on the plan, they are eligible because we have shut down the program to them, but they are not eligible if they are on the program. It sounds like a catch 22 to me.

This is a self-limited program. There are people who are paying the taxes who deserve to be on the program who aren't on the program. That is fair?

I am not saying that there is not a need, I am saying that we have to be reasonable about how we are going to meet this need. I don't think that I want to extend this program and I am certainly not going to extend it until we are discussing the next fiscal budget and be held hostage one more time. Because if you guys want to look bad holding the state hostage in July to have this come back again, we will look bad. There is a way to do this. Having the Maine Health Care Program in effect prevents people from going to a source that is there.

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

Representative MARTIN: Mr. Speaker, Members of the House: I originally wasn't going to speak on this issue. We have all heard that statement

before. As a matter of fact I heard it about ten times already this morning.

I wasn't because some of you may be aware that I was the sponsor of the original Maine Health Care Program when it became law in 1989. There are about 25 people in this body that were here at the time of the passage of the Maine Health Care Program. It passed both houses, signed by the Governor, with one negative vote in both houses. I am not going to give you the history because that is not where we are right now. I do want to correct a couple of the statements that have been made today. I do so with this information that you are aware a little bit of what it is that I know what I am talking about.

I am president of a rural health center that provides services both in Fort Kent and in Eagle Lake. We hire two physicians and one nurse assistant, plus other staff and run the rural health center. I am on a board, a non-profit board that runs a nursing home, a boarding home, an ICFMR, group homes and I am also an owner of a pharmacy, (part owner) with no profit, because the law required that pharmacies could not be created in Maine unless it was profit making, unless it were in a hospital. So, we created one and we take no profit, just give the money away, that doesn't violate the law and we still have a non-profit pharmacy. So, I do know a little bit about it.

Let me tell you first about the comments about Pfizer. I was one of those that went to Pfizer when I was President of the National Conference of State Legislatures, to work out a program to try to get drugs to certain people. It does work in Maine and it has in fact there are some people who use it but you have to be affiliated with an organization that willing to do all the work free. Then Pfizer will help to give the drugs as a result of that effort.

Find me physicians and find me facilities who are going to do all that work for nothing. As a matter of fact, I will ask some of you in here to do it for nothing and see if you are willing to do the work. There are very few people that are going to benefit from that simply because of our profit initiatives that people want to have first because they want their buck before they give something in return free.

Second, there is an assumption that if we don't provide this drug money that people are going to get drugs for the illnesses that they have. I must live in a different part of Maine than some of you, because I have elderly people who can't afford drugs and when they get the prescription they take half the dosage instead of the entire dosage because they haven't got the money to pay for it. These are not people on SSI, on Medicaid, on Medicare, because Medicare doesn't pay for that. Medicaid does, if they happen to be getting SSI. If they are elderly and they are getting Social Security and SSI, they can get the extra paid for by Medicaid through the state and then they can go get the drugs. Then, if they happen to be so lucky to be under \$8,000 or a family of two — \$11,500 or somewhere in that range, they can get the drug program. If they happen to be above that they get nothing.

The Maine Health Care Program was designed for people who are not on welfare, not for people who are. It is for those in between that fall between the cracks.

The third point to remember in terms of information that has been said today, people say let them go to the towns. Some of you may have forgotten

that this Legislature tightened those restrictions and I am sure the Representative from Corinth knows that better than I, that you need to meet the income standards and you need to meet the asset standards in order to get it. So, all these people are excluded from being eligible to receive.

I don't know if any of you have dealt with the problem recently but if you have not I hope that you go back home and find out that hospitals are now in the process of putting liens on people's property if they don't pay medical bills.

I had a physician who has just sued one of my constituents for an operation, went through an entire court hearing and they are going to attach his wages because he can't pay the surgical costs that occurred at the Presque Isle Hospital. It is out there, I guess we just don't hear about it, or some people don't hear about it.

I admit, and the reason I hadn't spoken any sooner about \$200,000 — it is not the solution. I agree it is discriminatory. But, you know what, in this body we discriminate every day — how old you can be to get a drivers license; how old you can be to run for the Legislature, to serve in the Legislature; how old you have to be to go to school. So, we discriminate every day. It is a matter of discrimination and how far we go and how we carry it and how justified it is.

I suppose, as has been suggested by some legislators that we go out and pick bottles to help the elderly buy drugs. But, men and women of this House, if we can do a little bit of something for 1,000 people, though it may be little, I think we have a responsibility to do it. If we choose not to I guess we have to live with the fact that we have chosen not to.

I can assure you these are people who are not on welfare. Because, on welfare they get it. They have the best drug program in the world.

Those on AFDC have the best drug program in the world, the best dental program in the world, the best medical program in the world. Better than you and I who are covered by the Blue Cross and Blue Shield program.

By the way, we have been arguing about 30 days, 60 days and 90 days as to whether or not you get prescriptions. The law says 30. The Representative from Bethel is correct, they do in effect go to 90 and pick it up on the 30th day and the 60th day. But, are you aware that under the program under which we operate and those that are covered by the Maine program and state employees, it is 21 days? I don't think people read policies. I should probably also tell you that I am an insurance agent — that will probably scare the heck out of some of you. I do sell the product.

So, it seems to me that we have a choice. I can assure you that this is not what it is that I think it ought to be. It is very little. As a matter of fact, I debated at some length whether or not it was even worth it. I hadn't spoken to date because of that. I wasn't sure that it was worth it. But, the more that I thought about the and the more that I heard the comments this morning — 1,000 people do mean something to me, wherever they might be.

I want to close with one comment that I wish I could use the names of the persons because some of you in this body would be completely shocked and 80 percent of you in this body know about whom I would be talking if I mentioned the name. At a restaurant

in Canada the Representative from Vassalboro, Representative Mitchell and I, were discussing the Maine Health Care Program from its infancy to its demise. Unbeknownst to us there were people at the next table, not of my political faith, and after we were done, the person came over and said, "I want to thank you and the rest of the members of the Legislature because I had a liver transplant which put me out of work. I had no financial resources, Maine Health Care Program paid for it and now I have gone back to work and I am being able to continue to work because of the drugs that I am receiving from the Maine Health Care Program." The total amount of those drugs, and I don't recall the exact quote, was somewhere around \$3,500 a year for the price of the drugs. Without it she will die.

It is a small price to pay to keep someone alive. It is the least and the only thing, I think, this morning that we ought to be able to do.

Representative Lumbra of Bangor was granted unanimous consent to address the House a third time.

Representative LUMBRA: Mr. Speaker, Men and Women of the House: We are not discussing the Maine Health Program. We are discussing a prescription transitional pharmacy benefit program for life-sustaining prescriptions only. That means that any prescription that is not life-sustaining I am sure will fall on the towns for General Assistance.

Representative Martin and several others have talked about the senior citizens who must have this pharmaceutical program. So, I looked it up from the Department of Human Services to see how many senior citizens are on this program. As of February 1995 there were 17 over 65.

Again, going back to the 90 day prescription, the reason I was so concerned about the 90 prescription is because as with the Maine Health Care Program and what I have already discussed about over \$5 million in costs in a six month period and only \$1.5 in payments I was concerned about \$200,000 turning into a significant amount more in costs versus payments. Now, I am convinced that that is exactly what is going to happen. This will provide money to pay for life-sustaining prescriptions but it will not provide money to provide for the doctors appointments or any other services that are necessary. So, again, we have a huge cost with a low payment.

Why am I concerned about that? I am concerned about that because I think we all represent a lot of working poor families who are struggling very hard every day and I can certainly think of some and come up with names myself that are struggling very hard every day to feed their families, pay their taxes, try to have a home, pay for a basic health plan and these increased costs that will not be reimbursed by this program will fall on their shoulders. Somebody will have to pick up this cost and it will be the other working poor families, all of us, will have to pick up this cost.

I think we need to think about this before we just pass a program. Again, that I think it is necessary that we have something for our working poor, necessary to provide services, but I don't think it is necessary or do I think it is something that is wise to pass a program that will only pay \$200,000 no matter what the costs are that are incurred.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Joining many of you who said you didn't intend to speak, I guess I did, but I wanted to hear the debate so that I could try to understand what is going on this body of men and women who were elected not so very long ago and should have been talking to those people, as I am sure most of you did as you walked your district.

The last debate I just heard said that this program isn't good enough, we need a program to cover more of the working poor. It is very puzzling to me because this same body is dealing with this program only because there are no votes around for the program that did cover more of the things that working poor people needed and more working poor. It is just the strangest debate to me that the very people who are opposed to this program are also opposed to a better program which uses a lot of money in a partnership with the Federal Government.

No, this program is not cost effective. No, this program is not the best program in the State of Maine. And, no, I don't particularly like this program but it is all I have got. It is all most of you have.

I wish somehow that I weren't speaking from this seat today because I am afraid too many of my colleagues on the other side of the aisle see me as a floor leader. I would speak from any other microphone if the rules allow because this is not a partisan program. This is not partisan.

The people on this program may not even be well enough or care enough to vote. I don't know what party they are in. It is not partisan.

If you need medicine for diabetes you don't care if it was paid for by a Republican or a Democrat, you simply want to avoid going into insulin shock. I want to shock you into thinking about the people this program represents.

Representative Martin tried to put a face on it for you. In that same conversation that we were having at the restaurant we admitted that most of the people on this program you don't know, and you will never know because they are very proud. They are working people, they are trying to stay off welfare. They are going to work and they are very proud so they don't wear a badge and say, look at me I get my health care from the Maine Health Care Program. No, they are like your constituents, they are proud.

I can't put a face on these people but most of us on the committee were given some background material. I heard a Representative say that he was speaking for his constituents. I want you to know — and if I could put a face on them, I can't — I will give you the numbers. 207 people in February in Androscoggin County depended on this program for their health care; 363 in Aroostook; 251 in Cumberland; 287 in Kennebec; and Penobscot — listen to this, 338 people in your county, those of you who are opposed to this program, depend on this program for their health care.

A national debate is going on about welfare reform. All of us should be thinking about our vote on this program as to where we really stand on those issues. Do we really mean we want to enable people to stay off welfare? And, if we mean that do you want to take away their medication so that they have to get on Medicaid and these other programs that do provide that? Is that what we want? Ask yourself that question when you vote for that this morning.

The other thing that I would like to talk to you about, the cost shift that you have been talking about general assistance. I am glad it was pointed out about AFDC and the other costs. The cost shift is much more sinister. I have told others I would like to require all hospitals to do a truth in billing form. Because these people that go into insulin shock and end up in a coma in the emergency room are going to pay more than you are talking about paying for this pitiful little drug program, in one visit to the emergency room. What happens to those costs? They are shifted to all of us. If the hospital bills were really honest they would say that band-aid we complain about costing \$5, really costs 25 cents. The other \$4.75 is to pay for all these people on the Maine Health Program that we don't think that we should worry about here in this state. So, the cost shift is much more sinister. The cost shift in what happens to that persons health if you don't take your medication. Some of them, of course, are for mental illness. We have a lot of problems here of people who need life-sustaining drugs and I can't imagine — I will bet you there is not a person seated in this room who can imagine what it would be like to need medication and not be able to get it. Not a single one of you can really imagine what that feels like unless somewhere in your youth that happened to your family. All of you today have access to medications that you need and then probably some that you don't need, all the over the counter cold remedies, I am sure, that we plunk a lot of change down for.

The final thing that I must close with, the argument probably that gets me more upset that I am going to need some of this life-sustaining medication, is that since we can't do it for everybody we don't do it for anybody. Ladies and gentlemen that is an excuse to do nothing. I am going to share a very personal story with you and it doesn't have a totally happy ending but never the less it speaks to what you are saying here. Many years ago I was asked to go to Thailand to try to help unite Cambodian refugees whose families were in this country, people who were victims of the Khmer Rouge, Pol Pot regime, whose families were absolutely brutally murdered and separated. I did that and I saw hundreds and thousands of orphans there. Children who had watched their parents murdered, who had seen the worst of life that it had to offer. If you have ever seen the movie the killing fields, you will understand the background against which we were working.

Well, the minister who put this mission together said, "Don't get interested in one of them. You can't save them all. And, if you take one home then you won't stay dedicated to getting the others to food and safety and shelter." Well ladies and gentlemen, needless to say I couldn't do that. No, I couldn't save 100,000 orphans but I took one, just one. I think that is the old mission you hear sometimes "lighting one candle" and no, it was not a perfect success story. Sometimes we will talk more about that. But, nevertheless, that child is alive today and hopefully will be making some contribution.

You can't save them all, no, but that is no excuse. If you are in a life boat, ten people in the water, you only have five life jackets, would you row by all of them saying I am sorry, I can't help you, I only have five life jackets. No, of course you wouldn't.

I encourage you today to put aside the partisan issues, to put aside some of the arguments we have been talking about and put a face on the men and women who simply need some insulin or some other drugs to help their health care. Please vote your conscience today and put aside all the arguments that we have heard today.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I haven't heard anything new for the last hour. It is all repetitious, we have been repeating ourselves.

If somebody has something new that they would like to add to this conversation I would be more than happy to hear it. If not, Mr. Speaker, I know it is not your policy, but I think it is time that we should vote.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I share the concern for time that the good Representative from South Portland has, I know he and I have spent many of the last few minutes in the halls not listening to every word of this discussion. But, I think it is important to leave, as we may be getting close to a vote, a sense that some of us have that a vote against continuing this program is a vote against compassion or a vote against people or a vote of uncaring individuals. This Representative was one of the 25 who was here when we passed with all noble intents the original Maine Health Care Program. It was an alliance of the Maine Chamber hospitals, state government, the federal government and a whole lot of other people who sought very nobly at the time, to approach those who were working and yet could not afford health insurance. We did that and we have heard many impassioned arguments and several recently about the merits of that program. We ran out of money within a few months.

What we are hearing today for arguments are arguments concerning the issue and are arguments that seem to me that are more directed toward continuing a program that doesn't even exist.

What we are voting on today is in the minds of many of us, a false hope. It is the last vestiges of a noble idea that had no financial means to survive.

The arguments that we are hearing today about the need for these funds for these people are exactly the same arguments that we are going to hear in June when this program should have passed, will also come to its point of termination.

We are not working toward a solution. Certainly those of us who are voting in opposition to the bill before us are aware, appreciate, and understand the unknown tens of thousands, some say hundreds of thousands, who work in Maine and who do not have a form of insurance.

I talked to one this morning who talked about child care for their children and paying off a hospital bill at ten dollars a week. Every one of you have one of those stories. Every one of you approaches the subject with an equal amount of compassion. The votes on this bill today and the subject that we have debated long and hard in this chamber and certainly in the halls and certainly over the weekend perhaps have merits on both sides. But, those of us who are voting in opposition believe that

it is time, once and for all to eliminate a false hope. If there can be an agreement on a solution that approaches the problem, that is where we need to be going to address the people in Maine who work and cannot afford or who do not have health insurance and the cost shifts that that causes.

I agree with the good gentleman from South Portland, maybe new words are not going to be spoken on this subject but it is wrong to leave this debate with the impression that there are some in this chamber who are not concerned about health care. Every single person in this chamber is concerned, I know they are. The solutions are different, and many of us believe that continuing to drag on a program that did not work is not a solution.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I don't even want to debate this bill whatsoever. I am not on the committee that serves. I just want to answer Representative Libby's question about how much money of the \$200,000 goes into administration. Someone spoke to Fran Finigan and the answer is zero dollars. That is from Fran Finigan from the Bureau of Medical Services.

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

ROLL CALL NO. 14

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heesch, Hichborn, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Look, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Perkins, Poulin, Pouliot, Povich, Reed, W.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stone, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Carleton, Clukey, Damren, Donnelly, Dunn, Gooley, Greenlaw, Hartnett, Heino, Jacques, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marvin, McAlevey, Nass, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Stedman, Taylor, Underwood, Waterhouse, Whitcomb, Winglass.

ABSENT - Bailey, Guerrette, Kontos, Marshall, McElroy, Stevens, Volenik, Winsor, Yackobitz.

Yes, 94; No, 47; Absent, 9; Paired, 0; Excused, 0; Vacant, 1.

94 having voted in the affirmative and 47 in the negative, the motion to Recede and Concur was not accepted.

Representative JACQUES of Waterville moved that the House reconsider its action whereby the House failed to accept the motion to Recede and Concur.

On further motion of the same Representative, tabled pending his motion to reconsider and later today assigned.

On motion of Representative JACQUES of Waterville, the House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Dedication of a Portion of Vehicle Registration Fees to the Motor Vehicle Inspections Program (H.P. 628) (L.D. 853) which was tabled by Representative O'GARA of Westbrook pending reference.

Subsequently, the Resolution was referred to the Committee on **Transportation**, ordered printed and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Extend the Final Determination of a Fresh Start Policy Year Status" (S.P. 299) (L.D. 838)

Bill "An Act to Amend the Approval Requirements for Medicare Supplement Insurance Policies" (S.P. 302) (L.D. 841)

Bill "An Act Regarding Insurance Rates for Volunteer Drivers" (S.P. 309) (L.D. 847)

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

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act Allowing Retailers to Limit the Number of Returnables They Accept" (S.P. 291) (L.D. 789)

Bill "An Act to Amend the Loring Development Authority Law" (S.P. 304) (L.D. 843)

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

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

Bill "An Act to Improve Efficiency in Contracting and Program Evaluation for Social Services" (EMERGENCY) (S.P. 305) (L.D. 844)

Bill "An Act to Provide Funds for Family Crisis Shelters" (S.P. 307) (L.D. 846)

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

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

Bill "An Act Requiring Unsuccessful Parties in Civil Suits to Pay Costs" (S.P. 293) (L.D. 791)

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

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

Bill "An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually" (S.P. 292) (L.D. 790)

Bill "An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration" (S.P. 300) (L.D. 839)

Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" (EMERGENCY) (S.P. 303) (L.D. 842)

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

Were referred to the Committee on **Labor** in concurrence.

Bill "An Act to Further the Privatization of Liquor Stores within the State" (S.P. 310) (L.D. 848)

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 Protect Landlords from Certain Types of Fraud" (S.P. 298) (L.D. 837)

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

On motion of Representative CLARK of Millinocket, the Bill was referred to the Committee on **Criminal Justice** in non-concurrence and sent up for concurrence.

Bill "An Act to Promote the Beneficial Reuse of Residual Lime" (S.P. 297) (L.D. 836)

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 Amend the Purchasing Laws" (S.P. 290) (L.D. 788)

Bill "An Act to Consolidate the Functions of the Bureau of Consumer Credit Protection within the Bureau of Banking in Order to Streamline the Regulation of Creditors and Financial Institutions" (S.P. 294) (L.D. 792)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Award an Income Tax Credit for Value-added Wood Production" (S.P. 295) (L.D. 834)

Bill "An Act to Encourage the Use of Maine Ports by Allowing a State Income Tax Credit on Taxes Assessed by the Federal Government on Shippers" (S.P. 296) (L.D. 835)

Resolve, to Establish the Commission to Study the Payment of Excise Taxes (S.P. 301) (L.D. 840)

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

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

**SENATE PAPERS
Divided Report**

Majority Report of the Committee on Taxation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-16) on Bill "An Act to Aid the Administration of the Motor Vehicle Excise Tax by Ensuring that the Manufacturer's Suggested Retail Price is Made Available to the Excise Tax Collector" (S.P. 45) (L.D. 75)

Signed:

Senators: FERGUSON of Oxford
CAREY of Kennebec
TRIPP of Topsham
Representatives: TUTTLE of Sanford
KEANE of Old Town
RICHARDSON of Portland
MURPHY of Berwick
GREEN of Monmouth
DORE of Auburn
SPEAR of Nobleboro
DUNN of Gray

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Senator: HATHAWAY of York
Representative: REED of Falmouth

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-16).

Was read.

Representative DORE of Auburn moved that the House accept the Majority **"Ought to Pass"** Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought to Pass"** Report and specially assigned for Tuesday, March 21, 1995.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought to Pass"** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil" (S.P. 117) (L.D. 292)

Signed:

Senator: LONGLEY of Waldo
Representatives: DAGGETT of Augusta
AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAXL of Bangor
YACKOBITZ of Hermon

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
Representative: SAVAGE of Union

Came from the Senate with the Minority **"Ought Not to Pass"** Report read and accepted.

Was read.

On motion of Representative DAGGETT of Augusta, the Majority **"Ought to Pass"** Report was accepted in non-concurrence.

The Bill was read once. The Bill assigned for second reading on Tuesday, March 21, 1995.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Dedicate a Percentage of the Actual Individual Income Taxes from Each Community to Be Returned to the Community for School Funding" (H.P. 613) (L.D. 823) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 14, 1995.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

On motion of Representative KERR of Old Orchard Beach, the House voted to Insist.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S.P. 106) (L.D. 282) Bill "An Act to Continue the Health Occupations Training Project" Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-18)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 21, 1995 under the listing of Second Day.

SENATE PAPERS

Divided Report

Majority Report of the Committee on Natural Resources reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River" (S.P. 169) (L.D. 422)

Signed:

Senators: LORD of York
HATHAWAY of York
RUHLIN of Penobscot
Representatives: GOULD of Greenville
POULIN of Oakland
SAXL of Bangor
BERRY of Livermore
MERES of Norridgewock
GREENLAW of Standish
DAMREN of Belgrade
NICKERSON of Turner
MARSHALL of Eliot

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-19) on same Bill.

Signed:

Representative: SHIAH of Bowdoinham
Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.

Was read.

Representative Gould of Greenville moved the House accept the Majority **"Ought Not to Pass"** Report.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take up a lot of time with this bill. It is not that big of an issue but I felt that the Attorney General's opinion on whether the bulkheads could be reviewed — the independent geologists — it is kind of complicated, so I don't want to get into all of it. I feel strongly that we should have the state take a look at this. Again, where the Attorney General was unclear whether we do have that in law now, I feel that the Maine Geological Survey — their opinion was

overruled in the original part of this full effort on the Scarborough River and that is the reason I am supporting it today. Again, it is a small issue but I think it is important.

Subsequently, on motion of Representative GOULD of Greenville, the Majority "Ought Not to Pass" Report was accepted in concurrence.

ORDERS

On motion of Representative KILKELLY of Wiscasset, the following Joint Resolution: (H.P. 634) (Cosponsored by Representatives: AULT of Wayne, CARLETON of Wells, CHIZMAR of Lisbon, DAGGETT of Augusta, GOULD of Greenville, GREEN of Monmouth, GWADOSKY of Fairfield, JACQUES of Waterville, JOSEPH of Waterville, MERES of Norridgewock, MITCHELL of Vassalboro, O'NEAL of Limestone, PEAVEY of Woolwich, POULIN of Oakland, RICE of South Bristol, SAVAGE of Union, VIGUE of Winslow, WHITCOMB of Waldo, Senators: BERUBE of Androscoggin, BUTLAND of Cumberland, CASSIDY of Washington, LORD of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35.)

JOINT RESOLUTION MEMORIALIZING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO WITHHOLD SANCTIONS ON MAINE WHILE THE STATE IS IN THE PROCESS OF ATTAINING RECLASSIFICATIONS AND EXEMPTIONS

WHEREAS, Environmental Protection Agency Region I Administrator John deVillars has informed Maine that several Maine counties previously designated as ozone nonattainment areas are now in attainment of the federal standard for ozone and that other counties may be treated as rural ozone transport areas; and

WHEREAS, the Department of Environmental Protection is in the process of preparing an application to the Environmental Protection Agency to request such treatment and redesignation; and

WHEREAS, the State will not be required to operate certain air pollution control programs in areas that are rural transport areas or areas in attainment of the ozone standard; and

WHEREAS, it is not appropriate for the State to begin operating those programs when it is clear that the programs will not be required once the redesignation and rural transport decisions are made; and

WHEREAS, there is a question as to whether the Environmental Protection Agency will impose sanctions on the State for failure to operate programs such as the enhanced inspection and maintenance program in the counties eligible for redesignation or rural transport area classification; and

WHEREAS, the State wishes to secure written assurance from the Environmental Protection Agency that sanctions will not be imposed during the redesignation and classification process; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, respectfully request that Carol Browner provide written assurance to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Commissioner of Environmental Protection that the Environmental Protection Agency will not seek to impose sanctions on the State of Maine for failure to operate air pollution control programs required of ozone nonattainment areas in those counties that are

in attainment of the federal ozone standard or that qualify for treatment as rural transport areas; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Environmental Protection Agency Administrator, Carol Browner.

Was read.

The **SPEAKER:** The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: As many of you will recall, a couple of weeks ago John deVillars, who is the Region I Administrator for the Environmental Protection Agency, made the statement that there are four counties that could probably opt out of the ozone program. Those counties are Knox, Lincoln, for rural transport; Kennebec and Androscoggin for attainment.

I had a constituent call me and say are we sure about that? I said, yes, we have all read it in the paper. So, I made some additional calls and found that we actually having nothing in writing that will keep the EPA from imposing sanctions on us in a worst possible scenario — which is that we end up with some kind of testing program and while these counties are attempting to get reclassified, which will take possibly in excess of a year, that we could be faced with sanctions. So, it just seems reasonable that we would send this to Carol Browner, who is the Secretary of EPA, requesting information about our status based on the information that we have received from Mr. deVillars but we have not received in writing.

This is not — I heard some people who are concerned and live in the counties that are not included in this. As you will notice there are no counties listed, any county that could be reclassified would be included in this particular Order. This is not an attempt to maybe provide more of an incentive to keep part of the area or something like that.

The idea of this is that a statement has been made by someone in authority and we need to assure that there will not be sanctions while we are going through the process of reclassification. We have, obviously, a lot of other things going on concurrently but it seemed to me that this was important to do at this time.

The **SPEAKER:** The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: Where I have no problems really with doing this, I am concerned (that from the rumors that I have been hearing) that it just may be that York County will be the only county left to have any ozone problem and that my concern is that way we may be left to pick up whatever deal the state does with car tests. I have a very serious concern about that.

It started out with seven counties, nine counties, and as you know there are some of us here that when we did that wanted it state wide. Everybody jumped off the ship when they thought it was going to be state wide and left it to the lower seven.

Well, now everybody is jumping off the ship and leaving it to the lower one. I have a very serious concern about that. I am not really happy that we may be doing anything that jeopardizes that everybody pays their fair share in this state.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I certainly don't see this Order as a jumping ship proposal. The reason it is put in is there may be some cost that we are all going to have to bear in terms of whatever the Resolution is that we end up with in the negotiations that are going on.

What I am concerned about is that while we are dealing with some of those costs we don't also have hanging over our head, collectively, sanctions from EPA because that is just an additional cost and I don't think any of us want to expose this state to additional costs. We have had a statement made by someone. We need to assure that there are going to be some protections from sanctions while we are going through any process.

Subsequently, the Resolution was adopted and sent up for concurrence.

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

House Divided Report - Committee on State and Local Government - (9) Members **"Ought Not to Pass"** - (4) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-23) on Resolve, Creating the New England Regional Commission on Fiscal and Public Policy (H.P. 216) (L.D. 275) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

Representative DAGGETT of Augusta moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: If you lived in practically any part of the State of Maine and you go down to your local state liquor store you will pay standard retail, in effect, premium price for the liquor, the alcohol that you buy. In some parts of the state or if you take a trip you can buy discounted liquor in the State of Maine. The reason for that is not because of the states policies, deliberately. The reason for that is for the reality of cross-border purchases with New Hampshire.

The problem that we face in Maine is that cross-border tax and fiscal policies, public policies, affect us in Maine a great deal. There is effectively no legal way now to deal with these issues. There is certainly no federal way to deal with the lion's share of them. There is really nothing we can do except to complain.

When I was complaining about some of these cross-border problems with some legislators from Vermont, they expressed essentially the same issues, cross-border tax and fiscal policies bothered them as well. The idea merged that it might be good if legislators from Maine, assuming other states agreed, would get together with legislators from other New England states, explore, learn about, cross-border fiscal and tax and public policies and maybe come up with common approaches to those problems that in conjunction with New Hampshire or whatever New England state might be mutually agreed upon.

New Hampshire, for instance, is interested in talking to Maine about Saco River water. I personally would be interested in talking to New Hampshire about liquor pricing policy because it affects us. But, there is now no effective mechanism to do that.

This bill, then, presents to you — and it has that fearsome word commission in it — basically an informal gathering. Two years down the road (assuming other states join) 12 legislators to join with legislators from other states, hopefully including New Hampshire and other New England States to first understand cross-border tax and public policy problems and then to approach mutual solutions that are conducive to everybody's interest.

Frankly, I think there are some solutions there. I have talked to the caucus of New England State Legislatures, they are interested in sponsoring and being part of this under their arm. That is why I have offered an amendment to in effect put off the whole thing for two years, thus conveniently removing the fiscal note and allowing the caucus of New England Legislators to go about funding and initiating the get-together of legislators from New England states.

The issue from my point of view is to try to stop complaining about cross-border problems but to set up a broad base, bi-body (both bodies) bipartisan mechanism for legislators in the State of Maine to meet with legislators from other New England states to approach the variety of ways that we impact on each other through our tax policies, our other fiscal policies, and through public policies in general. We need to do something about it in a vein that doesn't exacerbate the problem. Conceivable, ultimately, one negotiated out of a setting like that. That is what "GATT Committees" do. They eventually start discussing mutually advantageous environment.

I hesitate to mention the concern that motivated (at least a part of) the "Ought Not to Pass" perspective on the committee. I realize the word commission is a bad word, probably should have had it as a memorialization, but I am not sure that would have done the job.

In any case, what you see before you is what we have.

I would hope that you would help that process be initiated, not to cost the taxpayers of Maine anything. Enable us in an organized manner to discuss with other legislators these kinds of issues, conceivably pointing in productive directions. And, that you will join with me in voting against the motion on the floor so that the motion can pass.

Mr. Speaker, I request a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Daggett of Augusta that the House accept the Majority **"Ought Not to Pass"** Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 voted in favor of the same and 42 against, subsequently, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

House Divided Report - Committee on Education and Cultural Affairs - (11) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-21) - (2) Members **"Ought Not to Pass"** on Resolve, to Change the

Nature of the Commission to Study the Feasibility of a Capital Cultural Center and Its Powers (EMERGENCY) (H.P. 154) (L.D. 202) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

On motion of Representative MARTIN of Eagle Lake, the Majority "Ought to Pass" as amended Report was accepted.

The Resolve was read once. Committee Amendment "A" (H-21) was read by the Clerk and adopted. The Resolve was assigned for second reading Tuesday, March 21, 1995.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-12) - Committee on State and Local Government on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 111) (L.D. 146) which was tabled by Representative JACQUES of Waterville pending the motion of Representative DAGGETT of Augusta to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Ladies and Gentlemen of the House: I stand in opposition to this motion. Last November our constituents sent us a clear message, they want a leaner more efficient government. Today we have the opportunity to let them know we have heard their concerns and are ready to meet the challenge.

Once again we are facing a huge budget shortfall and are going now to ask the people of Maine to tighten their belts. We are looking at every department of state government and eliminating waste and, in some cases, abolishing programs. We need to begin the process here.

When I campaigned for this seat I made a commitment to the people of my district that if elected I would do my best to ensure that this body would remain a citizen legislature and to make it possible for working people to serve.

I feel strongly that in order for us to maintain our jobs, remain active in our communities, and preserve our family life, we must shorten the session.

Once concern that I have heard about this legislation is how we are going to shorten the session, still have time to debate each bill. Each legislator will have to prioritize what bills they plan to introduce, they will have to be sure that their bills are important to their constituents and the people of Maine and that they are not introducing them solely to stir the pot.

With your vote this legislation will enhance the work in committee as bills go through the process of public hearings and work sessions, they will begin to carry more weight for consideration of the whole body.

This bill comes out of committee with a very close vote of bipartisan support.

In closing, there is no fine print in this legislation, I feel it has been presented to you in a straight forward manner. It is now up to you to decide what message we will send to the people of Maine.

I would once again like to stress that this bill has bipartisan support.

Mr. Speaker, at this time I would request that the Committee Report be read by the Clerk and I request the yeas and nays.

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

The SPEAKER: The Chair recognizes the Representative from Bridgeton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L.D. 146, "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of the Legislative Session." I support this legislation because we need to begin the process of reducing government here, right here.

As the Representative from Oxford outlined, this message is crucial for establishing our credibility and prioritizing our fiscal needs of our state.

We are also asking Commissioners and their employees to complete their tasks on time. For example, the DEP permitting process.

I also support this legislation because I believe that the provision for amending the state budget deals fairly with state employees and the citizens that rely on the services that they provide.

Under this bill, if the Legislature in the 1st Regular Session fails to enact a biennial budget by the adjournment date then the appropriations and allocations that affect, for that current fiscal year, continue for each fiscal year of the ensuing biennium until modified by law. This will allow state services to continue to be delivered and state employees to continue to receive their pay while we debate a budget.

I urge you to support the Minority "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I urge you to oppose the "Ought Not to Pass" Report.

In the past I would not have supported such legislation. In fact, I wouldn't have even dreamed of it. But, my experience in this body has convinced me that we have to introduce greater discipline and purpose in how we do the people's business.

I do want to stress one point and it is an overriding one, the primary problem is with the system, not with the leadership or the membership of this Legislature. As I noted to the sponsor of this bill, standing on its own and not viewed in the context of other needed systemic changes to improve the process, it represents more of a goal than easily workable solution.

However, with systemic reform, such as the creation of a smaller unicameral body, this bill becomes feasible. Thus, I support this legislation as one part of the systemic reform needed to make this legislature more responsive, more efficient, more cost effective, basically what a Legislature should be.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to voice my support of the pending motion to accept the Majority "Ought Not to Pass" Report.

No one will argue the fact that this will save funds. However, what are the hidden costs? Those that will have a larger impact? With a shorter session, the Legislature will have less oversight,

less scrutiny and frankly, less time to tackle complex issues.

I am one who personally prefers to stay a couple more hours than usual to ensure the job is done rather than further delaying the problem. To shorten the session will only cause delays. All of us want to make clear, well informed, decisions. With a shorter session we will not have the time, nor will the non-partisan staff, have the time to adequately research the issue. We therefore, possibly, more than likely, will make ill-formed decisions and rush decisions to beat the end of the session clock.

If you like the creation of special commissions, I for one do not, this Legislation will probably cause the creation of numerous commissions. We need time to do the research and we need time to look through and absorb that research to make informed decisions and choices. Issues as complex as the School Funding Formula to health care, we will need time.

Under this bill I do not believe that such time will be allowed and therefore a commission to study the issue will be formed and required to report back to the Legislature with its recommendations.

We should tackle those complex issues and not create more commissions to do the work we were elected to do.

When we are home, no longer in session, state government must move on and continue to function. While we are here and propose rule changes on Maine we have the opportunity to influence over proposed rules and possibly make necessary corrections. With a shorter session, state agencies will take advantage of our absence and rule making will run rampant. The Legislature has less oversight over proposed rules when we are not in Augusta.

With the proposed shortening of a session there will be a reliance on lobbyist for information. Information they will offer from their perspective. Special interest groups will have a field day. They will have greater resources, money and time to ensure we receive the information as opposed to the average Maine citizen. We want to continue the idea of a part-time citizens legislature. We should provide the average citizen with the proper means to insure an equal playing field.

Because of these concerns, less scrutiny, less oversight, I feel we should defeat this legislation. I ask you to support the Majority "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to explain a little bit about what this bill will do and what it won't do.

I think that there are a lot of things that are possible in ways we could organize ourselves, in ways we could become extremely efficient, more efficient and we could always look to improvement. But, we don't need to pass a bill in order to do that. We don't need to set an artificial deadline that would force us to make decisions very very quickly before we have had a chance to really look at the issues.

What this bill would do would be to shorten the statutory adjournment date to the second Wednesday in April for the 1st session. That means that on the first session, which we are now, we would be getting out in one month. I don't believe that we even have half of the bills referred to us yet.

I am not sure what we would be doing with those bills but I can assure you they are not going to get appropriate treatment.

It is unfortunate but I don't think when people sent us here they sent us here to limit the citizen input in the citizens piece of government. That is what the legislative body is. I don't believe that I was sent here to give my constituents short shrift, and that is exactly what this bill will do.

If the reasons for the bill is budgetary, a money issue, the Legislature has consistently met its target reductions over the last few years. In fact we currently have cut our budget — the Legislative budget was cut and has met the targeted reduction for this year, more than \$1 million. So, it is hard for me to believe that money is really the issue.

Group decision making, which this is, is a long tedious and difficult process. It doesn't happen quickly. People need a chance to be heard, they need a chance to listen, they need a chance to weigh the ideas and hear about the pro's and con's. Many of us bring a bill in and we have never thought about what the other side of the coin might be. We can't hear that if we don't take the time that is necessary to deal with some of the major issues in front of us. We are a deliberative body and that takes a lot of time. As much as we don't want to do it and there is a lot of talk about the efficiency and effectiveness in government, government was never meant to be a quick fix. It is a sturdy and strong institution and any changes should take time. We need to take the time to do the job right.

I would submit to you that we have the capacity to shorten the session now. In stead of wacking off three months at the end of the session perhaps we wouldn't meet as much in the beginning of session while bills are being written up and referred. We have that potential right now. For each of you that has a concern about that you have an elected Speaker of the House and you have leadership and those are the people you should speak to about the organization, the amount of time we are in, if you feel there are other ways we could deal with it.

We have a Legislative TQM committee which has already made numerous suggestions of making things work better, helping us be more responsive to our constituency, the public. Limiting the amount of time that we are here to deal with the issues that the public has concerns about is not necessarily going to make us more efficient and make the job get done better.

I would just read to you in closing a little comment here that was in a Waterville Sentinel Editorial. "Hurry-up legislation enacted under the threat of a self-imposed deadline doesn't allow sufficient time. It only results in flawed laws that then have to be corrected at a later date. Crafting laws isn't the same as manufacturing widgets. Time clocks should not apply. Legislators should take whatever time is necessary to do their job right."

We are here representing the citizens of Maine and I hope that you will support the Majority "Ought Not to Pass" Report so that we can do our job and do it right.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, fellow Members of the House: I am a member of the Committee of State and Local Government and voted "Ought to Pass" in regards to L.D. 146. I rise to speak in favor of

this bill, both as a cosponsor and as a citizen of the State of Maine. I believe we, as legislators, were sent to Augusta with a clear mandate from the people of this state to begin a rather up-hill process of reining in of runaway government.

This bill presents a clear opportunity to move in that direction.

To those opposed to this concept to argue that there isn't enough time to address all the legislation before us as it is, I concur, because there is simply too much legislation to begin with.

I believe the merits of this bill far outweigh any problems of enactment and will result in a clear step towards streamlining the legislative process with the added benefit of involving more of Maine citizens in our state government.

Please vote no.

Also, I would also like to ask for the yeas and nays on this.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I would just respond quickly to a few things that have been said. We already do operate under artificial deadlines. We have a statutory adjournment date that is already set.

The difference in this bill is we are setting the adjournment date a little closer to when we start. That is the only difference.

You know as well as I do that there are plenty of opportunities in this process where we could use our time more efficiently. This bill is an effort to give us that additional incentive to use our time the most efficiently. We are a citizens legislature and we want to make sure that the process encourages as much input — both serving in these chambers as well as participating in the law making process.

I would also draw your attention to some information that was presented to the committee. Only 13 states have longer sessions than Maine. That means that 70 percent of the states have shorter sessions than we do. Are we saying that 70 percent of the states are constantly passing bad laws because they are not putting in the same amount of time that we put into our process. I don't think that is what anybody is saying, but I think we have to recognize that there is a great deal of precedent for getting the people's business done in a more timely fashion.

I think this bill is worthy of our consideration. I would urge you to oppose the pending motion.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I stood here tonight listening to the pro's and con's of this issue. I am going to tell you that this is a "feel good" bill tonight, but down the road you may not feel so good when you get faced with some emergency situations and you are under a time frame to try to get out of here the second week of April.

Stand here and realize that you have got an education budget that we are going to say that we are going to operate under the same budget that we had two years ago and go home and tell your constituency that we left and adjourned because we didn't have time enough to finalize our budget.

I can tell you that it sounds awful good to get out of here the second week of April and I would love to do it. This isn't going to affect me with this

change because I won't be here. I can tell the newer members of this House that when you come in here and this is a year that we are having a lot of frustration because we have a new Governor and it is taking us time to get organized, and I understand that process. Here we are, the second week of March, and we are talking about setting in stone a session that we could get out of here the first year, the second week of April.

My concern is that what you will have with your extensions is that you are going to be called back into a special session and I wonder tonight if in fact you are going to save money. Bear in mind that when you adjourn you people have got your salaries and you have got your expenses for that period of time but once the session is over and the Governor has to call you back a number of times, you get an additional \$100 a day plus expenses. Is that what we want to do?

I know the people out there are telling us that we should get out of here earlier. I have no problem with that, but let's do it the right way and not set it in stone.

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

Representative MARTIN: Mr. Speaker, Members of the House: I can't avoid but give a lesson on state government. I teach state government at the University. I love to hear what it is we could do if only we did it differently. There are 50 states out there that all do it differently, for the most part. Apparently we have not looked at them.

Two-thirds of the states are in session for 60 days a year, period. But, they meet for three months prior to that for hearings. They get the work done and when they come in session, they have no hearings, none. All they do is floor action.

You want to change the system, you can change the system. But, New England has always refused to change. Sounds a little strange doesn't it. Because all we do is we want to be here as we begin the process and then we want to be here through all the hearings because something might happen in a hearing that we want to watch. We don't want to miss anything, rightly so. That is why it is extended.

I just have to tell you the scenario that is going to happen on school subsidy. We don't have a formula and there are people in this room that want the money. I want it too, in Northern Maine — and Southern Maine wants it all.

Now, you have got 151 people in this body, every one is going to be looking at the bottom line on school subsidy and if I were to ask you and give you a test right now on the school formula you would all flunk because you don't know how the dollars are even allocated through the process, except for a few superintendents who were superintendents a number of years ago and they would give us the system that was in place five, ten or fifteen years ago. It has been so radically changed, altered, that it is almost impossible to comprehend. So, next week we are going to begin this process. Just learning it is going to take a minimum of two weeks. Then we are going to try to put together a formula that can get 101 votes in this body and you want to take a guess how long that is going to take? Because, you won't care how long we are here, you will care only on how much money goes back to your legislative districts. And, you won't argue a moment about spending an extra dollar if you can bring Caribou an extra \$100,000,

will you? That will be true for every single legislator.

School subsidy debate will go on in this body — I can stand here and tell you right now, that we are going to try to complete it by the end of April, and that is a dream, but a hope. Then, we won't even have the money to fund it at that point. And, you want to go home the middle of April? I do too, I have a job. But, we also have to be realistic.

Finally, let me say as the only one who has been here — when we had short sessions, you ought to take a look at the special sessions. You know what — for those of you who have never been through a special session, there is only one person that controls, the Governor. The Governor sets the agenda, the governor sets the bill before you and then the pressure is go home or else. You will see it if this happens or you may see it any way this year if we don't solve some of the problems that Governor King wants us to address, because he will call us right back in with a signature and we will be here with his agenda and his time table and the Legislature won't be able to react because we haven't got time.

You may choose to pass this legislation but it is not the way to go if you look at what states have done across this country. What you need to do, if you want to change it and shorten the length of sessions is change the formula or the system, have your work sessions and then let's come in and have just debate time and it can be done in 20 to 40 days.

Virginia has a heck of a lot more population than us and far more problems than we do and they do it in 30 days. But, they meet (not everyone, but the committees that have legislation meet) and they get all the work done and then the only thing the members can do is offer amendments on the floor. By the way, they don't get on in their system because the committee controls everything. So, you have got to look at that too.

I know it is great to talk about cuts and all those other things but we also have to understand what is going to happen when it does happen.

I am sorry for the government lesson.

THE SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, I would pose a question through the Chair. To any member of the Committee or any individual who fancies themselves a legislative historian.

The Representative from Eagle Lake has hinted at the fact that what we are seeing right now in the 100 day session and the 50 day session isn't as it always has been and I am just very curious as to some legislative history here. We don't have to go back 175 years ago but let's say the last two or three decades, limit it to that. What has been the procedure in the past, how long have we been here and when did we come to be in session as we are now?

THE SPEAKER: Representative Hartnett of Freeport has posed a question through the Chair to any member who may respond if they so desire.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Let me begin in this way. The voters of Maine changed the Constitution in the early 1970's, 1972. In 1974 — actually the 1975 session, was the beginning of annual sessions. Prior to that time (I was here from 1964) we had biannual sessions, we were here only in January and we would never get

out of here until the end of July. One time I can recall we got out about the 4th of July. But, then in the next year we had special session and the special session was like our regular session now, except that we would have one, two, three or four. So for example in 1966 when then the Governor was Reed, my first term, we had a number of special sessions whenever Governor Reed felt that he could get something through us.

In 1975 began annual sessions. And, in 1975 we went to a concept of 100 days and 50 days. So, you had 100 legislative days and then we would be out of here. The second term was 50 legislative days. So, people devised a way to get around that and that was not to call days we wouldn't be in session so that didn't count as a legislative day. So, the 100 days could stretch into September. We realized at that point that that was a problem. That is when we went to statutory days. That was done (I would guess) in 1982 or 1984. Since that time we have fixed an ending date. We have moved it back by a week or so in each instance. We have not had that many special sessions. That has been the history in the last 30 years. That is all I can tell you about it. But, the special sessions were a very common thing. You had a lot of them because we wouldn't have time to deal with the issues so we would go home and then the Governor would devise what he wanted on each issue and would bring us in for four or five issues at a time. Then we were sort of stuck, at that time you have a job, he would call you whenever he felt like it and you were stuck. That was true regardless of political party because it happened under a Democrat, a Republican and Independent. So, the scenario wasn't much different through any of that period.

THE SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Men and Women of the House: I find it interesting as I listen to this debate and some previous debates that we have had here recently about the clear message from the voters. I think that there are 150 folks in this room tonight and we can all give you a different message that we got from the voters. Every one of us can stand up here and say that — I don't know what that means (quite frankly) and maybe I am just slow and I will be the first to admit that.

I think my concern about shortening the session out of hand like we are talking about — if we look back at what has happened in the State of Maine in the last four or five years, particularly the car test program, I think there has been some controversy about that if I recall correctly. I think maybe that controversy has grown out of hurrying to get something done, to be the first one, to be the leader in the country and now we are in a heck of a mess.

We have got a problem and I think that problem is partially driven by hurrying. This kind of legislation, in my mind, will drive this body to hurry more. My concern is we will end up with more car test programs. We will also end up with more reformulated gas which now is coming as a problem and it was going to be the panacea, it was going to solve our pollution problems in Maine. Now, all of a sudden it is a big issue and people are getting sick. It happened because we hurried. We had to be number one, we had to get ahead of everybody else — driven by time rather than facts (in my opinion).

The other concern I have as a Representative of the people of my district, who by the way nobody has

said to me we need to shorten the sessions and that will solve all of our problems. I guess there is little communications from the media in my district or something, but they haven't said that to me. The concern that I have is which one of my constituents am I going to say to, "I am sorry, your bill is not important, therefore I can't put it in because we don't have time to address your concern."

I will be the first to admit that there are bills and I think every one of us can think of one that probably shouldn't be here, that is probably not an issue. But, we represent the citizens of the State of Maine and if they have a concern we have an obligation to try to address that concern. Can we always fix it? Obviously not. Do we always come to some resolution that they are happy with? Obviously not. But, I never want to be in a position where I have to say to a constituent of mine, "I am sorry, yours isn't important you take yours, go to Connecticut, go to New York or somewhere else and solve your problem, we have more important issues to solve than yours." I don't ever want to be in that position. I am afraid by shortening our session — and the point has been made here tonight it will put the pressure on to move faster — law made in haste is seldom good law.

ROLL CALL NO. 15

YEA - Adams, Ahearne, Aikman, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Greenlaw, Hartnett, Hatch, Heesch, Heino, Hichborn, Johnson, Jones, K.; Joseph, Joyce, Keane, Kerr, Kilkelly, Kneeland, Lemaire, Libby JL; Look, Madore, Marshall, Martin, Mayo, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Peavey, Pendleton, Pinkham, Poirier, Poulin, Reed, W.; Richardson, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Watson, Wheeler, Winglass, Winn, The Speaker.

NAY - Barth, Birney, Buck, Campbell, Carleton, Clukey, Donnelly, Dunn, Jones, S.; Joy, Labrecque, LaFountain, Lane, Layton, Lemke, Libby JD; Lovett, Lumbr, Marvin, McAlevey, Nass, Ott, Perkins, Povich, Reed, G.; Rice, Robichaud, Rosebush, Taylor, Underwood, Waterhouse.

ABSENT - Bailey, Chase, Dore, Gieringer, Guerrette, Jacques, Joyner, Kontos, Lemont, Lindahl, Luther, McElroy, Mitchell JE; Plowman, Pouliot, Rotondi, Savage, Stevens, Volenik, Whitcomb, Winsor, Yackobitz.

Yes, 97; No, 31; Absent, 22; Paired, 0; Excused, 0; Vacant, 1.

97 having voted in the affirmative and 31 in the negative, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

At this point, the Speaker announced pursuant to House Rule 1 the following changes in appointments to the Joint Standing Committees of the 117th Maine Legislature:

Representative JONES of Bar Harbor to the Joint Standing Committee on Human Resources, replacing Representative MITCHELL of Vassalboro.

Representative MITCHELL of Vassalboro is appointed to the Joint Standing Committee on Banking and Insurance.

Representative SAXL of Portland is appointed to the Joint Standing Committee on Banking and Insurance.

On motion of Representative FITZPATRICK of Durham the House reconsidered its action whereby Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" (H.P. 589) (L.D. 799) was referred to the Committee on Judiciary.

On further motion of the same Representative, the Bill was committed to the Committee on Human Resources and sent up for concurrence.

On motion of Representative LOOK of Jonesboro, the House adjourned at 6:25 p.m. pursuant to the Joint Order (S.P. 308) and in memory of Frank Hussey of Presque Isle and in honor of the 175th Birthday of the State of Maine.