

# MAINE STATE LEGISLATURE

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

**VOLUME V**

**FIRST REGULAR SESSION**

**Senate**

June 19, 1995 to June 30, 1995

**FIRST CONFIRMATION SESSION**

September 14, 1995

**FIRST SPECIAL SESSION**

**House of Representatives**

November 28, 1995 to November 30, 1995

**Senate**

November 28, 1995 to November 30, 1995

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Thursday  
June 22, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

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Prayer by the Honorable Judy Paradis of Aroostook.

**SENATOR JUDY PARADIS:** Monsieur President et Chers Honorable Colleague. On the eve of the feast day of St. John the Baptist, the Patron Saint of the people of French descent. We thank you God for another beautiful day. We thank you for kind hearts, honest souls and for intellectual discernment of the true and the good, as we continue our deliberations today and always. Amen.

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Reading of the Journal of Yesterday.

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Off Record Remarks

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Out of order and under suspension of the Rules, the Chair laid before the Senate the following:

In consideration of which the Senate was engaged at the time of Adjournment yesterday, pursuant to Joint Rule 12.

Bill "An Act to Create the Workers' Compensation Residual Market Deficit Resolution and Recovery Act" (EMERGENCY)

S.P. 594 L.D. 1578  
(S "A" S-305)

Pending Action - **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-305)**, without reference to a Committee. (Roll Call Ordered)

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I would just like to take a moment, before we vote on this very important piece of legislation, to bring up a couple of points. One is that according to some estimates of the deficit in the residual market, there will be a surplus by around the year 2001, which would mean that employer surcharges could actually go down even below the 6.32% specified in this bill. That would require the Legislature to look at that, and I predict that if, and when, that happens, and there are, of course, many different estimates of the deficit in the pool, and this one might not be correct, but if it does happen, I trust that all of you that will be here, and all of our colleagues who follow who will be here, will hear the hew and cry of employers and insurers, and act justly. Because of term limits, of course, none of us probably will be here. So, I just wanted to read that into the Record. I also wanted to note to you that with the passage of this bill that ratifies a consensus facilitated agreement, by my count, we bring to three major societal polarized problems that we have solved through the consensus facilitation process. We lead the nation in applying this process to public policy issues, and I think that is something that we should be proud of.

For many of us this is going to be a difficult vote. For many of us, we will want to have been proved right or we will want to win in court. We will want to have a finality in that way. But, what I am hearing more and more, from the people of Maine, is that the solutions that are best, are borne out of the middle. This, Ladies and Gentlemen of the Senate, is definitely a solution that is borne out of the middle. Each side is going to have to put aside its wish to be right. The solution that you have before you, and that we have a chance to ratify, is a consensus and it is borne out of the middle. It turns down the volume and it is very appealing to me for that reason. I would also like to formally, and put into the Record, thank the members of the four by four committee who worked, to my estimation, three hundred hours or more, until two in the morning regularly, until five in the morning one time, negotiating this settlement. Marty Eisenstein, for the Chamber of Commerce; Tim O'Neil, from MEMIC; Alison Webb, representing the Maine Council of Self-Insurers; Pam Treadwell, representing small employers and NFIB. Then we had four members representing insurance companies; Everard Stevens, Jane Kelly, Bill Harwood and Judy Plummer. We had Bill Black, from the Public Advocate's Office, as a technical advisor. I want to publicly thank these people for their dedication to solving this very serious problem that we have in Maine. I would like to especially thank the Commissioner, Katie Longley, for an incredible job of leadership, not only intellectual leadership, because she grasped these issues instantly, but process and organizational leadership that was unflagging in this process, and earned her my utmost respect. We are lucky to have her as a Commissioner in Maine. I would also like to acknowledge the hard work, and note that this is a very hard moment, for all the litigators who wished that they would win in court on this issue. Our Superintendent of Insurance, who made some very

courageous decisions on this issue, that actually, I think, precipitated this agreement. The Attorney General's Office, who litigated on behalf of employers and on behalf of the Superintendent of Insurance, and Marty Eisenstein, who was the chief litigator for the Chamber of Commerce and employers in these cases, and who has now put aside that position and signed on to this agreement. I want to acknowledge the years, literally years, of hard work that all those people have put in on behalf of Maine insurers. I would add to that list Bill Black and Martha McCluskey, who is no longer with us in Maine. And, just to acknowledge that there have been years, and years of hard work on this issue that we call fresh start, and which, if we pass this bill, we will finally end a very polarized chapter in our State's history, and will, hopefully, go on to an era of consensus on Workers' Comp. Thank you.

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

Senator **RAND:** Thank you, Mr. President, Men and Women of the Senate. I am under no illusion that my position on this bill will be the position that is accepted by this body. But, I do feel that I would not be doing my job properly if I did not at least state, for the Record, my objections to this agreement. I will spare the body the long history that I had intended to go through. It begins in 1985, but I will spare the body that, solely because I had a wonderful talk with one of the negotiators in this deal, Tim O'Neil, and decided against the long version. I would like the Record to show that my objections to this bill are for the following reasons. We have already had a court case that has told the insurers in this State, the comp insurers, that they are liable for, I have heard two amounts, \$180 million to \$220 million, we will go with the \$180 million number.

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

Senator **ABROMSON:** May I ask a question of the Chair on a point of order? Is it permissible to discuss pending court cases in this chamber?

**THE PRESIDENT:** The Chair would rule, pursuant to section 111 of Mason's Legislative Manual, any matter awaiting adjudication in a court should not be debated or discussed in the legislative body. The Chair would advise the members to please refrain from discussing pending court cases. The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President. There is no immediate crisis here, there is no reason why this bill has to be pushed through in such a fashion. There is no reason why we could not hold this bill and deal with it in January. My other objection is that if, as it was put to me, in a worst case scenario, and in my dealings, through this Legislature with the comp insurers, we have always ended up with the worst case scenario, if more money is needed there will be a surcharge on home owners and property and casualty and car insurance policies. That is a suggestion by the comp insurers that has been rejected in this Legislature in the past. As I said previously, there is a crisis coming

with that pool, there is no question, several years out. There is no reason why we cannot take a better look at this situation and deal with it in a more favorable manner for the employers of this State. It has been said that the employer members have agreed to this. They have, but I would guarantee that if we left this building now, and went to twenty-five businesses that are operating in this city, not one of them knows a thing about what we are doing with the fresh start provisions. Another provision that bothers me is that at the end of eight years, a cap on the surcharge is removed. The feeling is that the provision was written that way because the assessment will be lower than the 6.5. I understand that rationale, but it was also the decision, pushed by the comp insurers in 1987, that fresh start would be a shared responsibility, that the deficit would be paid by the employers of this State and the comp insurers. They reneged on that, although they worked that bill very hard and they wanted that fresh start provision, they turned their back on that agreement and have said we don't accept any of the responsibility for the deficit in that pool. I did say that I wouldn't go on and on and on, but I do believe that some of these things should be on the Record. The good Senator from Kennebec, Senator McCormick, has stated that we will not be here, we will be term-limited out, when the ax is going to fall on this one. I simply don't trust the comp insurers. They have not proved to me that they will stand by their word. On that I will sit down and I will be voting no.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED.**

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

**YEAS:** Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, PARADIS, PENDEXTER, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

**NAYS:** Senators: ESTY, PINGREE, RAND

**ABSENT:** Senator: O'DEA

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED, As Amended.**

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

Senator LAWRENCE of York was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator KIEFFER of Aroostook, RECESSED until 4 o'clock this afternoon.

After Recess

Senate called to order by the President.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks"

H.P. 801 L.D. 1118  
(C "A" H-404)

In Senate, June 19, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404) AND HOUSE AMENDMENT "A" (H-575), in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

**Non-concurrent Matter**

Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation"

S.P. 532 L.D. 1470  
(C "A" S-217)

In Senate, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217).

Comes from the House with the Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

**Joint Order**

The following Joint Order:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills authorizing the issuance of a tax anticipation note not to exceed \$182,000,000 for fiscal year 1995-96, to the House.

H.P. 1136

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

**COMMUNICATIONS**

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

June 21, 1995

To the Honorable Members of the 117th Legislature:

I am returning without my signature or approval S.P. 234, L.D. 599, An Act to Reimburse Former Temporary Hearing Officers of the Workers Compensation Board for Lapsed Vacation Time. This bill would pay three former Workers Compensation

Commissioners a total of \$13,528 for vacation time they earned and accrued over the maximum allowed, but were unable either to use before they terminated or to be paid for when they left. In addition, this bill would allow those former commissioners who have been rehired into State service to keep longevity pay and higher rates of vacation accrual, as if they had not terminated their State service when they left the Workers Compensation Commission.

The bill is objectionable on two grounds. First, the State has a firm policy that departing employees will not be paid for vacation time above the maximum. The written policy applies to all bargaining unit and confidential employees. In seeking to compensate the former commissioners for unused vacation time over the allowed limit, this bill provides special treatment for a tiny and select group of former employees. Over two thousand (2,000) other State employees now have on the books vacation time that exceeds the maximum allowed, largely as a result of past furlough and shutdown days. During the coming biennium, several hundred of these employees will leave State service, whether through attrition or layoff. None of these employees will be compensated for vacation time over the limit, even though in many cases there are compelling reasons why the employees were prevented from using the vacation time they earned.

Secondly, the bill intrudes upon the collective bargaining agreement that now covers the former commissioners who have been rehired into State service by allowing them to retain longevity pay and vacation accrual rates as if they had not had a break in service. Longevity rates and accrual rates are subjects for bargaining, and in fact are addressed in the current contracts. The contracts specifically dictate the effect of prior State service on accrual rates. This bill contradicts those provisions.

It is true that the Workers Compensation commissioners were in an unfortunate and difficult situation. However, that has been and will continue to be true for many, many State employees. I see no compelling reason to make an exception here or to supersede collective bargaining agreements without an extraordinary public purpose.

Because of the objections outlined above, I am in firm opposition to L.D. 599 and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.  
Governor

S.C. 255

Which was **READ** and **ORDERED PLACED ON FILE**.

The Accompanying Bill:

Bill "An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time"

S.P. 234 L.D. 599

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you, Mr. President. Several weeks ago, this body passed a bill allowing the reimbursement to these three people, with the understanding that they had worked in a situation that had come along as a responsibility of the State, and not their own. It was pointed out at that time that they were asked by the State, and the organization they were working for, to, at their own possible peril, to work at a time and to carry the State across a situation that was necessary. The eight-member board, recognizing what they had done for the State, asked the Labor Committee to consider a bill to compensate them, not necessarily strictly on the money part, but also for their service to the State. We discussed it at that time, and you may discuss it today, as to the position of other State workers in a similar situation. I don't think there is another similar situation that I have heard of. The answer to this, as far as I am concerned, is that the organization, the Workers' Compensation Board, unanimously requested that we grant them this leave and the money, and they had the money already there so that there was no expense to the General Fund, or to any budget. We honestly passed that, and I honestly believe they deserve it, and I suggest to you that you do not sustain this veto.

The President laid before the Senate the following:

Shall this Bill become Law notwithstanding the objections of the Governor?

In accordance with Article 4, Part 3, section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CARPENTER, CASSIDY, ESTY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LORD, McCORMICK, MILLS, PENDEXTER, PINGREE, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

**NAYS:** Senators: CAREY, CIANCHETTE, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, LONGLEY, MICHAUD, O'DEA, PARADIS, RUHLIN

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, and 25 being more than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN**, and that the bill become Law, notwithstanding the objections of the Governor.

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

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The Following Communication:

**MAINE TECHNICAL COLLEGE SYSTEM  
OFFICE OF THE PRESIDENT  
323 STATE STREET  
AUGUSTA, MAINE 04330**

June 15, 1995

The Honorable Jeffrey H. Butland  
President of the Senate  
Maine State Senate  
117th Maine Legislature  
Augusta, Maine 04333

Dear President Butland:

I am pleased to submit to the 117th Maine Legislature copies of the Maine Technical College System Annual Report. This report highlights the accomplishments of the technical colleges over the past year, and our future challenges as we strive to meet the employment needs of Maine businesses and citizens.

We are proud of the contributions of our faculty, administrators and staff in helping provide our students with the tools to succeed in an increasingly competitive economy. We thank the Maine Legislature for its support, which each year enables thousands of Maine people to obtain the education and skills needed to fulfill their personal goals and become productive members of Maine's workforce.

Sincerely,

S/John Fitzsimmons  
President

S.C. 258

Which was **READ** and **ORDERED PLACED ON FILE**.

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The Following Communication:

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

June 21, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1569      Resolve, Prohibiting the Maine  
Court Facilities Authority from  
Locating Court Facilities upon  
Certain Property

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills      S/Rep. Sharon Anglin Treat  
Senate Chair              House Chair

S.C. 259

Which was **READ** and, with Accompanying Bill,  
**ORDERED PLACED ON FILE**.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **MARINE RESOURCES** on Bill "An Act to Change the Licensing Year for Certain Marine Resource Licenses"

H.P. 1032 L.D. 1451

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-528).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-528) AND **HOUSE AMENDMENT "A"** (H-573).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-528) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-573), **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission"

H.P. 676 L.D. 927

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CARPENTER of York  
HARRIMAN of Cumberland

Representatives:

TAYLOR of Cumberland  
GIERINGER, JR. of Portland  
O'NEAL of Limestone  
POULIN of Oakland  
STONE of Bangor  
POIRIER of Saco

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "A" (H-435)**

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham  
ADAMS of Portland  
LUTHER of Mexico  
HEESCHEN of Wilton

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**.

Which Reports were **READ**.

On motion by Senator **CARPENTER** of York, Tabled Unassigned, pending **ACCEPTANCE** of Either Report.

**SECOND READERS**

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

**House As Amended**

Bill "An Act to Abolish the Maine Waste Management Agency"

H.P. 181 L.D. 229  
(C "A" H-487)

Bill "An Act Regarding Insurance Coverage for Mental Illness" (Emergency)

H.P. 432 L.D. 595  
(C "A" H-521)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 580 L.D. 785  
(C "A" H-557)

Bill "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes"

H.P. 900 L.D. 1276  
(C "A" H-513)

Bill "An Act Concerning Ring Holding Devices Used in Packaging"

H.P. 940 L.D. 1329  
(C "A" H-273)

Bill "An Act to Update and Clarify the Election Laws"

H.P. 1042 L.D. 1461  
(H "A" H-524 to C "A" H-501)

Bill "An Act to Prevent the Use of Correctional Facilities for the Detention of the Mentally Ill"

H.P. 1072 L.D. 1507  
(C "A" H-554)

Bill "An Act to Deregulate the Costs and Revenues Associated with Acute Care Provided to Involuntarily Committed Patients within the Hospital Care Finance System"

H.P. 1110 L.D. 1558  
(C "A" H-555)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

**ENACTORS**

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



An Act to Create an Intermediate License for Minors

S.P. 166 L.D. 427  
C "A" (S-220)

Comes from the House having **FAILED OF ENACTMENT**.

Senator **BEGLEY** of Lincoln moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED**.

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

Senator **BUSTIN:** Mr. President, I would hope that you would defeat that motion. There is an amendment that is going to be offered by another member of this body, and they would like to have the opportunity to do that.

Senator **BUSTIN** of Kennebec requested a Division.

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. I would urge you to support the pending motion. I think it has been made clear in debate on this issue that curfews do not necessarily contribute to the highway safety, or better driving records, of our young drivers. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Colleagues of the Senate. I won't belabor this point but, in fact, statistics do support that traffic crashes will decrease with a mild incentive for child drivers, for the first year of their driving, to maintain a clean driving record and a safe driving record. That has been proven effective in several states, and if the same data and statistics were applied to this state it would amount to approximately 300 less crashes per year among the most accident prone age group. One out of five sixteen-year-olds will get into a crash. That statistic has been consistent in the State of Maine for several years running. I hope you will defeat the pending motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you, Mr. President. In the discussion of this bill a week or so ago, there were some statistics pointing out that when you take certain numbers off the road, you will reduce the accident rate. That is absolutely true. It will happen at any time of the day when you take people off the road, you will have less accidents. The comment was made, at that time, of sixteen and seventeen-year-old drivers. In some of these statistics put out by the Department of Public Safety, the eighteen and nineteen-year-old group, at least in 1984, was the worst drivers. Not the sixteen and seventeen-year-olds. When you look at

the figures, two-thirds of that age group had no injuries. One-third did. You are asking a bill, once again, to penalize the two-thirds.

One other issue that was not brought out at the time, and I, as a man, have to say this in all honesty. The girls and the women have a better safety record than the men do. Yet you are going to pass a law that, in many respects, is going to penalize the young female driver as well.

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

Senator **PARADIS:** Thank you, Mr. President. Again, I wish some of these individuals who are opposing this legislation would have come and spent the time that we did spend in Committee, reviewing the data. Indeed, the rule about having less people on the road and having less crashes does not apply to rural areas. Many times the roads are not very good, you have bad weather conditions, and, indeed, the statistics we heard were that in rural areas you have a higher number of accidents, especially with our children who are under-experienced, under the influence of chemicals, and a whole variety of other reasons. We spend a lot of time and energy here, looking out for the well-being of children. I think if it were not for them, most of us wouldn't be here. We wouldn't want to be spending so much of our lives trying to make the society in Maine better. One of the things we can do is improve things for the children, to keep them safe so that they can go on with their lives. One out of five is a slaughter, that's pretty bad, and you have injuries that last forever. I urge your opposition to this motion. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. Just quickly, just to cite for the Record, from the Bureau of Highway Safety, in 1991 the accident rate for sixteen and seventeen-year-olds was 20.5%. That's more than one in five kids who get into a crash. In 1992 it was 21.3%, an increase. In 1993 it was 22.1%, and that was the most recent statistic that they could give me. They are the most accident age group available. But, more important than that, it helps build safe driving habits. As to women, in an National Association of Independent Insurers surveyed, 45% of all sixteen and seventeen-year-old girls that die, do so as a result of a car crash. Among boys the same age it is 36%. Boys and girls surveyed in states where they have this law support this legislation two to one.

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. To follow up on the statistics that the good Senator from Penobscot cites, those particular crashes did not happen between midnight and five a.m. The same statistics will tell you that the most common time for an accident to happen is at two or three o'clock in the afternoon. The Bureau of Highway Safety, the Highway

Safety Commission, has looked at these statistics. The fact that we are zeroing in from midnight to five, in my opinion, is putting a curfew on kids, on sixteen-year-olds. They are going to have their crashes at seven or eight or nine o'clock at night. If we really want to do this right, probably the minute it gets dark we should make sure they stay home. What are we really doing here? There are some sixteen-year-old adolescents who are responsible, and we are penalizing people who also could be responsible. The system we have in place now, you already get a one-year probationary license and the minute you do something wrong, you lose your license. I think that's the most appropriate way to deal with adolescents. Why don't we give them a chance to be responsible and then, if they mess up, then let's penalize them. But, this midnight to five curfew, in my opinion, sounds good, and feels good, but it's government in your life again, and it's not really going to accomplish safer scenarios in the driving habits of our kids. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. Again, just to clarify, this legislation will decrease crashes at three p.m. and at three a.m. The statistics are uniform from the states that have this law. During affected night hours a 69% decrease in crashes in Pennsylvania, a 62% decrease in New York, a 40% decrease in Maryland. But, over all, twenty-four hours a day, including a decrease in crash rates during the daytime hours, 15%. Why? Because the young people, the children drivers, say, "I will modify my conduct to graduate to a higher level of licensure." It works. That's why I think there are responsible young people, and that's why they support, two to one, in the states that are affected, they favor this legislation. It's a good idea. It decreases crashes by about 300 a year in the State of Maine. That's a worthwhile result. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you, Mr. President. I have been inclined to vote against this motion, because I felt that it was too restrictive, and probably unnecessary. Perhaps as you may have noticed, my son has been a page here for the last couple of days. He and I were discussing this issue last night. He had the opportunity to hear a lot of debate and discussion on it, I have to say that in spite of the fact that he knew his two older sisters would be angry with him, he is in favor of this bill.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. I originally supported this effort, although somewhat reluctantly, and in the intervening week or so since we acted on it previously, I did some research in my district and found out as well, to my surprise, that not only did parents support this strongly, but teenagers did as well. My sense is that there is far more widespread support for this effort than I originally thought that there might be. I would ask you to oppose the motion on the floor. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **PREVAILED**.

An Act Relating to Telephone Solicitation  
H.P. 100 L.D. 135  
(C "D" H-462)

An Act to Implement the Recommendations of the Maine HIV Advisory Committee Concerning HIV Testing  
S.P. 129 L.D. 321  
(C "A" S-269)

An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans  
H.P. 287 L.D. 391  
(C "A" H-453)

An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years  
H.P. 489 L.D. 670  
(C "A" H-502)

An Act to Amend the Substance Abuse Testing Law  
H.P. 645 L.D. 868  
(H "A" H-485 to C "A" H-420)

An Act to Ensure Consistency Between State and Federal Environmental Requirements  
S.P. 347 L.D. 952  
(C "A" S-275)

An Act to Expand Elevator and Tramway Inspection Services  
H.P. 862 L.D. 1193  
(C "A" H-504)

An Act to Provide for Public Health Standards in Public Schools Similar to Standards Required in Private Industry  
S.P. 433 L.D. 1201  
(C "A" S-272)

An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering  
S.P. 475 L.D. 1271  
(H "A" H-510)

An Act to Update and Clarify Administrative Procedures  
H.P. 907 L.D. 1283  
(C "A" H-496)

An Act to Prevent Master Electrician License Fee Payment Duplication

H.P. 1044 L.D. 1463  
(C "A" H-497)

An Act to Establish the Maine Judicial Compensation Commission

S.P. 536 L.D. 1474  
(H "A" H-525 to C  
"A" S-260)

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

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An Act to Improve Bicycle Safety in This State

S.P. 580 L.D. 1557  
(C "A" S-256)

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

Senator **STEVENS:** Thank you, Mr. President, Men and Women of the Senate. L.D. 1557, An Act to Improve Bicycle Safety in This State, really is not what it says it is. Let me read the definition of a bicycle here, "which includes a motorized tricycle, or toy vehicles, but not limited to roller skates, skateboards, wagons, sleds, and roller coasters." They can go along at the same speed of traffic with an automobile if this bill is passed. I think you should read the Committee amendment on the minority report very carefully before you pass this piece of legislation. It's not what it reads to be.

Senator **STEVENS** of Androscoggin moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. I would urge your vote against this motion so that we can go ahead and vote for this legislation. Again, it is very simple, the bill has basically been gutted as we tried to compromise with everyone. The bike industry, which is getting to be a bigger industry in the State of Maine, came to us. What's left is hand signals. It's innocuous, it won't hurt anybody. The people who are volunteering to teach out there will have an extra thing that they can teach and it will be legal in law. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This may seem like a trivial bill to many, but I can assure you, to the many people who have recently organized in the State of Maine into bicycle associations, it is not.

The onroad touring bicycle phenomenon is relatively new to Maine, and it has the potential for being a significant portion of the tourist economy. It's very popular in most areas of the country. It's just beginning to catch on in Maine. There are a number of adaptations, including road configurations, availability of services, et cetera, that are important to the bicyclist. This is one step on that route. One of the activities that impressed me with these associations was their invitation to legislators in their areas to come in and explain the political process, to enable these people to work within the legislative system to advance the cause of safe bicycling in the State of Maine. This is their first effort. You may see it as a less than perfect one, but they have spent a great deal of time working on issues that were important in terms of bicycle safety. They have worked very hard through the process. They have contacted many legislators. They take this bill very seriously. They would appreciate your support, and I urge you to oppose this motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. As a member of the Maine Freewheelers Bicycle Club, and somebody who has, I dare say, logged in more miles, I'm over 20,000, I have been bicycling for many years. As I ride along, I wish sometimes the people in cars realized how much more beat up the side of the road is than the middle part of the road. There is many a time when, I'm proud to say, I am going at a nice clip, and I'm going as fast as the cars, I would probably err on the side of caution and stay on the side, but it would be helpful if I had the option of going where there were fewer potholes. It would be much safer for everybody, I think. Thank you.

On motion by Senator **STEVENS** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **STEVENS** of Androscoggin that the Senate **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

**YEAS:** Senators: ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BERUBE, BUSTIN, CAREY,  
 CIANCHETTE, CLEVELAND, ESTY,  
 FAIRCLOTH, GOLDTHWAIT, LAWRENCE,  
 LONGLEY, McCORMICK, MICHAUD,  
 MILLS, O'DEA, PARADIS, PINGREE,  
 RAND

ABSENT: Senator: RUHLIN

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator STEVENS of Androscoggin to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

Senator KIEFFER of Aroostook requested a Division.

On motion by Senator LAWRENCE of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending ENACTMENT.

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**Emergency**

An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law

S.P. 426 L.D. 1149  
 (C "A" S-253; H "A"  
 H-494)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act Relating to the Establishment of a Continuum of Quality and Affordable Long-term Care and Service Alternatives

S.P. 519 L.D. 1401  
 (C "A" S-271)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act to Amend the Laws Pertaining to the Regulation of Borrow Pits

S.P. 525 L.D. 1423  
 C "A" (S-283); S "A"  
 (S-288)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act to Amend the Earnings Limitations under the Disability Plan

H.P. 1078 L.D. 1520  
 (C "A" H-495)

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

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**Resolve**

Resolve, Directing the Department of Education to Develop a Statewide Plan for a Skills Development Program for Teachers

H.P. 1053 L.D. 1482  
 (C "A" H-499)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Mandate**

An Act Concerning the Participation of Teachers of Adult Education in the Maine State Retirement System

S.P. 214 L.D. 556  
(C "A" S-278)

On motion by Senator **BEGLEY** of Lincoln, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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**Resolve Mandate**

Resolve, to Establish Tuition Policy for the Town of Dennysville and Edmunds Township

H.P. 651 L.D. 874  
(H "A" H-506 to C  
"A" H-476)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Senate at Ease**

Senate called to order by the President.

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**Off Record Remarks**

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Regulate Hybrid Wolves"  
S.P. 360 L.D. 986  
(C "A" S-287)

In House, June 20, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287)**, in concurrence.

(Recalled from Engrossing pursuant to Joint Order H.P. 1134.)

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287) AS AMENDED BY HOUSE AMENDMENTS "A" (H-566) AND "B" (H-567)**, thereto, in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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**ORDER**

**Joint Resolutions**

On Motion by Senator **STEVENS** of Androscoggin, the following Joint Resolution:

**JOINT RESOLUTION RECOGNIZING THE 200TH ANNIVERSARY OF THE TOWN OF LITCHFIELD**

**WHEREAS**, the Town of Litchfield, originally known as Smithfield Plantation for the first settler, Eliphalet Smith, who came to the area in 1776, was incorporated in 1795; and

**WHEREAS**, the Town of Litchfield is located in a unique geographic area, nestled between Augusta, Gardiner and Lewiston-Auburn; and

**WHEREAS**, many of the first settlers to Litchfield were primarily farmers who built their homes among the abundance of attractive ponds, glens and cascades in the area; and

**WHEREAS**, the area still has many farms, but is home to a growing number of people who enjoy the rural life yet work in the surrounding larger towns; and

**WHEREAS**, like the earliest settlers who were proud of their community, the citizens of Litchfield continue to take pride in their rich heritage and the strong bond of community remains; now, therefore, be it

**RESOLVED:** That We, the Members of the 117th Legislature, now assembled in the First Regular Session, take this opportunity to congratulate the good citizens of Litchfield as they celebrate the town's bicentennial and offer our best wishes for continued success in the years ahead; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to citizens and officials of the Town of Litchfield.

Cosponsored by: Representative WATSON of Farmingdale.

S.P. 595

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

Representatives:  
BIRNEY of Paris  
LIBBY of Kennebunk  
POVICH of Ellsworth

Comes from the House 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" (H-534) AS AMENDED BY HOUSE AMENDMENT "A" (H-558)**, thereto.

Which Reports were **READ**.

Senator **HARRIMAN** of Cumberland moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-535)** Report in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-535)** Report in **NON-CONCURRENCE**.

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Related to Optometry"

H.P. 590 L.D. 800

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-534)**.

Signed:

Senators:

CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland  
BRENNAN of Portland  
CAMERON of Rumford  
DAVIDSON of Brunswick  
KONTOS of Windham  
REED of Dexter  
SIROIS of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (H-535)**.

Signed:

Senator:

HARRIMAN of Cumberland

**Senate**

**Ought to Pass As Amended**

Senator **BERUBE** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Connect Libraries and Communities Electronically"  
S.P. 191 L.D. 500

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-310)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "B" (S-310) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Landfill Closure and Remediation"

S.P. 147 L.D. 333

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-306)**.

Signed:

Senators:

HANLEY of Oxford  
BEGLEY of Lincoln

Representatives:

DONNELLY of Presque Isle  
AIKMAN of Poland  
MORRISON of Bangor  
DIPIETRO of South Portland  
POULIOT of Lewiston  
SIMONEAU of Thomaston  
OTT of York

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-307)**.

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

KERR of Old Orchard Beach  
JOSEPH of Waterville  
TOWNSEND of Portland

Which Reports were **READ**.

On motion by Senator **BEGLEY** of Lincoln, the Senate **ACCEPTED** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-306)** Report.

The Bill **READ ONCE**.

Committee Amendment "A" (S-306) **READ**.

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-318) to Committee Amendment "A" (S-306) **READ**.

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

Senator **MICHAUD:** Thank you, Mr. President, Men and Women of the Senate. Hopefully, you will adopt Senate Amendment "A". What this amendment does is add \$1 million to this bond issue. Currently, as you know, the State Department of Environmental Protection administers construction grant programs, which are for large waste water treatment facilities. Back in the 110th Legislature, the Legislature enacted the small community program, which will take care of the smaller, more serious, water quality problems that the large program does not cover. All of the bond money will be used up this year. They will have no money left if we do not add any money to that program. This is a very worthwhile program. There are several factors considered for someone to be on this list. The primary one is to protect ground water, surface water, shellfish areas. Particularly along the coast, there have been a lot of areas that did qualify for this particular program. Some of the towns in the past that received these monies have

been Blue Hill, Boothbay, Eastport, Machias, Hancock, and Franklin. So this is a very worthwhile program. I hope that you would adopt Senate Amendment "A" to Committee Amendment "A". Thank you.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator **MICHAUD** of Penobscot that the Senate **ADOPT** Senate Amendment "A" (S-318) to Committee Amendment "A" (S-306).

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### Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$15,000,000 to Expand Maine's Interactive Television System to Maine High Schools"

S.P. 171 L.D. 432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-308)**.

Signed:

Senators:

HANLEY of Oxford  
BEGLEY of Lincoln

Representatives:

KERR of Old Orchard Beach  
SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
AIKMAN of Poland  
MORRISON of Bangor  
POULIOT of Lewiston  
OTT of York

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-309)**.

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

TOWNSEND of Portland  
DIPIETRO of South Portland  
JOSEPH of Waterville

Which Reports were **READ**.

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)** Report.

On motion by Senator BERUBE of Androscoggin, Tabled until Later in Today's Session, pending the motion by Senator BEGLEY of Lincoln that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) Report.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Ensure a Sustainable Urchin Fishery in the State and to Promote Competition in the Maine Sea Urchin Processing Industry"  
S.P. 337 L.D. 918  
(C "A" S-293)

In Senate, June 20, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293) AS AMENDED BY HOUSE AMENDMENT "A" (H-582), thereto, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Protect Traditional Uses in the North Woods"

H.P. 1104 L.D. 1551

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-519).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY HOUSE AMENDMENT "A" (H-548), thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-519) READ.

House Amendment "A" (H-548) to Committee Amendment "A"(H-519) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-519) as Amended by House Amendment "A" (H-548), thereto, ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on CRIMINAL JUSTICE on Bill "An Act Relating to Criminal Forfeitures"

H.P. 1058 L.D. 1487

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-568).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-568) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on JUDICIARY on Bill "An Act to Allow Involuntary Commitments at Hospitals under Contract with the Department of Mental Health and Mental Retardation"

H.P. 1084 L.D. 1526

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-563).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-563) READ and ADOPTED, in concurrence.



The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on UTILITIES AND ENERGY on Bill "An Act to Amend the Charter of the Corinna Water District"

H.P. 1127 L.D. 1572

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-579).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-579) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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#### Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Require Insurers to Reimburse Insureds with Inborn Errors of Metabolism" (EMERGENCY)

H.P. 401 L.D. 536

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

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc  
MCCORMICK of Kennebec

Representatives:

CHASE of China  
GATES of Rockport  
JONES, JR. of Pittsfield  
MAYO, III of Bath  
PAUL of Sanford  
SAXL of Portland

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

Signed:

Representatives:

VIGUE of Winslow  
CAMPBELL of Holden  
LUMBRA of Bangor  
GUERRETTE of Pittston

Comes from the House 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" (H-468).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-468) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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#### Divided Report

The Majority of the Committee on CRIMINAL JUSTICE on Bill "An Act to Appropriate Funds for the Building Alternatives Program" (Emergency)

H.P. 1120 L.D. 1564

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-529).

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis  
O'DEA of Penobscot

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
CLUKEY of Houlton  
GOOLEY of Farmington  
JOHNSON of South Portland  
MCALEVEY of Waterboro  
PEAVEY of Woolwich  
THOMPSON of Naples  
WHEELER of Bridgewater

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

Signed:

Representative:  
WATERHOUSE of Bridgton

Comes from the House 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" (H-529).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-529) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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**Divided Report**

The Majority of the Committee on NATURAL RESOURCES on Bill "An Act to Enhance Recycling by Ensuring Raw Materials for Businesses that Recycle and to Fund Household Hazardous Waste Collection Programs"

H.P. 805 L.D. 1122

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-550).

Signed:

Senators:

LORD of York  
RUHLIN of Penobscot

Representatives:

GOULD of Greenville  
POULIN of Oakland  
SAXL of Bangor  
BERRY of Livermore  
MERES of Norridgewock  
SHIAH of Bowdoinham

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

Signed:

Senator:

HATHAWAY of York

Representatives:

GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

Comes from the House 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" (H-550).

Which Reports were READ.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

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Senate at Ease

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Modify the Licensure Act for Substance Abuse Counselors"

H.P. 1008 L.D. 1419  
(C "A" H-427)

In Senate, June 15, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427) AS AMENDED BY HOUSE AMENDMENT "A" (H-583), thereto, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Clarify Terms and Increase Effectiveness of the Lead Poisoning Control Act"

H.P. 1069 L.D. 1504

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-556).

Signed:

Senators:

PENDEXTER of Cumberland  
BENOIT of Franklin  
PINGREE of Knox

Representatives:

FITZPATRICK of Durham  
JOHNSON of South Portland  
JOYNER of Hollis  
MARVIN of Cape Elizabeth  
ETNIER of Harpswell  
MITCHELL of Portland  
WINGLASS of Auburn  
LOVETT of Scarborough

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

Signed:

Representatives:

SHIAH of Bowdoinham  
JONES of Bar Harbor

Comes from the House 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"** (H-556).

Which Reports were **READ**.

On motion by Senator **PENDEXTER** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-556) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Preserve Fishing Stocks"  
H.P. 1045 L.D. 1464

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

**BUTLAND** of Cumberland

Representatives:

**BIGL** of Bucksport  
**LAYTON** of Cherryfield  
**PINKHAM** of Lamoine  
**RICE** of South Bristol

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-569).

Signed:

Representatives:

**BENEDIKT** of Brunswick  
**ETNIER** of Harpswell  
**VOLENIK** of Sedgwick

Comes from the House with the Bill **SUBSTITUTED** for the Report. Subsequently **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-576).

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Sent down for concurrence.

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**ENACTOR**

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

**Emergency**

An Act to Create the Northern New England Passenger Rail Authority

S.P. 459 L.D. 1255  
(C "A" S-202)

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995 (Emergency)

H.P. 1135 L.D. 1579

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 582.

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

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

The Resolve **TOMORROW ASSIGNED FOR SECOND READING**.

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**Senate**

**Ought to Pass As Amended**

Senator **MICHAUD** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (Emergency)

S.P. 562 L.D. 1530

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-311).

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-311) **READ** and **ADOPTED**.

The Bill, as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

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Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act Concerning the Termination of Parental Rights"

S.P. 508 L.D. 1367

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-316).

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-316) **READ** and **ADOPTED**.

The Bill, as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

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**ENACTOR**

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

**Emergency Resolve**

Resolve, to Require a Study of Retail Competition in the Electric Industry

S.P. 386 L.D. 1063  
(C "A" S-251)

On motion by Senator **BEGLEY** of Lincoln, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Governing Child Support"

S.P. 556 L.D. 1516

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-317).

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-317) **READ** and **ADOPTED**.

The Bill, as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws"  
H.P. 1029 L.D. 1444

**Off Record Remarks**

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-572)**.

Under suspension of the Rules, all matters thus acted on, with the exception of those matters having been held, were ordered sent forthwith.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) AND HOUSE AMENDMENT "A" (H-587)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **MICHAUD** of Penobscot, **RECESSED** until 7 o'clock this evening.

The Bill **READ ONCE**.

Committee Amendment "A" (H-572) **READ** and **ADOPTED**, in concurrence.

**After Recess**

Senate called to order by the President.

House Amendment "A" (H-587) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

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

**Divided Report**

**PAPERS FROM THE HOUSE**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection" (Emergency)  
H.P. 989 L.D. 1397

**Non-concurrent Matter**

Resolve, to Require the Brookton Elementary School to be Used as a Community Center for Northern Washington County  
H.P. 1131 L.D. 1576

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-552)**.

In Senate, June 20, 1995, **PASSED TO BE ENGROSSED**.

Signed:

Senators:  
LORD of York  
RUHLIN of Penobscot

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-559)**, in **NON-CONCURRENCE**.

Representatives:  
GOULD of Greenville  
POULIN of Oakland  
SAXL of Bangor  
BERRY of Livermore  
MERES of Norridgewock  
SHIAH of Bowdoinham

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-553).**

Signed:

Senator:  
HATHAWAY of York

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552) AND HOUSE AMENDMENT "A" (H-549).**

Which Reports were **READ.**

On motion by Senator **KIEFFER** of Aroostook, Tabled, pending **ACCEPTANCE** of Either Report.

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**ENACTORS**

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

An Act to Amend the Maine Civil Rights Act  
H.P. 866 L.D. 1216  
(C "A" H-361)

An Act to Reestablish the Great Pond Task Force  
H.P. 890 L.D. 1243  
(C "A" H-514)

An Act to Increase Access to Primary Care Physician Services in Maine  
H.P. 1063 L.D. 1498  
(C "A" H-429; H "A" H-546)

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

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**Emergency**

An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact  
S.P. 383 L.D. 1060  
(C "A" S-286)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 3 Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act to Permit a One-time Transfer of Retained Funds for Community Corrections Programs  
H.P. 1095 L.D. 1539  
(H "C" H-509)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Resolve**

Resolve, Authorizing the Sale of Certain Property in Connor  
H.P. 1129 L.D. 1574  
(S "B" S-289)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Preserve the Dairy Industry in the State  
H.P. 1021 L.D. 1436  
(C "A" H-518)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

(In Senate, earlier in the day, Reports READ.)

**COMMITTEE REPORT**

**House**

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1995 (Emergency)

H.P. 1137 L.D. 1580

Reported that the same **Ought to Pass** pursuant to Joint Order H.P. 582.

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

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

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

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

**HOUSE REPORTS** - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Related to Optometry"

H.P. 590 L.D. 800

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-534)**. (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-535)**. (4 members)

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - the motion by Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-535)** Report in **NON-CONCURRENCE**.

(In House, June 21, 1995, the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534) AS AMENDED BY HOUSE AMENDMENT "A" (H-558)**, thereto.)

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

Senator **HARRIMAN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. L.D. 800, which came before the Business and Economic Development Committee, had probably one of the most, at least from my perspective, interesting and fascinating public hearings. For most of an afternoon we discussed this bill that essentially covers the following areas. It would amend the existing laws in the State of Maine to allow optometrists to perform laser surgery. It would allow optometrists to prescribe pharmaceutical agents, including oral and topical medications. It also would allow optometrists to prescribe scheduled drugs. The things that I have just mentioned would all have been determined in terms of the scope of practice and the regulations to be followed as a result of this legislation would rest the power with the Optometry Board. Throughout the debate we learned a lot of things. That the treatment of glaucoma has thirty different types, which I found quite amazing. I thought there was only one type. We learned that much of what goes on in the eye has a direct relationship to other potential problems throughout the body, such as the potential of AIDS, diabetes, hypertension, thyroid disease, cancer, cranial arteritis. Suffice it to say, there is a lot that one can learn by looking through the eye. As our public hearing progressed, we were given very impressive testimony by optometrists and ophthalmologists about the treatment of ocular diseases, including glaucoma. We learned a lot about the inconvenience that patients sometimes go through when they see an optometrist, and perhaps had an eye abrasion or something lodged in their eye that has been removed, and they ended up in quite a bit of pain. Present law prohibits an optometrist from prescribing pain medication.

I could go on and on with the details of what went on in our public hearing, but suffice it to say that, as the afternoon wore on, the more we heard, the more I realized that this was not going to be an easy issue for us to decide. In recognizing that under current Maine law that whenever a new statute is put into effect expanding the scope of practice, current Maine law requires that our committee present to you a report, a so-called justifying the sunrise statute in the State of Maine. It's a litmus test of questions that we are required to bring to you to explain why we are recommending that someone's scope of practice be increased. With the collaboration of my co-chair, we decided that this bill was far more involved than we could work with on a daily basis in our committee, so we assigned a sub-committee, made up of the good Senator from Hancock, Senator Goldthwait, two members of the other body, and several members of people involved in this legislation, namely optometrists and ophthalmologists. We asked them to come back with a report. The report asked them to look at whether the authorized practice of optometry should be expanded to encompass A. laser or other forms of surgery, and

if so, the minimum qualifications that optometrists should possess before performing surgery. B. the prescription of therapeutic pharmaceuticals to treat glaucoma, and if so, the minimum qualifications for optometrists. C. the prescription of non-topical pharmaceutical agents, and if so, the minimum requirements. D. the prescription of controlled substances, schedules three, four and five of the United States code. E. injections for emergency treatment of anaphylactic shock. Further, we asked them to look at the Board of Optometry, or another body, either existing or new, who should be authorized to establish what practices, procedures, treatments, or actions, constitute the practice of optometry. And, to determine the appropriate education and training necessary to license optometrists to treat glaucoma, and otherwise engage in an expanded practice of optometry. We also asked them to review the history of the Board's actions, with respect to discipline of members, openness and access to the Board by the public, and any recommendation for changes in the make-up of the Board, based on the information they gathered. Lastly, we asked them, based on their findings and the things I have just shared with you, whether additional education, or training requirements, for the expanded practice of optometry should be added to the existing optometry statute.

When our sub-committee reported back to us, they didn't bring us a report, which is what we asked for. What they brought us was specific legislation. The legislation that is before you in the pending motion does several things. First, it assures that optometry will not include any tissue altering lasers. Second, it appears to be in keeping with their training and education, that they should be allowed to prescribe analgesics, pain killers, and that they would only be prescribed after they had done a complete workup of someone's physical history. That the prescriptions would only last for seventy-two hours or less. That it would only be for analgesics that deal with ocular pain, and that no refills without further examination or follow-up care would be allowed. Third, we set up a glaucoma study panel, specifically looking at the issue of glaucoma. While I was amazed to find out how many different types of glaucoma there are, I was also quite impressed that it appeared that optometrists had been putting in, in addition to their regular training, additional training to understand this disease. So, we established a panel that was made up of licensed optometrists and ophthalmologists, a physician with a specialty in internal medicine, a person skilled in program evaluation, and a licensed pharmacist. They would do the following: they would determine whether optometrists should be allowed to treat glaucoma; to specify any limitations or special qualifications relative to this statement, including the need for additional qualifications and consultation and referral requirements; determine whether recommendations concerning the State Board of Optometry, contained in the report of the Joint Standing Committee on Audit and Program Review, have been implemented; recommend a procedure for ongoing oversight of the State Board of Optometry if it is recommended that they be allowed to treat glaucoma; and that a detailed evaluation program be implemented to determine the incidence of misdiagnosis, mistreatment, or misuse of drugs. They would report

back to us and include legislation that would come back to us by January 15 of 1996.

I feel confident that this is in the best interest of Maine citizens. I think it recognizes the ongoing desire that optometrists have to improve their professional credentials to meet the needs of their patients. I think the work that has gone into this, on both sides of the report, will serve the public better. I believe that the report before you now is one that will assure that people who need eye treatment are going to get the appropriate care by people who are appropriately trained. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to urge you to oppose the minority report, so that we can pass the majority report from the Business Committee. I want to speak briefly to my request. The bill with which we were presented, as the Committee began its work, was a bill that requested the expansion of scope of practice for optometrists in the State of Maine. The first question we considered was why would that be a reasonable thing to do. One of the more persuasive pieces of testimony we looked at was a map of the State of Maine showing the distribution of both optometrists and ophthalmologists. If you are in need of eye care, and you live in Oxford County, there is no choice, it's an optometrist or it's a long trip. If you live in Washington County, there is no choice, it's an optometrist or it's a long trip. Now, I don't recommend deciding who one sees for one's health care based on availability, that decision should be based, not only on availability, but also on competence. However, in the course of our investigation, I became convinced that the competence level of the optometrists was such that it warranted the final decision that treatment of glaucoma was an acceptable practice for those practitioners. The minority report before us, like the majority report, restricts the use of lasers to the existing diagnostic use. Also, like the majority report, it requires a study of the use of non-topical medications and a review by the Business Committee.

The other major issue that was addressed by the Committee, in its examination, was the issue of public safety, as we felt that that was the most critical, in fact, the decisive issue for this subject. The optometrists have an extremely good track record in other states in regard to treatment of glaucoma, and to expanded use of medications. We have twenty-eight states in this country where optometrists are certified to treat glaucoma. On a review of a number of those states, responses to an inquiry sent out, the State of Washington said to date there has been no action taken against a Washington licensee for unprofessional conduct related to diagnostic or therapeutic privileges. The State of Tennessee said all optometrists in the State of Tennessee with a therapeutic license can treat glaucoma. There have not been any complaints turned in to health-related boards, nor to the State Board of Optometry, since its inception. Malpractice insurance in Tennessee has not had an increase in rates since 1985. The State of Minnesota said as of



this date the Board of Optometry has received no reports regarding adverse reactions resulting from the optometrist's administration of drugs. The State of Oregon said as of March 31, 1995, 380 of Oregon's 532 actively practicing optometrists were certified to use medications and actively are using therapeutic drugs in their practices. This includes the treatment of glaucoma patients. The Board has not received any complaints involving the use of therapeutic drugs in that time. Oklahoma has had the privilege and responsibility of using any topical pharmaceutical agents for the relief of ocular abnormalities and glaucoma since 1981. During those fourteen years the Board of Examiners has not received one complaint from a patient, governed body, third-party payer, or attorney against an optometrist treating any ocular abnormalities. Idaho responded saying, "I have been on the State Board of Optometry for the past four years and I am not aware of a single case that has come before the State Board of misuse of drugs by an optometrist. Not one single complaint has been filed against an optometrist by any individual alleging injury from misuse of drugs by an optometrist. There have been no malpractice suits. Concerning malpractice insurance, we have not noticed any unusual increase in premiums." In Kentucky, doctors of optometry have used therapeutic drugs since July 15, 1986 and have never had a complaint or a suit regarding the use of therapeutics in those nine years. Kentucky doctors of optometry do diagnose and treat glaucoma. The Georgia General Assembly changed their law last year. To date the Board has had no complaints concerning optometrists treating glaucoma. Doctors of optometry in Arkansas have been actively treating glaucoma patients since the statute was updated in 1987. To date they have had no complaints filed with the Arkansas State Board of Optometry concerning glaucoma therapy by optometrists. Approximately 85% of Florida optometrists are certified to treat glaucoma and other diseases. There have been no complaints brought before the Board for improper treatment of pharmaceutical agents by certified optometrists since the Florida statute became effective in 1986. This, to me, is compelling testimony that it is time to make this decision. Once again, we are not on the cutting edge of this issue. We are in the bottom half of the states who have licensed their optometrists to treat glaucoma. I request that you defeat the motion for the minority report, so that we can go on to pass the majority report. Thank you.

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

Senator **PENDEXTER:** Thank you, Mr. President, Men and Women of the Senate. This debate is much like one we were having on another issue. Doesn't it sound familiar? Here we have, again, before us, another group of practitioners wanting to practice medicine. There are a lot of differences in how optometrists and ophthalmologists are trained educationally. Here again, this isn't a discussion on the appropriateness and the qualifications of optometrists, because they, as health care providers, are highly respected. This ought not to be a debate that pits one against the other. This is, indeed, a debate about expanding the scope of practice, and how do we go about defining what we ought and ought not to do legislatively. It really scares me, as I sit

here, because you all know I have some experience in clinical background from the profession I practice in my other life. It's really hard for me to stand here before you and explain to you what this is really all about, because you know, you really have to practice it. We can stand here and say that glaucoma is glaucoma, it's a disease of the eye. But, did you know there are thirty different types of glaucoma? It's not a curable disease. It's subtle. It's difficult to treat. You probably don't treat one the same way. You know, things are not black and white in the medical profession. That's why we call medicine an art. You know, you don't do things the same twice. Everybody is different. You know, it really bothers me, as I sit here, and I know I probably won't convince some of you, because I really can't put it into words. But, I do know that there is a lot at stake here. It has to go further than politics, and it has to go further than economics, the good old pocketbook, because you know, it's all about people's vision. Eyes are precious organs. They are part of an integral body. Our body is a very delicate piece of work. It has a lot of systems, they all connect, they all affect each other. We ought not to just say this is the eyeball, and you know, we studied it for four years and we know what to do with it. That's fine in certain areas, but when we start talking about diseases that affect the nervous system, the circulatory system, you know, it's not that simple. We could go on and on and on and talk about this and that, but I think, you know, as we sit here it always, in all deference to the illustrious chair of the Business and Economic Development Committee, just amuses me that a committee, labeled Business and Economic Development, is making decisions on health care. There is something wrong about everything when we are dealing with some of these issues. There is no doubt in my mind that optometrists probably can expand their scope of practice. There is no doubt in my mind, but they ought to be doing it collaboratively. Does that sound familiar? We all need to be working together, men and women of the Senate. It's not a matter of one profession standing up against the other. Because you know, people out there don't care. If they have some serious disease with their eyes, they just want to know that whoever they are going to go to is going to give them some safe, competent, quality care. We go on and on about this rural issue for God's sake. We have been a rural state since we have existed. I do think we know how to travel from one city to the next. You know, should we let people who live in rural areas have less quality care than people who live in Portland or Bangor or Lewiston? I lived in Van Buren, I can remember, I had problems with my eyes, and I can remember occasionally I had to travel to Houlton to go see an ophthalmologist. That was not disastrous to my family. It's an eighty-mile drive. Did we care? No, it just took all day to do that. You know, you just accept those things. So, this rural debate just really bothers me, and you just keep hearing it over and over. That's not how we make decisions on health care. We make decisions on health care based on quality of training. If we want to be serious about getting appropriate practitioners in rural areas, we should be worrying about attracting physicians to those areas, so that then these other practitioners can also come and work together. Nurse practitioners won't solve problems in rural areas, any more than optometrists will. We all have to be together on this.

I would just like to correct a few statements that were said. There are not twenty-eight states that allow this. Fourteen of them have to practice with physicians. Eight have silent statutes. Seven other states have other restrictions. There are really only three states that allow optometrists to practice without restrictions; Delaware, Iowa, and Washington. So, let's compare apples with apples. The Senator from Hancock went on and on and on about no complaints, no problems, no whatever. I happen to know of one case, and that's all I need to know, there was one case of a friend very dear to me. I know everybody makes mistakes, but I know of one case where an optometrist did three visual field exams, three, and every time he said to the person, "This looks kind of funny, I want to repeat it in a month." The person came back three times, and finally was sent to an ophthalmologist. That optometrist missed a classic case of glaucoma. I only need to hear that once. Glaucoma isn't curable, so you better get to it as quickly as you can. So, I ask you to really consider, very seriously, the implications of what we are doing here. The motion before you just allows the process to continue in a way that makes sense. Let's all sit back a little bit and try to figure this out, because we are really heading down a slippery slope. We are talking about medicine at the moment, but I guarantee you, other professions will come before us wanting different types of midlevel practitioners to practice other types of professions. We really have to seriously ask ourselves, what are we really doing and why? What is this really all about? Are consumers out there complaining to you that they are not getting the right care? I'm not hearing anything. So, I ask you to join me, along with the good Senator from Cumberland, to vote for the motion before you. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you, Mr. President. I'll be very brief. I have an idea that there are not going to be many votes changed on this issue decided by this debate, I accept that. But, there are a few things I would like to say. It was, I think, in 1975, that I was here serving on a committee when there was a bill presented to the legislature to allow optometrists to apply drops to the eye so they could test for glaucoma. I've got to tell you, I heard the same horror stories about how if we let these no-knowledge, ignorant people, get practicing medicine by putting drops in the eye then they were going to blind people. It was a terrible, horrendous thing, to allow these people, who are not trained, to practice medicine because if you put a drop in the eye and that eye is connected to the whole body and you could cause great harm. Well, I'll tell you folks, twenty years later, they have been doing it. I asked the Committee, does anyone know of any problem that has been created by these optometrists using eye drops? Not one case could be recited to the Committee, in fact it was much the opposite. More people are being detected earlier with glaucoma because these professionals are able to find it and get a treatment started for the patient. I just want to say, very simply, this amendment, in effect, in my opinion, is a way to kill the bill.

There are no ifs, ands, or buts about it. And if this amendment passes, my opinion again, there will be no significant increase in availability of eye care in the State of Maine. You have been inundated by material on your desks that is a huge outpouring of concern for the unsuspecting citizens of this State, that these optometrists who are ill-trained and who don't know what they are doing, are going to be practicing medicine. I'm offended by a professional group passing out that kind of information about another professional group. It's disgusting in my opinion. It is not an outpouring of support for health care. It's an outpouring of selfishness to protect their profession and not allow other people to do what they are qualified to do. If the right bill should pass, and if this amendment should say that we will allow these professionals to use what they have been trained to do, and what they have been qualified to do by the Board of Optometry, after advice from a Committee, if this amendment said that, then this bill could move forward. But this amendment doesn't say that. It says that we will make sure that the profession of optometry will not be allowed to take advantage of new technologies to allow people more treatment and more access to health care in the State of Maine. I think that to deny a profession that is trained, that is supervised by professionals who have been trained, and this business about using medicines and drugs and so forth, and the diagnostic laser. We had testimony that that is not injurious to a person, but it does help detect health problems in the eye. We want to deny these people the opportunity to use the profession that they have learned? For what purpose? It certainly is not to protect health care, because people need this service. If you just think about it for a minute, most people, when they get to be my age, and even younger, and their eyes start going on them and they can't see quite so good, they don't generally go to an ophthalmologist. They want to go to an optometrist who can check them and fit them for reading glasses. If that visit allows for the detection of glaucoma, and if I have, and if my optometrist should tell me that I've got glaucoma started, I will go to an ophthalmologist, because I respect their profession. Some people may not have that choice. If this amendment were correctly worded, it would allow optometrists to use what they have been trained to do and certified to do. I would hope that you would deny this amendment and go on to a proper amendment to allow health care in the State of Maine. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** As some of you know, I am closely associated with the optometry profession. So, Senator Abromson, I want to share something with you, before we started this debate he wrote me a little note. It says, "Keep your cool." I intend to keep my cool, but we have had a pile of literature passed out to us. One of the ones we got just recently, before the debate started, has a chart on it. They have an educational comparison. On here, they have on the green side the optometrists, and they have them just a little over two years in education, when in fact optometrists have four years of education. I think probably this was distributed by the Maine Society of Eye Physicians and Surgeons.

I submit to you that maybe these ophthalmologists should get their eyes examined by an optometrist before they put out their charts. I would strongly urge you to vote against the pending motion. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

**Senator MILLS:** Thank you, Mr. President, Men and Women of the Senate. I just have a couple of questions for anyone who might care to answer. In citing the two versions of the Committee report, it appears to me, and I would like to be corrected if I am wrong, that optometrists presently have it within their scope of practice to diagnose and detect glaucoma. In other words, if they were practicing in Oxford County, or a remote area of Aroostook County, and someone came to them for a check-up of a vision condition, they have a capacity, they have the training, they have the diagnostic tools with which to diagnose, detect, and evaluate, to some extent, glaucoma. But, the present practice is to refer to an ophthalmologist for non-topical treatment. Am I correct in that assumption?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Harriman.

**Senator HARRIMAN:** Thank you, Mr. President. In answer to the good Senator from Somerset, Senator Mills, optometrists are allowed to diagnose glaucoma, but they are not allowed to treat it.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

**Senator MILLS:** If I may, Mr. President, Men and Women of the Senate, my second question is this. It seems to me that Report A does one thing, and really one thing only, that is under discussion today, but it is an important thing, this is the question that I am focusing on as I review the literature that we have all been handed. It would give the optometrists the authority, presently, if we pass this bill, ninety days after adjournment, to administer any medicine or therapeutic substance. I assume that to mean a scheduled drug of any type, for use in the cure, not just diagnosis, but the cure, treatment, and prevention of glaucoma. In other words, it would permit the administration of what I assume to be a fairly wide range of drugs and medications that would be taken, not just topically, on the outside of the body, but might also be taken internally, and that there would have to be some ability on the part of the optometrist to make a judgement as to the interaction of these chemicals, these drugs, and these substances with other drugs and pharmaceuticals that the patient might also be taking for such things as diabetes or heart disease or blood pressure. That's my question.

**THE PRESIDENT:** The Senator from Somerset, Senator Mills, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Harriman.

**Senator HARRIMAN:** Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Cianchette.

**Senator CIANCHETTE:** Point of order Mr. President. Are we discussing amendment "A" or amendment "B"?

**THE PRESIDENT:** The Chair would pose a question to the Senator from Somerset, Senator Mills, as to whether his question was based on Committee Amendment "A" or "B".

**Senator MILLS:** Mr. President, my question is out of order.

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

**Senator MCCORMICK:** Thank you, Mr. President. I would like to pose a question through the Chair. To anyone who would answer, I truly am undecided about this bill, so I want to lower the whole rather frightening, polarized debate here, and really ask a question. The points about access, I understand that, but some of the cost information that are found in the sheet that you all have, I also have the original letter from the Medicare reporting agency that shows that optometrists have a much higher, their charges are something like five or seven times higher than the New England average and the National average. It's really quite astonishing. In my original data, as you read through, it's true in all three tests. My question is, does this concern anybody? It concerns me. I also understand that that's under investigation. So, if I were inclined to expand the scope of practice, my worry is that there would be nothing done to stop, what I perceive to be, price gouging. So, I would like somebody to speak to me about that. Is there an explanation? Are these bogus numbers? Am I wrong? That's my concern.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Harriman.

**Senator HARRIMAN:** Thank you, Mr. President. First, let me be clear, I am not the author of any of this information that is coming across your desks. I will give you the best answer that I can. I think it would be unfair for you to characterize that information as price gouging. My sense of it is that from the two time periods, on the top bar, from January to June of 1994, the bottom bar has the same information except that it goes from July to December of 1994, what it simply shows are the charges for field visual exams by various professions in various states. I think what that is trying to say is the number of services per one thousand population is quite high for Maine. But, I don't interpret from that that there is any price gouging or that sort of thing going on. Again, I am not the source of the information, so I can't be any more specific than that.

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

**Senator McCORMICK:** Thank you, Mr. President. That is not my understanding of this data. My understanding is that the relationship between states is what is key. There is no getting around that the charge per thousand, which is what this is showing, is higher for Maine. I have no idea whether the vote on this bill was close or not, but if you want my vote, there has to be something done to lower these costs and to make Maine optometrists even with the New England average. I don't know if there is any interest in dealing with that at all, but if there is, I would love to talk about it.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Cianchette.

**Senator CIANCHETTE:** Thank you, Mr. President. I wish I could answer Senator McCormick's questions. I have got to believe it is a matter of economics and business practices and density and the amount of work that judges the cost. We didn't have any of that kind of testimony, that I know of, in Committee to deal with, and we weren't dealing with that issue. I would like to say that if this amendment "B", that we are talking about, included language that would allow optometrists to prescribe certain drugs by October of this year, those optometrists would only be allowed to do that if each of those optometrists were certified to issue whatever drugs they might be going to issue. If this amendment had included that information, I think that there might not have been so many questions asked.

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

**Senator PENDEXTER:** I would just briefly comment to the charges that the Senator from Kennebec was referring to on the Medicaid charges. I guess I would simply say, the way I interpreted it, it simply indicates over utilization of a test.

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

**Senator PARADIS:** Thank you, Mr. President. Good evening Men and Women of the Senate. Indeed, access has always been an issue with me. It was great for me this week because I finally, for the first time in my life, got to meet several ophthalmologists. I am very impressed. Their educational background is impressive. I was also able to be connected back to Aroostook County, and to speak to some of our ophthalmologists who are now practicing in the County. I was delighted to even find a relative who nobody had bragged about. He left the area when he was eight and he was back serving his people. I am delighted and I am really looking forward to meeting him and will be very cross with his relatives who didn't tell me about him. My support, and as the good Senator Cianchette mentioned earlier, we have been dealing with issues with optometrists and ophthalmologists for a long time here. I always thought that the optometrist had to be the first line of defense forever. Forty-three years ago my optometrist made all the arrangements for me to go to Bangor when the medical doctors had abandoned me.

They couldn't find out what was wrong and had sent me back to my optometrist. Over and over in my life this has been the issue. So, my opposition to the minority report, and my support of the majority report, is the fact that I see us, not necessarily going forward, I am delighted that twenty-first century medicine has come to the County finally, but I am concerned with all this managed care talk we are hearing. Yesterday the news had how we were discharging women who had had babies within twenty-four hours, and they figure the risk of the ones who are going to get sick, is almost worth the expenditures they are going to save by prolonging people's stay in the hospital. I am very concerned with managed care. We are going back to that where, again, the optometrist will be the first line of defense. When we first started talking about this I had many conversations with optometrists, like I said, I have just met some ophthalmologists for the first time, I can even say the word now, I've been practicing all week. The gentleman, who has just recently retired, who has been taking care of me for all of my life said that he would never, ever, get involved with any of this, but when he was getting done he hired the best and the brightest optometrist he could find who had an incredible amount of courses and training that he had never had. I always believe that people will not be going into something that they were not qualified to do. Maybe that is naive on my part. In most professions there is always continuing education. If I am in a practice, and I see cases coming in front of me that I feel I am not qualified to treat, I will go back and retrain. So, that is where I am at on this issue. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Longley.

**Senator LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. I think the people in the back of the room are best able to know what is best. They know far more about this issue than us. We are the ones who make the decision. I have listened to everybody, constituents on both sides of the issue, and have decided to go with caution. I'm deciding to go for increased professionalism, not less. I have compared the qualifications of the ophthalmologist and the optometrist, and I'm realizing that four years of med school, followed by four years of residency, is a lot of training. Comparing that with the New England College of Optometry, the courses that relate to ophthalmology, you are required to take seven credits in pharmacology, five credits in eye disease, and there is one medical doctor on the faculty. With all due respect to all of the skills that optometrists have, I have decided to go with caution. A second reason is a memorandum from the Maine Health Care Reform Commission, with a note to leadership that there are bills that we will be dealing with this session that impact what it is that you are doing. Possibly we are looking at not running parallel, but into a collision. I am going to go with giving the Maine Health Care Reform Commission time to carry their ball and set the direction, and maybe, in two years the optometrists will come back with more information about more training that allows them to deal with all those drugs in the Physician's Desk Reference. When you go to the doctors and you see that big, fat book, filled with names of drugs, I want to know that the person

treating my constituent's eyes have as much training as possible. At this point, twelve credit hours, as compared to almost one hundred credit hours, I'm going to go with the hundred-credit-hour professional. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. One of the stranger rituals of the Senate is the line squall. As a bill comes up we suddenly get a blizzard of information across our desks that we are completely unable to evaluate in any appropriate way. If there is one thing I have learned here it is that any fact or alleged fact that I have looked at in the last four months has taken on very new dimensions the longer I look at it. So, I am unable to respond, in detail, to the question of the good Senator from Kennebec, Senator McCormick, regarding the charges. I do know that the reimbursement is set by many third party payers, no matter what you charge, you get reimbursed the same. As far as the other charges described, I would not be able to respond to that unless I had a week to look at it. Many of the pieces of information on our desks contain statements that are inaccurate, misleading, distorted, whatever. So, I am afraid that I have to discount most of that because of my inability to track down the details.

I would like to make a few comments about the public safety issue, as this report is described as one that insures public safety. I would like to point out that as far as education goes, the Doctor of Optometry receives more clinical training than a physician, and yet a physician, not an ophthalmologist, but an M.D. is permitted by law to treat all the eye diseases that we are talking about. So, that is legal for the M.D., it is not legal for a Doctor of Optometry who receives more clinical training. The other thing that disturbed me a bit, as I listened to testimony, we can always match horror stories about individual practitioners. Unfortunately, we are not free of bad practitioners in any field. However, I was disturbed by a pattern of professional testimony that indicated literally dozens of cases of gross negligence and malpractice on the part of optometrists. In fact, I was so disturbed by that testimony that I asked some of these professionals how they had dealt with that, who they had reported that to. They had never reported a single incidence that they were describing to us of these alleged cases of mismanagement and malpractice. My next question in my own mind was how then, were they appearing before us, speaking on behalf of public safety, if they were able to cite dozens of cases of mismanagement but have let all of those go unreported. So, as I said when I started, I think there is more to this than meets the eye and I hope you will defeat the motion before us so that we can go on to the other report. Thank you.

**THE PRESIDENT:** Senator Harriman of Cumberland requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you, Mr. President. If I had known answering questions was going to count as times spoken, I would have let someone else answer them. Thank you for the privilege.

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

Senator **MCCORMICK:** Thank you, Mr. President. Point of order. The good Senator brings up a very good point that has been puzzling me. How can it be counted as a time to speak when we are answering a question? It seems that that could be manipulated. I would ask the Chair to reconsider that ruling. By my count the good Senator has really only spoken twice.

**THE PRESIDENT:** The Chair will take that under consideration. The Senator may proceed.

Senator **HARRIMAN:** Thank you, Mr. President. This has been a very intellectually-based debate and I compliment the Senate for keeping that tone. I would like to just say, in regards to the comments of my very good friend from Somerset, Senator Cianchette, who mentioned that perhaps some of the workings behind the motion before you is an attempt to kill the bill, that this is some way to extinguish the opportunity for optometrists to expand their scope of practice. I would just like to say, for the Record, that if I felt that way, if I didn't feel that we should explore ways for optometrists to move forward in their professional endeavors, I would have voted against the bill. There wouldn't be a minority report. I would have voted ought not to pass, period. So, I genuinely and sincerely say to you that this is no attempt, other than to allow the optometry profession to move forward with caution, because I do believe, as the good Senator from Somerset said, that before my tenure here in the Senate there was previous legislation that he alluded to. It appears that things have worked out well, and that is why I am comfortable recommending to you that we go forward on this basis. I think it's also important to recognize that the profession of ophthalmology and the profession of optometry do differ. An optometrist, as I understand it, it skilled and trained to diagnose the eye. The ophthalmologist is trained to deal with the whole human body. The ophthalmologist is a medical specialty, it's a step beyond a physician. That should tell us something. The training that goes on with an optometrist, they see 350 to 800 refraction exams, seeing if your eye vision is correct. An ophthalmologist sees 3,000 to 9,000. An optometrist sees approximately 4% of patients who have pathology problems. It's nearly 90% of an ophthalmologist's training. They have 3,240 clinical hours of supervised, application in the use of medications, and over 5,000 hours of ocular pharmacology with supervised clinical training. I think there is a difference. I also think that this bill gives us a chance to assure that the people who need our help with glaucoma, or other diseases of the eye, are assured a good quality of care. It allows the optometrist the chance to move forward in their profession. It's as simple as that. Thank you.

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

Senator **CAREY**: Thank you, Mr. President, Members of the Senate. I hold a professional license, and I work within the limits of my license. If I wanted to go beyond the limits of my license, I would go out and secure the training which would allow me to go beyond the limits of my license, so I could then work at a higher level.

On motion by Senator **PENDEXTER** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT**: The pending question before the Senate is the motion of Senator **HARRIMAN** of Cumberland that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-535) Report, in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS: Senators:** ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, HALL, HARRIMAN, HATHAWAY, LONGLEY, MILLS, PENDEXTER, RAND, SMALL, STEVENS, and the **PRESIDENT**, Senator **BUTLAND**

**NAYS: Senators:** BUSTIN, CASSIDY, CIANCHETTE, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HANLEY, KIEFFER, LAWRENCE, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RUHLIN

**ABSENT: Senator:** CLEVELAND

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HARRIMAN** of Cumberland to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-535) Report, in **NON-CONCURRENCE**, **FAILED**.

Senator **GOLDTHWAIT** of Hancock moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-534) Report, in concurrence.

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

Senator **HARRIMAN**: Thank you, Mr. President. Before we take the vote, I would just like to make sure that you are well aware of what you are voting for here. In Report "B", which left our Committee, and was then reconsidered because the people who supported the majority report realized that they

**THE PRESIDENT**: The Chair recognizes the Senator from Somerset, Senator **Cianchette**.

Senator **CIANCHETTE**: Point of order Mr. President. Are we discussing Senate Amendment "A" now?

**THE PRESIDENT**: The Chair would advise the Senators that we are on Committee Amendment "A", and that we should focus our comments on that amendment. The Senator may proceed.

Senator **HARRIMAN**: Did I misspeak? Thank you, Mr. President, before we vote on Committee Amendment "A", I would just like to make sure that you are aware of what you are voting for. When this majority report left our committee, it was immediately reconsidered because the people who signed the majority report felt that they had moved far too quickly as it related to the pharmacology part of this bill. What you are voting for is the preconceived understanding that the profession of optometry is ready to prescribe topical and oral medications and to treat glaucoma, and if approved, diagnostic and therapeutical substances for diagnostic, cure, treatment and prevention of abnormal ocular conditions and other diseases other than glaucoma. To determine if any limitations or restrictions should be placed on the prescription and the use of medicinal, diagnostic and therapeutic substances by optometrists for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma. This bill, as presented to you, goes far beyond the discussion we had here tonight about the treatment of glaucoma. Mr. President, I request the Yeas and Nays.

Senator **HARRIMAN** of Cumberland requested a Roll Call.

**THE PRESIDENT**: The Chair recognizes the Senator from Hancock, Senator **Goldthwait**.

Senator **GOLDTHWAIT**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm glad to have an opportunity to explain what Amendment "A" actually does do. The good Senator from Cumberland, Senator **Harriman**, is correct in that we did revise our report in the course of the subcommittee review. We decided that the scope of medications was a very important issue and we did want to make sure, for the sake of the public's safety, that was carefully controlled. Amendment "A" does two things as far as use of non-topical medications. It refers that issue to a review panel composed of optometrists, ophthalmologists, pharmacologists and other members, who will review that medication use, come back to the Committee, make recommendations as to what restrictions should be placed on that use, or indeed, if that use should be allowed at all. The Committee would then need to prepare legislation which would come to this legislature before any expanded use of non-topical medications was authorized. The piece that is a bit difficult to understand is that in the case of glaucoma treatment only, that one single disease, that one issue, the panel is charged with developing an educational program. Any optometrist desiring to treat glaucoma would be required to meet the educational criteria established by the panel,

and be certified as an optometrist who is permitted to treat glaucoma. That is the only circumstance under which an optometrist could treat that eye disease. So, it does not simply mean that on passage of this bill optometrists can go out and begin treating glaucoma. They would need to acquire the necessary additional educational criteria as established by this multi-disciplinary panel before they would be extended that privilege. I believe Committee Amendment "A" is an amendment that carefully considers the public safety, that authorizes an expanded scope of practice for the treatment of glaucoma, presuming the optometrist meets the developed educational criteria, and it also provides for the multi-disciplinary panel to review the possibility of expanded use of medications for optometrists, and to report back to the Committee. If the Committee believes that their recommendations are reasonable ones, they will be drafting legislation for your consideration. Thank you.

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator GOLDTHWAIT of Hancock, that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534) Report, in concurrence.

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

**ENACTOR**

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

**Emergency**

An Act to Create the Workers' Compensation Residual Market Deficit Resolution and Recovery Act  
S.P. 594 L.D. 1578  
(S "A" S-305)

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator BEGLEY: Thank you, Mr. President. So far as the Appropriations Committee is concerned, this bill would normally be requested to go to the Special Appropriations Table, but the Committee members have been polled and exempted this bill from the Special Appropriations Table process.

On motion by Senator ESTY of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator ESTY of Cumberland requested and received leave of the Senate to withdraw his motion for a Roll Call.

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 3 Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator CAREY of Kennebec was granted unanimous consent to address the Senate off the Record.

Under suspension of the Rules, all matters thus acted on were sent forthwith.

**Off Record Remarks**

On motion by Senator BUSTIN of Kennebec, **ADJOURNED** until Friday, June 23, 1995, at 11 o'clock in the morning.