

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Friday, May 3, 1985

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

Prayer by Representative Nadeau of Lewiston.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Restrict the Use of All-terrain Vehicles in Residential Areas and Along Roadways" (S.P. 541) (L.D. 1450)

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

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

RESOLVE, Encouraging State Policy of Independence from Foreign Sources of Energy for Electric Utilities (Emergency) (S.P. 542) (L.D. 1451)

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

Was referred to the Committee on Utilities in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not To Pass" on Bill "An Act to Increase Fees for Beano and Games of Chance" (S.P. 123) (L.D. 363)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities" (S.P. 195) (L.D. 513)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Create a Commission on the Financial Needs of Maine Small Businesses" (S.P. 184) (L.D. 502)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Refer to the Committee on Human Resources

Report of the Committee on Education on Bill "An Act to Alter the Driver Education Evaluation Program" (S.P. 368) (L.D. 1002) reporting that it be referred to the Committee on Human Resources.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Human Resources.

Report was read and accepted and the bill referred to the Committee on Human Resources in concurrence.

Ought to Pass in New Draft

Report of the Committee on Transportation on 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, 1986, and June 30, 1987" (Emergency) (S.P. 356) (L.D. 964) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 539) (L.D. 1446)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading Monday, May 6, 1985.

Ought to Pass in New Draft

Report of the Committee on Education on

Bill "An Act Relating to Instruction in American Sign Language in Public Schools and Institutions of Higher Education" (S.P. 172) (L.D. 464) reporting Ought to Pass in New Draft (S.P. 540) (L.D. 1447)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading Monday, May 6, 1985.

Non-Concurrent Matter

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) which was passed to be engrossed as amended by Committee Amendment "A" (H-89) in the House on April 25, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-89) and Senate Amendment "A" (S-68) in non-concurrence.

The House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

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

Judiciary

Bill "An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime" (H.P. 1008) (L.D. 1456) (Presented by Representative RIOUX of Biddeford)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish the Office of Inspector General to Investigate Fraud, Waste or Abuse in the Expenditure of Public Funds" (H.P. 1009) (L.D. 1457) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives RICHARD of Madison and THERIAULT of Fort Kent)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Representative CHONKO for the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs, pursuant to Resolves 1983, Chapter 47, as amended by Resolves 1983, Chapter 86, ask leave to submit its findings and report that the accompanying Bill "An Act to Improve the Availability, Quality and Delivery of Services Provided to Children with Special Needs" (Emergency) (H.P. 1010) (L.D. 1454) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read.

On motion of Representative Carter of Winslow, referred to the Committee on Appropriations and Financial Affairs, Ordered Printed, and sent up for concurrence.

Orders

On motion of Representative WARREN of Scarborough, the following Joint Resolution: (H.P. 1007) (Cosponsors: Representatives MCGOWAN of Canaan and MURRAY of Bangor) JOINT RESOLUTION EXPRESSING CONCERN OVER THE VIOLENCE BETWEEN PROTESTANTS AND CATHOLICS IN NORTHERN IRELAND

WHEREAS, The recent assassination of James Graham, a school bus driver and member of the Ulster Defense Regiment, a predominantly Protestant part-time militia

organization in Northern Ireland; and

WHEREAS, that act of lethal violence has been claimed by members of the Irish Republican Army, a predominantly Catholic paramilitary organization; and

WHEREAS, that act of violence contributed in no way toward stopping the alarming number of deaths that have occurred in Northern Ireland; and

WHEREAS, since the beginning of the current round of "The Troubles" in 1969, many of these deaths have been part of the so-called "Tit-For-Tat" killings that take place between Protestants and Catholics in Northern Ireland, now, therefore be it

RESOLVED: That We, the Members of the 112th Legislature now assembled in the First Regular Session, take this opportunity to express our concern over the acts of violence which have taken place between Protestants and Catholics in Northern Ireland and offer our hopes and prayers for peaceful coexistence of the people and interests throughout that land has such strong historical ties with the State of Maine; and be it further

RESOLVED: That copies of this resolution be transmitted to the Ambassador of Great Britain and the Republic of Ireland to convey the concern expressed herein.

Was read and adopted and sent up for concurrence.

Reports of Committees

Unanimous Ought Not to Pass

Representative CAHILL from the Committee on Transportation on Bill "An Act to Require the Use of Seat Belts in Private Passenger Vehicles" (H.P. 415) (L.D. 566) reporting "Ought Not to Pass"

Representative CAHILL from the Committee on Transportation on Bill "An Act Concerning the Use of Seat Belts in Motor Vehicles" (H.P. 336) (L.D. 451) reporting "Ought Not to Pass"

Representative MURPHY from the Committee on Legal Affairs on Bill "An Act to Require that the Lottery Commission Return Over 50% of Receipts to Lottery Participants in the Form of Prizes" (H.P. 533) (L.D. 753) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act to Require Disclosure of Gifts to Institutions of Higher Learning Received from Foreign Governments, Foreign Corporations or Nonresident Aliens" (H.P. 479) (L.D. 682) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative STEVENS from the Committee on Business and Commerce on Bill "An Act Concerning Maine's Lemon Act" (H.P. 556) (L.D. 828) reporting "Leave to Withdraw"

Representative RYDELL from the Committee on Business and Commerce on Bill "An Act to Increase the Rights of Consumers who Purchase Used Cars that Cannot Pass Inspection" (H.P. 709) (L.D. 1019) reporting "Leave to Withdraw"

Representative ALIBERTI from the Committee on Business and Commerce on Bill "An Act Concerning the Net Worth Requirement for Individual Public Employer Self-insurers" (H.P. 477) (L.D. 680) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund the Maine Energy Resources Development Fund" (H.P. 475) (L.D. 678) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative NELSON from the Commit-

tee on Human Resources on Bill "An Act to Exempt from Home Health Licensure Certain Entities that Provide Home Based Nonacute Public Health Nursing and Education Services in Lieu of Similar State Services" (Emergency) (H.P. 295) (L.D. 384) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt from Home Health Licensure Municipal Entities that Provide Only Non-therapeutic Preventive and Promotional Health Educational Services" (Emergency) (H.P. 1006) (L.D. 1453)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, May 6, 1985.

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative McHENRY from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H.P. 1011) (L.D. 1455) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 56)

Report was read and accepted, the Bill read once and assigned for second reading Monday, May 6, 1985.

Consent Calendar First Day

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

(S.P. 319) (L.D. 808) Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-66)

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, May 6, 1985 under the listing of Second Day.

Consent Calendar Second Day

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

(S.P. 269) (L.D. 727) Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange"

(S.P. 395) (L.D. 1105) Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (C. "A" S-63)

(S.P. 270) (L.D. 728) Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (C. "A" S-65)

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

Passed to Be Engrossed

Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 534) (L.D. 1435)

Was reported by the Committee on Bills in the Second Reading and read a second time, passed to be engrossed in concurrence.

Later Today Assigned

Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed in concurrence and later today assigned.

As Amended

Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" (S.P. 518) (L.D. 1392) (S. "A" S-67)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: As you probably noticed yesterday, this was a 12 to 1 "Ought to Pass" Report out of the Committee on Business and Commerce. This deals with coverage for treatment by the chiropractic practitioners of this state. It is the choice of many people in this state to go to chiropractors rather than to allopathic and osteopathic DO's for that service. They are, therefore, a competitor in the areas that deal with those things for which they are licensed especially dealing with manipulation of the spine. They are the choice of many people in this state. They have been licensed and practiced here since 1923. They are also covered by the insurance carriers of this state, all of them, except Blue Shield and especially Blue Alliance, which is the major medical company attached to Blue Cross-Blue Shield. All other insurance companies carry them and have carried them for many years.

Our committee and this Legislature has been dealing with the issue of bringing about coverage for them by this large carrier to cover many, many people in the State of Maine. We proceeded very cautiously and very slowly. We said, at least you must provide coverage if some group wants it, at least some large group, 50 people or more. We passed that against their wishes. Then we said, you should go further—any group should be able to purchase this. It was an attempt to bring about what everybody else had accepted, what many, many wanted and to be less coercive.

Finally, we have come today where we say, look, they must be able to be covered and so we have before you a bill that will require that chiropractic services will be covered by all; therefore, covered by Blue Shield in a very minor way and by Blue Alliance.

You are going to hear, as the discussion goes on, that another mandated service is going to cost a great deal, it is going to drive up the cost of insurance coverages across the state. First of all, it is not going to drive up any cost at all by those that have been covering it for many years.

Secondly, I will admit that there is some room for argument and discussion about mandated benefits driving up costs. We all agree to that but not in this case. This is different than the alcohol coverages and the mental health coverages of years ago. We are adding here a competitor with other coverages that other types of practitioners are already doing this work. Just to give you an example of how little costs are involved in this particular piece of legislation, when we dealt with those other controversial areas of cost, the fiscal note disregarding the state plan dealt with hundreds of thousands of dollars. In this one, many think that there should be no fiscal note at all and that is under discussion but we are dealing with only \$20,000 or \$25,000 over a two year period so I encourage you to support the 12 to 1 "Ought to Pass" Report of our committee, support the people of this state who wish to choose chiropractic as a way of care for them in certain needs and require that they, the Blue Shield, Blue Alliance people, join with everyone else in covering these costs.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: You have just heard from my good friend from Portland, the Chairman of Business and Commerce Committee who, again, has stating that if we pass this bill today that there will no additional cost involved. Those of you who were here a couple of years ago, I remember those were the same words that were spoken when we added mental health, substance abuse and also coverage

by social workers.

Now, let me give you an example as to what happened to those promises that were made that no cost would be incurred. As an example, the Maine Merchants Association health coverage was increased by \$18.00 per year per individual and \$42.00 per year for the family coverage to cover those additional mandated benefits. In addition to that, the Bath Iron Works insurance costs rose by \$400,000.

We are standing up here today and we heard the words mentioned "there will be no costs involved, if there are, they will be minimal." We heard the same things two years ago. We were told that when we included social workers, as an example, that those individuals would be able to provide the same coverage as a psychiatrist or a psychologist at a reduced cost. How come the cost went up? I think what we have been doing here in the past is we are mandating all these different health benefits without the benefit of having the statistical data to determine whether or not costs will be increased.

In this particular case, you have some people that believe that they should be allowed to visit a chiropractor for treatment; you have others that don't believe that they should so when we are mandating and we are requiring that every insurance policy covers that service, we are asking those individuals that will not avail themselves to that service to pay for others that have a strong belief in the services that are being provided by chiropractors.

Let's stay on costs for a little while. I have in front of me a document that was provided by Hawaii Medical Service Association pertaining to coverage of chiropractic services. What happened was, in 1980, the Hawaii Medical Service Association began making chiropractic benefits available to its members as a rider to the basic group. The original cost that were added to the riders was a single family contract at 20 cents per month and a family contract was 60 cents per month. Since that time, the benefits that have been paid out far exceeded the dues received to the extent that an increase of 13 percent in dues was required in the following two years. Now, in July of 1984, the single contract rose from 20 cents a month to 42 cents a month and it was projected that in July of 1985, that single contract will go up to 48 cents. The family contract went from 60 cents a month in 1980 to \$1.40 per month in July of 1985 — these are projections.

Another thing that is revealing by this report is the fact that people in 1978, the average charge per visit for health practitioners, an orthopedic surgeon was \$20.10. Your osteopath was \$18.30 and a chiropractor was \$13.00 per visit. In 1984, six years after chiropractic services were offered as part of the basic plan in group health, the chiropractic average charge per visit rose from \$13.00 to \$33.42 per visit whereas the osteopath increased from \$18.30 to \$27.00 and the orthopedic surgeon increased from \$20.00 to \$35.00. The thing that is very revealing about these cost figures is that the average cost per case is another way or tool of measuring. Let's take your orthopedic surgeon, the average cost per case that was treated, in 1978 was \$52.00; in 1984, was \$88.00. Osteopath was \$56.00 per case in 1978 and that rose to \$92.51. A chiropractor, in 1978, rose from \$91.00 per case to \$294.00 per case. These costs are really, really astronomical as far as I am concerned and yet, you will have people get up and say, that by using especially in this particular case, that there will no increase in cost. If that is the case, then how come there is a fiscal note that was attached by the other body, which covers for an appropriation of \$8,500 for state workers in the year '85-'86 and this cost will go up in '87 to \$17,000. It seems to me that what we are hearing today is the same thing that we heard two years ago, that by mandating additional health benefits, we will have no effect on increase in costs. If you

are increasing the coverage, you are making it available to more people, more people will use that coverage and there is no way that anyone can convince me that this will not have any effect on costs.

I think before we proceed any further in mandating additional health benefits that we should study, take a good look and see what we are doing and how it is affecting the public as a whole.

Now, you have heard that there are a lot of people out there that want this coverage. In my questionnaire that I sent out I had 472 responses, the question that was put forward, "would you favor increasing your health insurance premium to cover chiropractic care?" -- now some people have said that this is a misleading question, it is not, it is an accurate statement, because if you add on chiropractors, you will increase the costs and somebody will have to pay for it. The answer was, there were 31 percent out of the 476 that responded and 59 percent responded, no, and 10 percent were undecided. So you do have a lot of people out there that do not particularly care to be covered by this service. But when you say that the vast majority want this coverage, that is very debatable. So we have the same situation that we had about a month ago when we mandated additional health benefits and I don't think that we should do this at this time.

I think we should study this matter, determine how far we are going to go, how much of the mandated benefits are required to protect the public and how much can they afford to pay.

Mr. Speaker, I move the L.D. 1392 and all its accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Rioux.

Representative RIOUX: Mr. Speaker and Members of the House: My good friend from Biddeford, Representative Racine, has spoken here for about twenty minutes on costs. Well, I will give up some costs and it won't be jumbled figures. Several months ago, I dislocated my lower back and I went to an M.D., my doctor. He charged me \$40 for two calls, gave me some pain killers, \$20. Nothing was happening so he referred me to a neurosurgeon. He had me walk up and down the aisle a couple of times and charged me \$75 and sent me for therapy. The therapy at the hospital was \$264, the neurologist was \$75, the pills were \$48, the doctor was \$40 and the X-rays were \$62.50 for a total of \$469.50. Now on the 24th, I dislocated my back again. This time I went to a chiropractor in Saco. He didn't take any X-rays, he felt my back, snapped it back into place, charged me \$16 and here I am today. Some of you know that I have had a bad back for the last two weeks, that is up until this chiropractor took care of me for \$16. Now I ask you to vote for 1392.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get involved in this but since my ex-good friend from Biddeford got up and sort of refuted some of my figures, I also had a very personal experience with a chiropractor. I did not intend to bring this up today but now I am forced to.

About three years ago, I was out chopping ice in the back of my home and I pulled something in my back. I didn't know exactly what it was but I had a slight pain. That was on Saturday afternoon. Saturday night I felt good enough to go to a dance and I danced. Sunday morning I got up and went to church. However, my back was stiff so I decided to go see a chiropractor. I drove my automobile to his office and, when I walked in, the chiropractor adjusted my back. When he got through, I couldn't move. I couldn't even get off the

table. After much agony and twisting around, finally I was able to get off the table but I couldn't walk. I tried to walk, I couldn't move. So then he put me back on the table, again I couldn't move. I went through all that agony, finally adjusted my back again, I got up and I still couldn't walk. I had to call my wife, she had to come down and get me. I had to leave my car at his office. I had so much difficulty trying to get into her car, it was unbelievable. So, the next day, I should have known better, I went back to get another treatment and then, when I realized that this was a farce, I called an orthopedic surgeon in Portland, Maine and he told me to stay in bed for two weeks and, at the end of two weeks, I had an appointment with him and I went to see him. What was the cost? The chiropractor charged me \$121 to put me through that misery. The orthopedic surgeon charged me \$25 for an office visit. Now, these are factual and actual costs. If you want to discuss costs, this is from a personal experience plus the fact that I was not able to walk. So, that is all I have to respond on that one.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker and Men and Women of the House: I think that the last couple of speakers demonstrates pretty much what I wanted to point out in the type of differences that one can receive in going to a medical doctor and a chiropractor doctor, it depends a great deal on the individual that you are involved with. But it also points out the type of care that we are talking about when we deal with chiropractic care. Chiropractic care is a substitute service. You go to a chiropractor, you often go for the same reasons you may go to a medical doctor. In that aspect, it is very different from the mandated benefits that we passed two years ago or beyond that. We weren't talking about a different service that we were adding on to. When we talk about the bill before us today, we are talking about substitute care provided by a different provider for often times the same type of ailment. It is unfair, I think, to describe the increases in cost of the additional benefits which occurred a few years ago and the benefits we are talking about for substitute care, it is entirely different.

The cost issue is one that is very important and one that the committee spent a great deal of time with. Representative Racine from Biddeford quotes a Hawaii report that I am not familiar with but we were given testimony from several different people, one from an actuary, Mr. Paul Barnhart and a study that he did last year. He made the statement, in actual fact, most private health care plans that are provided for the inclusion of chiropractic services in their benefit structures have not been able to detect any net increase in their costs at all, attributable to extension of coverage of chiropractic services.

I think that you can come up with conflicting testimony on either sides about the cost issue but you ought to remember the type of care we are talking about is a substitute care and not an additional benefit. In bringing that up, I think it is important to note, one of the things that the bill requires and it is an important aspect of the bill is, that from now on, if this bill goes through, the insurers will be required to report to the Bureau of Insurance their particular experience with regard to the health benefits that are presently being provided and also the benefits under a chiropractic schedule. This will allow us to really look at the facts, really look at the experience here in Maine and help us in making judgements, not only on this particular aspect of health benefits but on future aspects, which I am sure we will be facing.

Finally, I would just like to point out that chiropractic doctors presently are the only licensed doctor that is not included in the basic

benefit package right now. All other licensed doctors that are involved in that healing practice, medical doctors, osteopathic doctors, podiatrists, optometric doctors, they are all part of the base plan now. All we are asking for is that doctors of chiropractic be treated the same way and it is a substitute form of care so I really feel that the cost issue is not one which can be synonymous with some of the bills we have passed in the past.

I would hope you would support the 12 to 1 report of the committee and vote against the motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: This bill is truly a substitute type care of certain types of ailments and it deals with an area of when you compare the cost of a chiropractor to the cost of extensive back surgery, there can be no doubt that the end result is lower cost. Chiropractors are the first to admit that their area is very specialized and there are only certain things that they can do to help you.

We spent many hours, days, weeks on this bill. I was concerned about mandation and the cost and I went into the hearing thinking, well mandation automatically meant increased costs. So I had to take my blinders off when the overwhelming evidence was presented to me on a national basis, not locally, that on a national level, there was truly an alternative care for certain types of injuries. I was one of the last people to go along with this because the evidence was so overwhelming.

Now, you can hear horror stories of people that didn't get satisfaction with a chiropractor. Certainly you can hear other horror stories who didn't get satisfaction with an orthopedic surgeon or any other type of allopathic physician. Nobody is perfect and these incidences do happen. I think they are extremes in both areas.

We can not compare this substitute type of coverage to substance abuse or mental health or anything like that. I don't think they are in the same area at all. The potential here is for a tremendous savings, in the short run and the long run. I would like you to know right now that we, as state legislators, are covered for chiropractic care under the Prudential Plan. The cost to us is \$25,000 over two years. But we have to look at this. What is \$25,000? I mean we waste a lot more than that in a few minutes up here. But you got to look at that one case, just one case of extensive back surgery that could be corrected by a chiropractor, could easily save that and many times more. So that does not hold much of an argument to me. The reason for this figure was greatly debated and reduced down from quite a higher sum. It is only because by switching the coverage that we already have now from the Prudential plan over to the Blue Cross, Blue Shield plan that we have is a \$100 deductible that applies. So, this coverage for first payment up to the \$100 deductible. I don't see it much of a switch other than making this alternative health care available for everyone, not forcing many people who don't have the money to go into more expensive care and by allowing them the alternative is truly the secret to its success. I urge you to think of this and take the blinders off that you have for mandation and try to look at the evidence that we presented here today and I assure you that our committee reviewed in depth evidence from national statistics, not just what we have here in the state, and we concluded with a 12 to 1 vote that this bill ought to pass. So, I urge you to vote for 1392 and get the bill moving.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I will be very brief

in my statement. I will go on record of supporting any mandated benefit that has the credentials that this bill has. It provides a service, a substitute service that has been a need for a long, long time. I think the chiropractors have waited long enough to be recognized as a part of the medical profession. The cost factor, as presented to the committee, and after all, they are the experts and they have gone on record in sworn testimony as to the absolute no increase in cost as a result of this service. As a matter of fact, the comparative services were shown with their credentials to be much less of an obligation under this plan.

I urge you to support the majority report of the committee.

Representative Racine was granted unanimous consent to address the House a third time.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I will not prolong this debate but I have some figures here that pertain to chiropractic costs and I would like to relay them to you inasmuch as there was a comment made that you can not compare chiropractic care against mental health or substance abuse. This is a request that I made through Liberty Mutual about three weeks ago to determine if they could pull out of their computers whether or not there was an increase in chiropractic care prior to 1983 at which time we increased the coverage under workers' compensation in a bill called Freedom of Choice. They do not maintain a separate category for all chiropractors. However, it is a very short letter and I will read it to you very briefly. Attached is a list you requested regarding a comparison of chiropractic costs prior to and subsequent to the expansion changes of 1983. As I explained over the phone, we do not have a way of pulling out every chiropractic payment we have made. Therefore, we have requested the numbers on 17 of the most high volume chiropractors for comparison purposes. I believe these figures should be representative of the increased costs caused by the 1983 amendment. In 1982, the total cost for chiropractic services under workmen's comp. was \$124,666. This pertains to the 17 individuals that were pulled out. In 1984, the costs rose to \$196,442. That according to my computation is an increase of 63 percent. So, these figures, you are comparing chiropractic cost versus chiropractic costs. Now, for someone to say that is not going to increase it, is very difficult for me to stand here and believe what I am hearing because this is exactly what we were told, for those of you that were here two years ago, when we expanded chiropractic coverage under the workers' compensation program. And at that time, I had requested some figures from the Bureau of Insurance and I was told that they would not be available that the increase in costs would be entirely dependent upon the coverage that would be utilized. So, there will be an increase in costs and, if you are going to sit here and believe that there is not, I will be very surprised.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative from Biddeford, Representative Racine, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 52

YEAS:—Begley, Bell, Dellert, Harper, Hepburn, Holloway, Ingraham, Kimball, Lawrence, Lord, MacBride, Manning, McPherson, Mel-

dy, Pines, Racine, Salsbury, Scarpino, Sherburne, Smith, C.W.; Stetson, Wentworth.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Bost, Bott, Boutilier, Bragg, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Jackson, Jalbert, Joseph, Kane, Lacroix, Lander, Law, Lebowitz, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nickerson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Priest, Randall, Reeves, Rice, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Small, Smith, C.B.; Soucy, Sproul, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Walker, Warren, Webster, Weymouth, Whitcomb, Zirkilston.

ABSENT:—Baker, A.L.; Beaulieu, Bonney, Carrier, Connors, Hayden, Jacques, Lisnik, Moholland, Nadeau, G.R.; Nicholson, Paradis, E.J.; Pouliot, Richard, Seavey, Vose, Willey, The Speaker.

22 having voted in the affirmative and 111 in the negative with 18 being absent, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure Tabled and Assigned

An Act to Provide for Adequate Funding of the Chemical Substance Identification Law (S.P. 521) (L.D. 1405)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, I would like to make a few comments. I have some serious problems with this bill. This bill changes from a flat \$10.00 fee for employers who have chemical substances to a sliding scale and the bottom line is that, at the end, it raises an additional \$114,000 for the program which is being administered by the Department of Labor. The problem that I have is that the only group of businesses that will pay less than what they do now are those businesses that employ less than four individuals. Instead of paying \$10.00, they will now pay no dollars. All other groups will be paying more than what they are now. It is my belief that those businesses that do have one to three employees will certainly find it better to pay the \$10.00 and not have a bloated bureaucracy infringing upon their business practices and, for this reason, I will be voting no.

Representative Mitchell of Freeport requested a roll call.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I move that this be tabled one legislative day.

Representative Diamond of Bangor requested a roll call.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Freeport, Representative Mitchell, that this bill be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 53

YEAS:—Aliberti, Allen, Bonney, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Gwadosky, Hale, Handy, Hichborn, Hickey, Higgins, H.C.; Hillock, Hoglund, Holloway, Jalbert, Kimball, Lacroix, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Reeves, Rice, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Strout, Swazey, Tammara, Theriault, Walker, Warren, Zirkilston.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Davis, Dellert, Dexter, Dillenback, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Higgins, L.M.; Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, McPherson, Murphy, E.M.; Murphy, T.W.; Nickerson, Parent, Pines, Randall, Ruhlin, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb.

ABSENT:—Baker, H.R.; Beaulieu, Carrier, Chonko, Clark, Connors, Hayden, Jacques, Joseph, Kane, Lisnik, Matthews, Michaud, Moholland, Nadeau, G.R.; Nelson, Nicholson, Paradis, E.J.; Pouliot, Richard, Ridley, Seavey, Tardy, Vose, Willey, The Speaker.

73 having voted in the affirmative and 52 in the negative with 26 absent, the bill was tabled for Monday, May 6, 1985 pending enactment, (a roll call having been ordered).

Emergency Measure

An Act Relating to the Hancock County Trustees of Public Reservations (H.P. 802) (L.D. 1136)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Regulation Fees under the Manufacturing of Bedding, Upholstered Furniture and Cushion Law (S.P. 444) (L.D. 1247)

An Act Relating to Conferring Degrees by the University of New England in Biddeford (H.P. 216) (L.D. 250) (C. "A" H-96)

An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies (H.P. 975) (L.D. 1398)

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

Tabled and Assigned

An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites (H.P. 976)

(L.D. 1399) (H. "A" H-99)

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

On motion of Representative Smith of Island Falls, tabled pending passage to be enacted and specially assigned for Monday, May 6, 1985.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT - "Ought to Pass" - Committee on Legal Affairs on Bill "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" (H.P. 512) (L.D. 717)

TABLED - May 2, 1985 by Representative STETSON of Damariscotta.

PENDING - Acceptance of Committee Report.

Whereupon, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-103) was read and adopted and the Bill assigned for Second Reading, Monday, May 6, 1985.

The Chair laid before the House the following matter: Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Monday, May 6, 1985.

(Off Record Remarks)

On motion of Representative Law of Dover-Foxcroft,

Adjourned until nine o'clock Monday morning, May 6, 1985.
