

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## **VOLUME IV**

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

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### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
67th Legislative Day  
Monday, April 18, 1988

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

Prayer by Reverend Victor Stanley, First Baptist Church, Gardiner.

Pledge of Allegiance.

The Journal of Friday, April 15, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 995)

JOINT RESOLUTION MEMORIALIZING

THE 100TH CONGRESS OF THE UNITED STATES

TO REGULATE THE PORTRAYAL OF VIOLENCE AND

THE MARKETING OF WAR TOYS AND TOY FIREARMS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Members of the 100th Congress of the United States of America, as follows:

WHEREAS, the media is becoming an increasingly important source of information, role models and content of children's play; and

WHEREAS, stories and programs presented in the media are coordinated with the development and marketing of children's toys and games; and

WHEREAS, even conscientious parents have difficulty in regulating their children's exposure to these programs and toys; and

WHEREAS, the programs and toys may adversely affect the development of children in ways that impede their understanding of the consequences of violent acts committed by themselves or others; and

WHEREAS, the mistaken assumption by law enforcement agents or other individuals that look-alike firearms are real firearms can lead to tragic consequences; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to:

1. Regulate, or obtain agreements from manufacturers of look-alike firearms to mark them with clearly recognizable markings; and

2. Regulate, or obtain agreement from, media operating under licenses issued by federal agencies to prohibit the coupling of programs which portray violence with the marketing of war toys or other toys which foster violent play among children; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following Joint Resolution: (S.P. 998)

JOINT RESOLUTION MEMORIALIZING

THE UNITED STATES CONGRESS TO PROPOSE

AN AMENDMENT TO THE UNITED STATES CONSTITUTION

TO REQUIRE THE PRESIDENT OF THE UNITED STATES

TO SUBMIT A PROPOSED BALANCED BUDGET TO THE CONGRESS

AND TO REQUIRE A BALANCED FEDERAL BUDGET

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the United States Congress, as follows:

WHEREAS, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the legislative and executive branches of the Federal Government continually demonstrate an unwillingness or inability, with respect to the annual federal budget, to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget and are not subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under the United States Constitution, Article V, the Congress, whenever 2/3 of both Houses deem it necessary, shall propose amendments to the United States Constitution, which shall be valid for all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of 3/4 of the several states; and

WHEREAS, we believe action on amendments to the United States Constitution concerning federal expenditures to be vital; now, therefore, be it

RESOLVED: That, We, your Memorialists, do hereby respectfully urge the members of this Congress of the United States to propose an amendment to the United States Constitution to require a balanced federal budget, except in time of declared war or when 3/5 of the elected members of each House agree; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and to each member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read.

Representative Diamond of Bangor requested a roll call vote on adoption of the Resolution.

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 call was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important to note as we vote on item 1-2 that it is only a Memorial. It has no binding authority as the bill currently in the Senate does and that it has no

authority under Article V of the Constitution to call forth a convention so it is, in fact, just a very nonbinding, inactive, expression of our sentiment.

While it may show that you philosophically and theoretically support a balanced budget amendment, it certainly has no binding or legal authority. I just wanted to make that perfectly clear for the Record.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I am glad that the Representative from Bangor, Representative Diamond, asked to have the yeas and nays on this vote. I, for one, want to be on Record. I want to be on Record as opposing this amendment. I want to be on Record as opposing a balanced budget that makes an exception for war but not for peace, which will pay for guns but not for butter and which would deprive our children (and we have already seen some of that) of adequate health care, of education and which would potentially deprive our seniors of the money that they have so carefully put away in their old age.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to rise on this item, being a cosponsor of the measure. I have had a history of voting against this Resolution and Resolutions of this type. I just want to explain very briefly why I have changed my tune.

The gentlelady is absolutely right when she expresses concern about needed programs not being funded. Over the years, it has become increasingly apparent to me that the Congress and the President are seemingly unable to balance the federal budget. As an institution, they simply seem incapable of doing so.

I will tell you what my concern is. I think we can all recall Black Monday on the Stock Market and the kind of ripples that that sent through the world economy. Many experts and (I think) with some justification related some of the reasons to the ridiculous size of the federal deficit as well as the trade deficit. My concern is, if the federal government does not seriously grapple with and address the imbalance of the budget, that the entire economy could be affected. If the entire economy could be affected, and when I say economy I don't mean the domestic economy alone but the world economy as well, is affected too negatively, then revenues of all sorts could be affected. My concern is the overall revenue base of this country could be at risk and, without those revenues to depend on to fund those very worthy social programs I think most of us believe in, then I guess I don't see what the point will be.

I guess what I am hoping for in this Resolution is to send a message to the United States Congress that we as a state are concerned about the federal deficit and consider it a crisis situation. Not so that programs for the elderly and for children can be cut but so they can make tough choices. In my particular and personal opinion, I think the weight of the budget toward the Pentagon and military spending has gone way out of whack and that is one area I think the imbalance occurs very frequently. When anyone talks of cutting defense spending, the flag is raised that you are weak on defense and members of Congress from here to California get very concerned about that. I think you can cut defense spending and address areas like that without necessarily being unpatriotic or weak on defense.

I just felt it necessary to explain to you some of the reasons why I cosponsored this Resolution and

I think we, as a state, are in a position here today to send a message to the United States Congress that the federal deficit must be brought under control. If it is not, I think in a relatively short time that our overall economy could suffer dramatically and I think the consequences down the road will be a lot worse.

We as a state balance our budget every year. We have just been spending most of the last few days making very difficult decisions on what programs to fund and what programs not to fund within our available resources. When all is said and done, we will have done our job, we will have balanced our budget. If we as a state can do it and every other state in this country can do it, then I think the federal government owes it to us and to the world economy to do the same.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: Forgive me this morning if I commit an act of heresy, but that act of heresy is to challenge what I think is the conventional wisdom that somehow or another the federal government should have a balanced budget.

I have just heard some very interesting arguments from my good friend and colleague, the Representative from Lewiston, Representative Nadeau, who somehow feels that Congress must be brought under control. I have always felt that if you wanted to bring the Congress under control, you kick them out of office if you do not like their performance. That is how you hold a Congressman or a Senator accountable. What ever happened to that aspect of democracy?

More importantly, I am afraid I have been reading John Maynard Keynes a bit longer than I should because I am a firm believer in functional financing. There is, from my point of view, no reason why we have to have a balanced budget. Definitely we should do something about the deficit in the sense that it is too large. Yes, I am concerned about that. Government financing has often been compared to household budgets. I have gone through many campaigns in which members running against me in the opposition party and some members of my own party have often said that, if you can balance your household budget, then the government should be able to balance its budget. Well, I have news for you, do you know of anybody that saves up enough money to buy a house before they purchase a house or anyone that saves up enough money to buy a car before they purchase a car? Of course not. They do it on credit. The problem is when you have too much credit run up, then you have a problem. But certainly a small deficit could be managed especially if that deficit was created to finance social programs, to fund full employment or national health insurance. That is the role of functional financing.

Now, in terms of this state, I should mention yes, we do have a balanced budget but every time we need capital improvements or other things, we send them out to referendum and we run up our debt through bonded indebtedness. Ladies and gentlemen of this House, do you think for one moment if there was a real constitutional balanced budget in Washington that the Congress and Senate would find another way to raise that money, call it what you like, sending it out to bonded indebtedness, what have you, they would find a way to get through any kind of limit that we put on. So, let's not kid ourselves, a balanced budget Constitutional Amendment is not necessary. Yes, we should attack the budget deficit, we should do it statutorily. If we need to raise taxes, we should be forthright and raise those

taxes. But let's not kid ourselves or our constituents by passing, what I consider to be, one of the most meaningless Resolutions we could possibly act on.

The SPEAKER: The pending question before the House is adoption of Joint Resolution (S.P. 998). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 259

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Carter, Cashman, Clark, H.; Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hognlund, Holloway, Hussey, Jackson, Jacques, Jalbert, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Salsbury, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Baker, Carroll, Chonko, Clark, M.; Coles, Conley, Daggett, Dore, Gurney, Handy, Holt, Joseph, Ketover, Lacroix, Mayo, Mitchell, Nadeau, G. R.; O'Gara, Oliver, Priest, Rand, Reeves, Rydell, Scarpino, Stevens, P.

ABSENT - Callahan, Hillock, Paradis, J.; Rice.

Yes, 122; No, 25; Absent, 4; Paired, 0; Excused, 0.

122 having voted in the affirmative and 25 in the negative with 4 being absent, the Resolution was adopted in concurrence.

Divided Report  
Later Today Assigned

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-473) on Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency) (S.P. 845) (L.D. 2191)

Signed:

Senators: KERRY of York  
GILL of Cumberland  
Representatives: PINES of Limestone  
FARNUM of South Berwick  
ROLDE of York  
BOUTILIER of Lewiston  
DELLERT of Gardiner

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

Signed:

Senator: GAUVREAU of Androscoggin  
Representatives: LAPOINTE of Auburn  
MANNING of Portland  
SIMPSON of Casco  
CLARK of Brunswick  
TAYLOR of Camden

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-473)

Reports were read.

On motion of Representative Manning of Portland, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-476) on Bill "An Act Concerning Access Fees" (S.P. 297) (L.D. 847)

Signed:

Senators: TWITCHELL of Oxford  
DOW of Kennebec  
Representatives: SWAZEY of Bucksport  
NADEAU of Saco  
CASHMAN of Old Town  
MAYO of Thomaston  
DUFFY of Bangor  
DORE of Auburn  
JACKSON of Harrison  
ZIRNKILTON of Mount Desert

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

Signed:

Senator: SEWALL of Lincoln  
Representatives: SEAVEY of Kennebunkport  
WHITCOMB of Waldo

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Report "A" (S-476)

Reports were read.

On motion of Representative Cashman of Old Town, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-476) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Divided Report  
Later Today Assigned

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-468) on Bill "An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project" (S.P. 892) (L.D. 2304)

Signed:

Senator: GILL of Cumberland  
Representatives: CLARK of Brunswick  
BOUTILIER of Lewiston  
PINES of Limestone  
TAYLOR of Camden  
DELLERT of Gardiner  
FARNUM of South Berwick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-469) on same Bill.

Signed:

Senators: GAUVREAU of Androscoggin  
KERRY of York  
Representatives: MANNING of Portland  
ROLDE of York  
SIMPSON of Casco  
LAPOINTE of Auburn

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-469)

Reports were read.

On motion of Representative Manning of Portland, tabled pending acceptance of either report and later today assigned.

Non-Concurrent Matter

RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (Emergency) (H.P. 1673) (L.D. 2292) (S. "A" S-421 to C. "A" H-610) which was passed to be enacted in the House on April 11, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-610) as amended by Senate Amendment "A" (S-421) thereto and Senate Amendment "A" (S-470) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People" (H.P. 1703) (L.D. 2340) which was passed to be engrossed as amended by Committee Amendment "A" (H-705) in the House on April 14, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-705) as amended by Senate Amendment "A" (S-467) thereto in non-concurrence.

On motion of Representative Crowley of Stockton Springs, the House voted to recede.

The same Representative offered House Amendment "A" (H-730) to Committee Amendment "A" (H-705) and moved its adoption.

House Amendment "A" (H-730) to Committee Amendment "A" (H-705) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Men and Women of the House: Just a brief explanation, this merely sunsets the bill to June 30, 1989.

Senate Amendment "A" (S-467) to Committee Amendment "A" (H-705) was read by the Clerk and adopted.

Committee Amendment "A" (H-705) as amended by House Amendment "A" (H-730) and Senate Amendment "A" (S-467) thereto was adopted.

Senate Amendment "A" (S-467) to Committee Amendment "A" (H-705) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-705) as amended by Senate Amendment "A" (S-467) and House Amendment "A" (H-730) thereto in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES  
April 15, 1988

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 14

Unanimous reports		10
Leave to Withdraw	2	
Ought to Pass	1	
Ought Not to Pass	0	
Ought to Pass as Amended	6	
Ought to Pass in New Draft	1	
Divided reports		4

Respectfully submitted,  
S/John L. Tuttle, Jr. S/James Mitchell  
Senate Chair House Chair  
Was read and ordered placed on file.

ORDERS

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative LACROIX from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1988 (Emergency) (H.P. 1934) (L.D. 2635) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 886) (L.D. 2298) Bill "An Act to Continue the Driver Education Evaluation Program" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-475)

(S.P. 996) (L.D. 2632) RESOLVE, Authorizing Exchange of Certain Public Reserved Land Committee on Energy and Natural Resources reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Law Governing Prelitigation Screening Panels (S.P. 711) (L.D. 1941) (H. "A" H-675 and S. "A" S-452 to C. "A" S-395)

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. 123 voted in favor of the same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Prohibit the Sale of Substances Butyl Nitrite and Isobutyl Nitrite, Commonly Referred to as "Rush" or "Lockerroom" (S.P. 761) (L.D. 2024) (C. "A" S-455)

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. 120 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Create the Maine Educational Loan Authority (S.P. 988) (L.D. 2616) (C. "A" S-462)

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. 122 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund (S.P. 992) (L.D. 2625) (H. "A" H-699; C. "A" S-448)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Establish the Maine Science and Technology Commission and to Authorize Funding for Centers for Innovation (H.P. 1602) (L.D. 2193) (C. "A" H-672)

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. 122 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Require Licensure of Certain Railroad Personnel (H.P. 1748) (L.D. 2397) (S. "B" S-453 to C. "A" H-645)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1866) (L.D. 2551) (C. "A" H-680)

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. 120 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Establish the Maine Information Commission on Agent Orange and Radiation (H.P. 1914) (L.D. 2613) (H. "D" H-690)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, To Establish the Commission to Study the Status of Nursing Professions in Maine (S.P. 847) (L.D. 2203) (C. "A" S-454)

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. 122 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988 (H.P. 1921) (L.D. 2621) (H. "A" H-700)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 6 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1988 (H.P. 1927) (L.D. 2627) (H. "A" H-694)

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. 119 voted in favor of the same and one against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1988 (H.P. 1931) (L.D. 2631) (H. "A" H-692)

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. 116 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Establish the Strategic Training for Accelerated Reemployment Program (S.P. 946) (L.D. 2494) (Conf. Com. "A" H-696)

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

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

ENACTOR

Later Today Assigned

An Act to Revise the Energy Building Standards Act (S.P. 958) (L.D. 2539) (S. "B" S-352)

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

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

ENACTOR

Later Today Assigned

An Act to Make Housing More Affordable to Maine Citizens (H.P. 1659) (L.D. 2269) (C. "A" H-678)

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

On motion of Representative Crowley of Stockton Springs, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court (H.P. 1677) (L.D. 2306) (S. "A" S-459 to C. "A" H-647)

An Act to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People (H.P. 1693) (L.D. 2322) (H. "A" H-693 to C. "A" H-679)

An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities (H.P. 1694) (L.D. 2327) (C. "A" H-691)

An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections (H.P. 1747) (L.D. 2396) (C. "A" H-673)

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.

ENACTOR

Later Today Assigned

An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees (H.P. 1766) (L.D. 2419) (C. "A" H-687)

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

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

PASSED TO BE ENACTED

An Act to Increase the Frequency of Restaurant Inspections (H.P. 1775) (L.D. 2428) (C. "A" H-689)

An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings (H.P. 1804) (L.D. 2468) (C. "A" H-682)

An Act to Expand the Property Tax Circuit Breaker Program (H.P. 1882) (L.D. 2574) (H. "A" H-702 to C. "A" H-652)

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.

PASSED TO BE ENGROSSED

An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville (H.P. 1929) (L.D. 2629) (H. "A" H-697)

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

On motion of Representative Gould of Greenville, under suspension of the rules, the House reconsidered its action whereby L.D. 2629 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-697) was adopted.

On further motion of the same Representative, House Amendment "A" (H-697) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-731) and moved its adoption.

House Amendment "B" (H-731) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility (H.P. 1932) (L.D. 2633)

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

On motion of Representative Brown of Gorham, under suspension of the rules, the House reconsidered its action whereby L.D. 2633 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-732) and moved its adoption.

House Amendment "A" (H-732) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase the State Funding of Educational Costs (H.P. 272) (L.D. 355) (C. "A" H-701)

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. 126 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.

PASSED TO BE ENACTED

Emergency Measure



An Act to Improve the Potato Marketing Improvement Fund (H.P. 1618) (L.D. 2211) (H. "A" H-671 to C. "A" H-639 and H. "A" H-719)

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. 122 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women (H.P. 1643) (L.D. 2242) (C. "A" H-722)

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. 117 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Study the Necessity and Feasibility of Establishing a Health Information Recording System (H.P. 1719) (L.D. 2358) (C. "A" H-716)

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. 123 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Provide for a Partial Rebate of 1987 Individual Income Tax (H.P. 1833) (L.D. 2510) (S. "A" S-471 to C. "A" H-711)

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. 117 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Require the Study of the Laws Regulating Antitrust Activities of the Insurance Industry (S.P. 920) (L.D. 2411) (C. "A" S-463)

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. 107 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address

the Nursing Shortage (S.P. 791) (L.D. 2079) (S. "A" S-465 to C. "A" S-461)

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. 117 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Law Relating to Unitary Taxation of Corporations (H.P. 928) (L.D. 1244) (C. "A" H-710)

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

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I have gotten a reputation around these chambers the five years I have been here as being a tax purist. When this bill came from committee as a 12 to one report, I voted against it. My reputation as a tax purist was tarnished this session because I voted for a bill that did provide an exemption, I did that for all the right reasons because a seatmate of mine asked me to do so.

This bill provides for, once it is fully phased in, a \$5.3 million exemption for multi-national corporations. I oppose this bill for lots of reasons, not the least of which is that it further erodes the corporate income tax base in this state. When the corporate and personal income taxes were established in the 1970's, there was a two to one ratio, for every two dollars of individual income tax, we raised one dollar of corporate income tax. That ratio is now up to seven to one, seven dollars of individual income tax, one dollar corporate income tax.

This bill provides an exemption for dividends earned on foreign corporations to the tune of 50 percent of those dividends, once this bill is fully phased in. As I said, it is \$5.3 million and I don't believe it is appropriate tax policy.

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This bill has two major sections in it. The first section does away with the distinction between business and nonbusiness income. That provision in our law is becoming more and more unique to the State of Maine in that other states aren't making the distinction and it is becoming more and more troublesome to enforce.

Representative Mayo does not object (at least I don't think he objects) to that section of the bill and he indicates that that is the case.

What he does object to is, of course, the change in unitary tax law. We passed the unitary tax provisions of Maine Income Tax Law in the 111th Legislature. I was a member of the Taxation Committee at the time, I think I may have been on the bill, but I can't remember. In any case, I certainly supported it, I stood on the floor of this House and argued in favor of it.

What this bill aims to do is to put our unitary tax law back in the position that those of us who supported it five or six years ago meant for it to be in the first place, that is a waters edge or what is termed a waters edge, unitary tax.

We are currently one of two states in the country that tax 80/20 corporations and their foreign dividends and 9/36 corporations — this was not our intent, I can tell you without fear of being contradicted.

In the 111th Legislature when we passed the unitary tax law — as a matter of fact, we met in the Speaker's Office as the bill was on the Calendar for enactment and discussed that very possibility that we might become, along with California, a worldwide unitary state and we did not want to be and we amended the bill in a manner that we thought would take care of that. It didn't, we are taxing 80/20 corporations. California, incidentally, has repealed their tax on 80/20 corporations leaving us — I think it is only us and Alaska that currently do it.

Those of us who were on the 12 to 1 Majority Report feel that it is probably inappropriate for the State of Maine to have that dubious distinction of being one of only two states that taxes in that manner and it is probably counterproductive to development in this state. So, we reported the bill out "Ought to Pass." I would urge the House to support that Majority Report and send this bill to the other body.

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 call was ordered.

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

ROLL CALL NO. 260

YEA - Allen, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Clark, H.; Conley, Cote, Curran, Daggett, Davis, Dellert, Diamond, Dore, Duffy, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Jacques, Joseph, Ketover, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Manning, Marsano, Matthews, K.; McGowan, McPherson, McSweeney, Michaud, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Pines, Pouliot, Priest, Racine, Reed, Richard, Ruhlin, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Anthony, Baker, Bost, Brown, Clark, M.; Coles, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Handy, Hickey, Hoglund, Holt, Hussey, Jalbert, Kilkelly, Martin, H.; Mayo, McHenry, Melendy, Mills, Mitchell, Oliver, Perry, Rand, Reeves, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Strout, D.; Tupper.

ABSENT - Callahan, Chonko, Crowley, Dexter, Hillock, Macomber, Mahany, Paradis, J.; Rice, Ridley, Salsbury, The Speaker.

Yes, 102; No, 37; Absent, 12; Paired, 0; Excused, 0.

102 having voted in the affirmative and 37 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Providing for Administrative Changes in the Tax Laws (H.P. 1535) (L.D. 2089) (C. "A" H-712)

An Act to Amend the Regulation of Lobster Parts (H.P. 1584) (L.D. 2162) (S. "C" S-464 to C. "A" H-595)

An Act to Establish an Occupational Health Program (H.P. 1676) (L.D. 2295) (C. "A" H-721)

An Act to Amend the Sentencing Provisions of the Maine Criminal Code (H.P. 1683) (L.D. 2312) (C. "A" H-720)

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act (H.P. 1687) (L.D. 2316) (S. "B" S-466 to C. "A" H-641)

An Act Concerning the Statutory Organization of Boards and Commissions (H.P. 1710) (L.D. 2347) (S. "A" S-458 to C. "A" H-677)

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.

PASSED TO BE ENACTED

An Act to Strengthen the Drunk Driving Laws (H.P. 1746) (L.D. 2395) (S. "A" S-472 to C. "A" H-669)

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

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

Representative RACINE: Mr. Speaker, I move that L.D. 2395 and all its accompanying papers be indefinitely postponed.

You are probably wondering why I am doing this and I have my reasons. For those of you who were here in 1981, where a pledge had been taken by Governor Brennan that he would toughen up the drunk driving laws, at that time we thoroughly debated the issue of alcoholic contents within one's body. At that time, based on medical testimony that was given, it was stated that an individual could safely operate a motor vehicle if his alcoholic content was less than 1.0. Those of you that were here then remember this because this was quite a topic, there was a lot of lobbying. The previous Governor had ran on a platform that he would make some changes to get the drunk drivers off the road. What I am very concerned about is that, if at that time in 1981 it was safe to drive a vehicle if you had .09, why is it not today?

If you recall, when this bill was debated — and I don't want to repeat what was said, but one of the items was that medical testimony had been presented to the committee that indicated, if an individual had .08 and above, he was impaired and could not drive. However, six years ago, it was .10 and probably two years from now, there will be medical testimony presented in front of this body which will say that you are impaired at .06, you should not be driving. Possibly four years down the road, it will be .04. If we don't want people that have consumed any amount of alcohol to drive a vehicle, this is what we should do, change the law to so specify.

However, I cannot support this legislation on the basis of what I have just related to this chamber.

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

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I won't reenact the debate which this chamber has had on several other occasions. I would only remind you that the uncontradicted testimony before our committee was that .08 causes significant impairment in operating a motor vehicle.

There has been no medical testimony presented to contradict that.

I am obviously not in a position that Representative Racine is in of being here in 1981 but I am here in 1988. I can tell you the Governor supports this bill, the Democratic agenda supports this bill and I think it is time to get it enacted. I would urge you to defeat this motion and to enact this bill.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Just very briefly to answer the concerns of the good gentleman from Biddeford, Representative Racine. When we enacted the original OUI legislation in 1981, the scientific data supported .10, ten percent alcohol in one's blood or more as a sort of a cut-off point where one is severely impaired.

Since that time, in the intervening years -- and there is a lag, the studies were done in the late 1970's and were reported out in 1980, legislation was adopted in 1981 -- since that time, there has been an ongoing and accelerated study of impairment under alcohol abuse on the highways and everything that we have points towards a .08 alcohol level as being severely impaired.

So, I would urge the members of this body to support that particular section above all others. It is extremely important that one understands that a person who has eight percent or better alcohol level in his or her blood is very impaired as a driver. The peripheral vision, the ability to distinguish curves and other impairments in the highway, the reaction time to pedestrians and other vehicles is severely impaired. I would hope that that particular item would be supported overwhelmingly in this House because I suspect that it will mean a big difference in helping to reduce that ten or so percent of those drivers who are stopped and who have a blood alcohol level of .08 or .09 and who are now going free.

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 call was ordered.

The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, I would like to pose a question to anyone that might wish to answer.

I would like to know how many states have adopted the .08 as a condition of impairment that one should not operate a motor vehicle and be considered drunk?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: It is my understanding that there are eight states that have a .08 level either presumptive or per se, which means that it is actually fixed in statute, presumptive means that it is the level of which intoxication is presumed but there is opportunity to overcome it. The two states that have it per se, that absolutely establish that, are the State of Utah and the State of Oregon. In addition, all of the Canadian Provinces have adopted

that level and most of the European states have a lower level.

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

ROLL CALL NO. 261

YEA - Brown, Conley, Erwin, P.; Gurney, Moholland, Racine, Rand, Warren.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Reed, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT - Baker, Callahan, Hillock, Mahany, Marsano, Paradis, J.; Rice.

Yes, 8; No, 136; Absent, 7; Paired, 0; Excused, 0.

8 having voted in the affirmative and 136 in the negative with 7 being absent, the motion to indefinitely postpone did not prevail.

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

(At Ease)

The House was called to order by the Speaker.

PASSED TO BE ENACTED

An Act to Require Notice of Major Modifications in Rail Service (H.P. 1752) (L.D. 2401) (C. "A" H-590) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding (H.P. 1792) (L.D. 2456) (H. "A" H-688 to C. "A" H-674)

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

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

PASSED TO BE ENACTED

An Act to Prohibit the Sale of Polystyrene Foam Products Containing or Made with Certain Chlorofluorocarbons (H.P. 1797) (L.D. 2461) (H. "A" H-709)

An Act to Amend the Maine Income Tax Law (H.P. 1803) (L.D. 2467) (C. "A" H-717)

An Act to Amend the Statutes Pertaining to the Emergency Treatment and Continuing Supervision of Chemically Dependent Persons (H.P. 1857) (L.D. 2542) (C. "A" H-718)

An Act to Recodify the Laws on Municipalities and Counties (H.P. 1855) (L.D. 2538) (H. "B" H-714; S. "A" S-474 to H. "C" H-715)

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.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (H.P. 1646) (L.D. 2245) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase State Revenue Sharing to 7% of Sales and Income Tax Receipts" (H.P. 202) (L.D. 254) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Assure Appropriate Statewide Treatment Services to Children with Special Needs" (H.P. 1642) (L.D. 2241) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1638) (L.D. 2237) Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (H-725)

(H.P. 1798) (L.D. 2462) Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-726)

(H.P. 1688) (L.D. 2317) Bill "An Act to Promote Orderly Economic Growth and Natural Resource Conservation" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-727)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers

were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative BOUTILIER from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1988 (Emergency) (H.P. 1936) (L.D. 2636) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read the second time, passed to be engrossed, and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1933) (L.D. 2634) Bill "An Act to Require Application and Approval for Railroads to Receive Financial Assistance from the State and to Require Notice of Major Modifications in Rail Service" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-735)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House paper was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Prevent Mental Health Service Reductions" (Emergency) (S.P. 737) (L.D. 1996)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention" (S.P. 989) (L.D. 2620)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention in Regard to Day Habilitation Programs Serving Persons with Mental Retardation" (S.P. 991) (L.D. 2624)

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

Ought to Pass as Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-477) on Bill "An Act to Strengthen the Site Location of Development Law" (S.P. 846) (L.D. 2202)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-477) as amended by Senate Amendment "A" (S-483) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-477) was read by the Clerk.

Senate Amendment "A" (S-483) to Committee Amendment "A" (S-477) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto adopted.

Under suspension of the rules, the Bill was read the second time, pass to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in concurrence.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 929) (L.D. 2440) Bill "An Act Concerning Tribal Courts" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-482)

(H.P. 1721) (L.D. 2360) Bill "An Act to Encourage the Efficient Use of Electrical Energy" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-736)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence and the Senate Paper was passed to be engrossed as amended in concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Make Housing More Affordable to Maine Citizens (H.P. 1659) (L.D. 2269) (C. "A" H-678) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 2269 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-678) was adopted.

The same Representative offered House Amendment "A" (H-740) to Committee Amendment "A" (H-678) and moved its adoption.

House Amendment "A" (H-740) to Committee Amendment "A" (H-678) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding (H.P. 1792) (L.D. 2456) (H. "A" H-688 to C. "A" H-674) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 2456 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-674) was adopted.

The same Representative offered House Amendment "B" (H-741) to Committee Amendment "A" (H-674) and moved its adoption.

House Amendment "B" (H-741) to Committee Amendment "A" (H-674) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" and "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and "B" thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative MANNING of Portland, the following Joint Order: (H.P. 1935)

Ordered, the Senate concurring, that Bill "AN ACT to Revise the General Assistance Laws," H.P. 1249, L.D. 1705, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

The SPEAKER: Pursuant to the rules, a two-thirds vote of the members present and voting is required. Those in favor of passage will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 5 in the negative, the Order was passed and sent up for concurrence.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Later Today Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-480) on Bill "An Act to Establish a Resource Protection Law" (Emergency) (S.P. 870) (L.D. 2265)

Signed:

Senators: USHER of Cumberland  
 MATTHEWS of Kennebec  
 LUDWIG of Aroostook  
 Representatives: MICHAUD of East Millinocket  
 JACQUES of Waterville  
 HOGlund of Portland  
 COLES of Harpswell  
 DEXTER of Kingfield  
 HOLLOWAY of Edgecomb  
 ANDERSON of Woodland  
 LORD of Waterboro  
 GOULD of Greenville

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-481) on same Bill.

Signed:

Representative: MITCHELL of Freeport

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-480)

Reports were read.

Representative Michaud of East Millinocket moved that the House accept the Majority "Ought to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move that the House substitute the Bill for the Report.

The SPEAKER: The Chair would advise the Representative that Representative Michaud's motion would have to be defeated in order to make that motion.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would urge you to defeat this motion so that we can return to the motion that I just made.

The bill before you deals with the whole growth management issue and one specific part of that issue is known as the 40 acre loophole. The Report before you waters down the bill that was presented to the committee.

The original bill would propose to close this loophole in three Maine laws, the LURC Law, the Subdivision Law and the Site Location Law and it is this loophole that people are using to avoid planning review when they propose subdivisions mainly in the north woods of Maine. I believe that this loophole should be closed for four reasons. The first reason is that it takes forest land out of productivity, it promotes land speculation, it creates an artificial and permanent division of the land that is not based on any reason and, probably the worst thing the bill does is, it creates a different planning standard for the unorganized territories under LURC's jurisdiction than there is in the organized territories of the southern part of the state.

There are a few companies in Maine who are going around (they are not all Maine companies) and selling large 40 acre parcels of Maine land out of state to avoid subdivision review. When these lots are sold, I think we can assume, and they are marketed in the area south of us by Yuppies from Boston and New York City, that they will probably be taken out of forestry production forever. In fact, I think that the people that they are sold to have very little knowledge of forestry or of forest products. If we lose this land, and it is a considerable number of acres being proposed, it will be lost forever.

Also, the 40 acre loophole creates some subdivision in which all the lots are just slightly above 40 acres -- like they will be 40.1, 40.2 or 40.3. These can be divided under the Site Location

Law and the Subdivision Law into smaller lots. These small 40 acre lots make forestry management very difficult, it is harder to manage a small tract of land than it is a bigger tract. Once you accept this sort of artificial dividing up of land, you can't change it. The whole western part of the United States was divided with another artificial 160 acre sort of land division when Congress gave that land away at the beginning of the last two centuries and very few parcels of land in the midwest are more than a 150 acres now. Most of them are a lot smaller. I think that you can assume that, if a bill like this passes, that you will never get the large manageable pieces of land that exist in Maine now.

This bill also promotes land speculation and it allows quick profits. Some townships have been cut up and sold virtually before anyone knew anything about it at all. In fact last year, some members of this House from Washington County came to our committee and told us of a subdivision in the Cherryfield area where a large parcel of land was all subdivided and sold. The town never did anything about it. It encourages these get-rich schemes, which frankly don't benefit Maine people. If you take a large parcel of land and you cut it up into 40 acre lots and you sell it to Yuppies from the south, I can't see how it helps anyone at all in Maine. It takes land out of production, the local people don't get rich, it is the company that sells the land that gets rich and the Yuppies really don't care as they hold onto it.

The bill is really unfair to Maine citizens. The average fellow that I represent, if he wants to have a subdivision or create a subdivision, he probably isn't going to have a subdivision of 40 acres or more so he is going to have to go through all of the subdivision review. Apparently, the majority of the members of the committee wanted to keep this one particular break and not close this loophole completely but keep this break available for the large land speculating companies that are existing around the state.

Finally, when the LURC Law was passed, Maine instituted really sound planning for LURC territories and I think these unorganized territories ought to have sound planning and I think the passage of this bill, if it is passed in its present form, will be the first time that we have veered away from that. You will create a situation where you have an entire planning standard in the organized territories than you have in the unorganized territories and that tells me that the people want to make a fast buck selling off 40 acre lots which are just going to go to the unorganized territories in the back lots and sell them. There is a list here of townships, where this activity is taking place already, and Representative Dexter's district have had 40 acre subdivisions in Freeman and Salem Townships and I don't think they are on the shoreland zones, I think they have pretty much got the red light with the Majority Report.

Elliotsville Township in Representative Gould's area, I don't know if he represents that township or not, Andover and North Surplus has had one of these things, that is Representative Mills district. Sandy River Plantation, right next to Rangeley -- you can't go and put one of these subdivisions in Rangeley but you sure can go down to Sandy River Plantation, the next township, and do it. Albany Township in Representative Mills district, they have had three different developments in there cutting up this land into 40 acre lots and selling it all out to these people from some other place. Down in Washington County, Townships 24 and 25, they have all been cut

up. Down on the coast, way down east in Trescott, there is one down there. Blake Gore, I don't know where that is, I think it is in the northwestern part of the state on the Quebec border -- there is 5,000 acres up there that is all going to be cut up and sold into 40 acre lots. You know, once it is sold into 40 acre lots, it will never grow trees for the people of Maine to make paper out of.

On Sysladobsis Lake, there is 7,000 acres up there near Representative Vose's and Representative Moholland's district that is all going to be cut up into these 40 acre lots. There was an ad in the Boston paper for some land near the Bigelow Mountain region, Patten Corporation we think, Representative Dexter's district, maybe Representative Rotondi's. There is one near Island Falls, it is all over the place, it is a real scandal.

Men and Women of the House, I hope you will defeat this motion and strengthen this bill. It is very, very weak, we should have gone a lot further.

In my opinion, in the eastern United States, there are really two large tracts of wild land left, there is a large tract of wild land in the northwest corner of Maine and a large tract of wild land that is owned by the State of New York and I think, since it is so unusual and significant and so difficult to find land like that, that we have a responsibility to manage it and protect it from speculators and have the very best possible land-planning scheme apply to those particular lands.

The committee spent a lot of time working on growth management and they wanted to compromise and they put out this proposed bill that only protects against 40 acre lot subdivisions in the shoreland areas. I suppose that is a little bit of something but it certainly doesn't take care of the problem, it is watered down, in my opinion, too much.

It is my understanding that this particular state of ours, the State of Maine, has either the highest or among the highest rate of absentee landowners of any of the 50 states. This bill you have before you which is going to encourage these 40 acre subdivisions all across the north woods of Maine is certainly going to encourage more of that. We will just lose more of our state.

I hope you will defeat the motion before you so we can go ahead and enact a strong, comprehensive bill that is going to put these guys out of business.

I would request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The good Representative from Freeport might lead you to believe that what the majority of the committee had done was nothing. That is incorrect. Basically, we did close some of the 40 acre loopholes that is currently in the law. We also gave municipalities the authority if they did want to review 40 acres, then they could review the 40 acres. We gave that permissive language in the law. It also protects them on the shoreland zone area, which is all automatic, irregardless if a municipality chooses or not to deal with the 40 acres so we have strengthened that loophole that is in the

law. Hopefully, that will change this session. It just did not go far enough for the good Representative from Freeport but I think it is a good compromise and I would hope that you would go along with the Majority "Ought to Pass" Report.

The SPEAKER: The pending question before the House is the motion of the Representative from East Millinocket, Representative Michaud, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 262

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Carroll, Carter, Cashman, Chonko, Coles, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Duffy, Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Jackson, Jacques, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Manning, Marsano, Martin, H.; Matthews, K.; McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Pines, Pouliot, Racine, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Salsbury, Seavey, Sheltra, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anthony, Baker, Boutilier, Clark, H.; Clark, M.; Conley, Dore, Dutremble, L.; Hale, Handy, Holt, Hussey, Look, Macomber, Mayo, McGowan, Mitchell, Nadeau, G. R.; Oliver, Parent, Priest, Rand, Rydell, Scarpino, Smith, Tamaro, Thistle, Tracy, Warren.

ABSENT - Brown, Callahan, Hillock, Jalbert, Mahany, Nadeau, G. G.; Paradis, J.; Reeves, Rice, The Speaker.

Yes, 111; No, 30; Absent, 10; Paired, 0; Excused, 0.

111 having voted in the affirmative and 30 in the negative with 10 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-480) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Committee Amendment "A" (S-480) was adopted.

The same Representative offered House Amendment "B" (H-742) to Committee Amendment "A" (S-480) and moved its adoption.

House Amendment "B" (H-742) to Committee Amendment "A" (S-480) was read by the Clerk and adopted.

Representative Mitchell of Freeport offered House Amendment "A" (H-737) to Committee Amendment "A" (S-480) and moved its adoption.

House Amendment "A" (H-737) to Committee Amendment "A" (S-480) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: House Amendment "A" to Committee Amendment "A" tries to deal with one of the weaknesses of the bill, which is the whole area of back lot subdivision. In order to do that, it sets a mechanism up where, if you had three subdivisions of 40 acres and you had less than 10 lots, you could get by without going through any review if they were back

lots. Committee Amendment "A" covers the shore lots. This would trip the Site Location Subdivision Law so if a person was going to subdivide 400 acres or more into 40 acre lots in the back area, they would have to get it if they had those large subdivisions. For the small subdivision and fellows who were just subdividing 10 lots or less, they could still get by without any review. This just tightens up the loophole a little bit more than the Committee Amendment.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "A" to Committee Amendment "A."

Basically, the committee had dealt with this idea in committee. We rejected it. The committee thought we would give the municipalities that option to deal with the 40 acres if they chose to do so. I think it is too early now to start to present this amendment. If there are a lot of municipalities out there that does nothing with the 40 acres, maybe next session or the session after, we ought to come in and review the statutes once again. I think the Majority Report takes care of the concerns thus far dealing with the 40 acres and I hope you would vote with me and indefinitely postpone House Amendment "A."

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: That is fine, we did strengthen that up somewhat, we strengthened it up somewhat in the shoreland area and in organized towns but half the State of Maine is unorganized territories in LURC's jurisdiction and we did absolutely nothing in the bill to deal with back lot 40 acre subdivision in the LURC jurisdiction. That is an awfully lot of land -- almost half the State of Maine and it ought to be protected and those people ought to have to go through some sort of planning process before they carve it up into these lots, which we will have to live with forever.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I admire the tenacity of the Representative from Freeport. We went over this, round and round. The committee concluded, and if any of you have ever made an application to LURC for anything, I don't think you would say it is fair to say that LURC is very weak and LURC doesn't do their job. If you continue to force this issue on, what you are going to have is, instead of developing 40 acre lots or greater, they are going to say, okay, you want to put us through the cost and everything else, fine, we will go through that, but we are going to develop a lot of small lots, get a bigger amount of money for those small lots, get more return on their money and, in the long run, the wild lands that you and I are hoping to protect to some degree, are going to be a whole bunch of small lots instead of a bunch of larger 40 acre plus lots. To say that LURC

doesn't do anything is not exactly the case. If you don't believe me, apply for a LURC permit, try to deal with LURC and tell me what you go through before you get done.

I would urge you to indefinitely postpone this. This was discussed in committee and 12 members of the committee saw the merits of rejecting it, we would hope that the House would do the same thing.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Jacques has a convincing argument; unfortunately, it is flawed because if you go through with that scenario, having no planning for lots over 40 acres -- he says people just go out and sell smaller lots and they may but at the very least they would be planned lots. If you take a parcel of 1,000 acres and you divide it into 25, 40 acre lots, the law allows you now to wait for a five year period and then divide each of those 40 acre lots into three lots, you have about 12 acre lots then. Then after you wait another five years, you can divide those all down so you would have 3 and 4 acre lots and then wait another five years and you have your acre lot and you have absolutely no review at all in that particular scenario.

What people in Maine want, I think, is they want good planning, they want good planning all across the state, not just in the organized towns that choose to have it. The bill, as it is written now, in Committee Amendment "A" it does not allow to the back lots in LURC jurisdiction and we are just leaving a great big, big hole out there for people to take advantage of.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: To say that LURC is not going to review these lots as they keep getting smaller is not the case. We will indeed and it was stated that our committee had some problems dealing with these issues, they were the three p's, partisanship, politicking and posturing. The biggest hurdle that we had was philosophy and Representative Mitchell sometimes doesn't understand that there are people in this state that don't own land now and weren't given their land by their folks that aren't rich enough to buy big pieces of land and may, some day, want a piece of land. It shouldn't be against the law to be able to go up in the north woods of the State of Maine and buy a piece of land. Then you and your family will own that piece of land.

We would hope that we would encourage big lots -- not forcing them to be going into smaller and smaller lots. As you keep subdividing it, two, three and five years, you could divide it by three and then in five years, you can divide by three again but that would be ten years time and if anybody thinks you are going to make a lot of money quickly by doing that, I wish you would explain it to me. That has been the whole argument about these back lots. In all the testimony that we heard, the problems were dealing with shorefront lots and that is what we dealt with, shorefront lots. That is where the problem is. When the times comes, if there is a big problem in those 10 million acres that we are talking about and you can prove the problems are there, then I think you should deal with it. Right now, let's deal where the problems lie and not create any problems where there aren't any.

I know that Representative Mitchell is concerned that, down the road, 25, 30 or 50 years, but a lot can happen between now and then. When we heard all



the arguments, we felt that we were dealing with the problems now, not problems that might come to be.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Michaud of East Millinocket that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 263

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carter, Cashman, Chonko, Coles, Cote, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Higgins, Hogleund, Holloway, Jackson, Jacques, Ketover, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Garra, Paradis, E.; Paradis, P.; Parent, Paul, Pines, Pouliot, Racine, Reed, Richard, Ridley, Rotondi, Salisbury, Seavey, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anthony, Baker, Carroll, Clark, H.; Clark, M.; Conley, Crowley, Dore, Erwin, P.; Hale, Handy, Hickey, Holt, Hussey, Joseph, Kilkelly, LaPointe, Look, Macomber, Mayo, Melendy, Mills, Mitchell, Moholland, Nutting, Oliver, Perry, Priest, Rand, Rolde, Ruhlin, Rydell, Scarpino, Simpson, Smith, Tamaro, Thistle, Tracy, Tupper, Vose, Warren.

ABSENT - Brown, Callahan, Hillock, Jalbert, Mahany, Nadeau, G. G.; Paradis, J.; Reeves, Rice, The Speaker.

Yes, 99; No, 42; Absent, 10; Paired, 0; Excused, 0.

99 having voted in the affirmative and 42 in the negative with 10 being absent, the motion did prevail.

Representative Mitchell of Freeport offered House Amendment "C" (H-743) to Committee Amendment "A" (S-480) and moved its adoption.

House Amendment "C" (H-743) to Committee Amendment "A" (S-480) was read by the Clerk and adopted.

On motion of Representative Michaud of East Millinocket, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" and House Amendment "C" thereto and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (H.P. 1830) (L.D. 2506)

Signed:

Senators: USHER of Cumberland  
LUDWIG of Aroostook  
MATTHEWS of Kennebec

Representatives: JACQUES of Waterville  
HOGLUND of Portland  
ANDERSON of Woodland  
DEXTER of Kingfield

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-738) on same Bill.

Signed:

Representatives: MICHAUD of East Millinocket  
GOULD of Greenville  
MITCHELL of Freeport  
HOLLOWAY of Edgcomb  
LORD of Waterboro  
COLES of Harpswell

Reports were read.

On motion of Representative Michaud of East Millinocket, the House accepted the Minority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-738) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-478) on Bill "An Act to Enhance the Quality of Care in Long-term Care Facilities through Consultation, Education and Intermediate Sanctions" (S.P. 485) (L.D. 1462)

Signed:

Senators: GAUVREAU of Androscoggin  
KERRY of York

Representatives: GILL of Cumberland  
MANNING of Portland  
TAYLOR of Camden  
DELLERT of Gardiner  
PINES of Limestone  
FARNUM of South Berwick  
CLARK of Brunswick  
SIMPSON of Casco  
LAPOINTE of Auburn

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-479) on same Bill.

Signed:

Representatives: BOUTILIER of Lewiston  
ROLDE of York

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted the and Bill passed to be engrossed as amended by Committee Amendment "A" (S-478)

Reports were read.

Representative Manning of Portland moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: Both of these bills are very similar except for one small provision. I do want to go over that. I do feel it is important although there are only two of us that signed the Minority Report.

When a health care facility goes through what is called a survey, the surveyor comes in and lists as many items that they have to go through and make sure that the home or health care facility meets the criteria under the current regulations of the state.

If they don't, they cite them for those laxes and the provider has a period of ten days in which they must meet or exceed that criteria of that deficiency. The Division of Licensing Certification gives them a list of those deficiencies of which there is a blank area next to the deficiency which they must write, within a ten day period, how they would correct that deficiency. It is called a plan of correction.

I will read, for example, one of those deficiencies that happened at one home (I was provided this by DHS). The deficiency was, the license was not posted conspicuously, it was located in the administrator's office and it is closed when the administrator is not in the facility. That particular deficiency is because it is supposed to be conspicuously located so that it can be read at any time during the day, night or day, 24 hours a day. The provider then had ten days to write how they would correct that deficiency. Their plan of correction was as follows: License has been posed conspicuously in facility and it will be completed by 1/14/88. This survey was completed on December 8th of 1987. In that plan of correction, they stated what they would do to meet the criteria of the regulation so that they would not be deficient and they gave a time in which they would meet that criteria.

The two bills we have before us today are dealing with a case at the federal level that says that fines and sanctions and/or incentives are important and should be utilized whenever possible. The State of Maine has chosen to look at fines and sanctions and incentives and both bills deal with that issue. However, in the report that I have signed, the Minority Report, in regards to sanctions, there are three sanctions in both bills.

The first is a directed plan of correction. I will explain a directed plan of correction. DHS, the surveyor, in a directed plan of correction says, you will do thus and so -- in the case of the license being conspicuously located, you will have the license out of the administrator's office and you will do it within X-period of time. That is a directed plan of correction. The Department of Human Services makes the recommendation and the time frame, not the provider.

The second type of sanction are fines. Fines can be in the area of \$5,000, five times the total number of residents residing in the facility for violation, up to a maximum of \$5,000 per deficiency. That is a fine -- both bills say that.

The third type of sanction is the cessation of admissions. You can take the license away and say, you will not have any more state patients, Medicaid patients, admitted to that facility until you meet the correction criteria, until you say what you are going to say. That is in both bills.

The issue is this, are we going to allow the Department of Human Services to end admissions to the facility for as little a deficiency as what I just stated, not having a license conspicuously located in the facility? Does that pose substantial harm to the residents? No, it does not, in my opinion. It is a deficiency nonetheless and it should be corrected and the department has every right to cite it once, twice, three times, as many times as it is not corrected.

My bill says that there will be a progression of sanctions, the first being a directive plan of correction. The department will say, you said you were going to correct it in such amount of time, we are saying, you will correct it in that amount of time. The second sanction then can be applied. If you do not correct it in the amount of time you said

you would and we have now directed you to do that, we will fine you up to \$5,000 for each deficiency. After that, if they still have not corrected it, then you can cesse admissions. In my opinion, that is appropriate. If a provider has been told by the Department of Human Services, you will do what you told us you would do in an X-amount of time and then they didn't do it and then they were fined up to \$5,000 and they still did not do it, fine -- that facility is grossly deficient and should be closed.

My objection with the Majority Report is that I cannot see, in that case, the Department of Human Services having the option of ending admissions for that type of deficiency. There is no one on the committee that would want to have a facility that had a deficiency that was involved in substantially putting at risk, patients' lives.

I would not debate that on the floor of the House and no one else on the committee would. In that case, all of those sanctions could be rapidly adhered to. In the case of my bill, in the case of a deficiency that would involve risk to human life, that directed plan of correction could be as follows, you will follow your own plan of correction and you will do it by tomorrow. That meets the criteria. If by tomorrow they have not done it, we will fine you immediately for every deficiency and you will also meet the directed plan of correction, you will finish and we will give you another day and you better get it done and that is with fines included. If that doesn't happen in that short time frame, then we will cesse admissions.

I feel that it is absolutely essential for the state, policy wise, in regards to cessation of admissions, putting residents at risk, putting them out on the streets in a time when we do not have sufficient beds to meet the current need, let alone closing facilities for deficiencies that could be adhered to, that would be inappropriate to close a facility, in my opinion.

If we are going to deal with this subject in a rational common sense fashion, then we should have a common sense approach to the problem and we should not provide a situation where the department can go in and tell the facility, for a very minor deficiency, we are going to close your facility or we are going to take your license.

I would hope that this body would look at those broad-based policy decisions and say, we are going to make a stand and we are going to say the way to handle it in a common sense fashion is to set the policy up and say "shall be in the following priority" and not you may go right to the worst possible sanction even in the minor cases. I would urge this body to go against the pending motion and go on and move the Minority "Ought to Pass" Report.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Lewiston has laid out the issues in this bill. The reason that I signed the Majority Report, however, I think is an important distinction. First of all, you need to know that this bill, the Majority Report, is a bill that is wanted by the Department. It was particularly important to me, however, because it is a bill that was wanted by the Committee on Aging. In the past, there has been a lot of difficulty with not having intermediate sanctions for nursing homes. The Feds have now required that we do that. Each of these bills would do it.

Representative Boutilier has developed a scenario of a (granted) minor offense and yes, it is true, no one I think, including the department, would take a

license for that reason. However, there are conditions in nursing homes across this state (unfortunately) which demand immediate attention and this may be the only way this department can get their attention. Therefore, I urge you to support the Majority Report on this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As the only other signer of the Minority Report, I feel I should give you my reasoning for supporting the gentleman from Lewiston, Representative Boutilier. I certainly bought the argument that the department needed some sort of mechanism for dealing with nursing homes that are not in compliance with standards that was somewhat less than having to take their license away. That is what these intermediate sanctions are, they would be either fines or having the nursing home not to be able to take any new patients in. That was something that concerned me, keeping beds empty. I know I have my constituents calling me all the time begging me to find a place for their relative in a nursing home.

I guess what finally bothered me was an incident that happened in a nursing home in my area. I refer to it as the dutch door incident. What happened was there was a patient in that nursing home with Alzheimer's disease. With Alzheimer's disease, the patient has a tendency to wander, to go through the entire home, not to stay in his or her room. In this case, the people in the nursing home came up with an ingenious idea for trying to keep this patient from wandering. What they did was they found that, if they had a dutch door in the room, half a door with the top open, that for some reason, he would just stay put in his room very happily. However, the department came in and said, that is a big no-no, that violates regulation-45, so forth and so on. They said, well what should we do with this person? They said, you can tie him up. I could visualize the scenario under this bill where, if the nursing home finding that tying him up was unreasonable, continued to have a dutch door which was doing the trick, they would be found delinquent and fined. Or at that point under the Majority Report, they could be ordered not to take any more patients. What finally happened with the dutch door situation was that I went to the Legislature with a bill to make that an illegal practice and finally we settled that particular situation.

I guess it was the attitude and the tone of the department that made me somewhat leery. The Bill is called, "An Act to Enhance the Quality of Care in Long-term Care Facilities through Consultation, Education and Intermediate Sanctions." I really didn't get the sense that there was going to be much emphasis on consultation or education, that everybody was going to leap right to immediate sanctions. The tone that I got from the Department was not necessarily that we don't want to work with you, we want to tell you what to do.

For that reason, following the approach of the gentleman from Lewiston, which is to allow them to give fines first and, only after that, go to the sanction of closing off beds, I have supported his proposal and I hope you will too.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Manning of Portland that the House accept the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Boutilier of Lewiston requested a roll call vote.

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 call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Manning of Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 264

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farren, Foss, Foster, Garland, Greenlaw, Gurney, Gwadosky, Hale, Handy, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Thistle, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Baker, Gould, R. A.; Holt, Mitchell, Murphy, E.; Nutting, Oliver, Racine, Rolde, Smith, Soucy, Tammaro, Tracy, Tupper.

ABSENT - Brown, Callahan, Diamond, Farnum, Glidden, Hillock, Jalbert, Mahany, Nadeau, G. G.; Paradis, J.; Reeves, Rice, The Speaker.

Yes, 124; No, 14; Absent, 13; Paired, 0; Excused, 0.

124 having voted in the affirmative and 14 in the negative with 13 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-478) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

The Chair laid before the House the following matter: An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees (H.P. 1766) (L.D. 2419) (C. "A" H-687) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Majority Report of the Committee on Human Resources - reporting "Ought to Pass" as amended by Committee Amendment "A" (S-468) on Bill "An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project"

(S.P. 892) (L.D. 2304) and Minority "Ought to Pass" as amended by Committee Amendment "B" (S-469) on same Bill which was tabled earlier in the day and later today assigned pending acceptance of either report.

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

Representative MANNING: Mr. Speaker, I move that the House accept the Minority "Ought to Pass" Report.

This bill was a Governor's bill that tried to answer some of the problems that some of the hospitals were having dealing with shortages of nurses. The Governor met with a group of people and he assigned the Department of Human Services and the Department of Labor as kind of head people on this. They came up with a particular piece of legislation that would have allowed a pass-through for nurses who are working in hospitals. That pass-through would have been through MHCFC, Maine Health Care Finance Commission. What it would have allowed is, if a nurse had a student loan outstanding, that particular nurse would be able to get a month's payment for her student loan for every month that nurse worked.

The difference between the Majority and the Minority Report is that we, on the Minority, want this to be funded through the General Fund. The reason why I did that, and I quite frankly will tell you right up front ladies and gentlemen that I was one of the cosponsors, after I signed on to this, I found out there were a number of hospitals who would not be able to take advantage of this. Some of these hospitals are St. Andrews, Castine, Rumford, Down East in Machias, Penobscot Valley, Sebastacook, Van Buren, Northern Maine Medical Center, Millinocket, Taylor Hospital in Bangor and Calais Hospital. I didn't think it was right nor did the minority think it was right that some hospitals would be able to get a pass-through and utilize this and other hospitals would not be able to use this pass-through. That reason is because, when Maine Health Care Finance Commission sets their revenue limits, if those particular hospitals do not meet that limit for one reason or another, because the hospitals have decided that they didn't want to raise their charges that high, then those hospitals who I just named off or hospitals down the road who don't reach their revenue limits on this bill that will go into effect for three years, will not be able to get reimbursed through the Maine Health Care Finance Commission.

I didn't think it was right, for instance, that Eastern Maine Medical Center would be able to maybe get a pass-through but yet the Millinocket Hospital would not be able to get a pass-through. If we are trying to keep nurses in hospitals that they are currently in, you don't want to have nurses flocking to where hospitals can give them the pass-through and pay for their student loans because then the other hospitals will be losing those nurses. Naturally, that student loan is very important too and, if they can get it in one hospital and they can't get it in another, I think most of those hospitals that I mentioned will have a shortage of nurses. That is the basic difference. If you go through MHCFC, a number of these hospitals will not get funded. If you go through the General Fund, they will all get funded at the same cost.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: The only part that we differ in this bill (and I hope you will vote against the Minority Report) is because we have offered this program along with many other programs for education and health care vocations. The pass-through costs, if passed through to Blue Cross, UNUM, would amount

to about five cents a month per ratepayer. The Hospital Association is supportive of this, the nurses, the community agents, the Department of Human Services, the Department of Labor and the Medical Association. There is a three year sunset on the bill so it is not inherited forever.

If this program is carried through the General Fund, as long as there is money, it will be first served, first to receive money which is not altogether a fair program.

The pass-through is a mechanism by which all hospitals may apply if they have not spent to their upper limits.

At the time we worked on this bill, there were four hospitals in this state that would not be eligible to participate. There were eight other hospitals that somewhere down the road may not be able to participate because they have increased the daily rates of their rooms to the maximum. Those four hospitals (I can't remember all four of them -- I may get some assistance from someone else) but one was Castine. Castine is having a census sometimes of zero to one patient. Van Buren is having the same problem. The other two hospitals, I am not quite sure, but they are not hospitals that have a high census.

If nurses continue not to be available, they will have to rely on more expensive care, waiting for placement beds in hospitals and will continue to stack up. Community programs have a significant numbers of beds because staff is not available. The departments are all supporting an idea of a career ladder. The hospitals will have to go through the Maine Health Care Finance and if there is one hospital who is out of line, I am sure that they will be told so by the Maine Health Care Finance.

The educational system is comprehensive now so that CNA training is transferrable to LPN and LPN to RN. Therefore, we are seeking a long-term resolution to this program.

The loans given to these people will provide us 300 people in the first year, 150 in the second year. This is the general part of the health occupation bill. The RN's who will be supported in this program that we are debating now will be supported by scholarships given by the hospitals. Some of those programs are already in effect. I see no big problem with the amount of money that is involved. Some hospitals may be able to do this with their present budgets.

Again, with the following people supporting it, the Hospital Association, the Nurses Association, the Community Agents, the Department of Human Services, the Department of Labor and the Medical Associations and the sunset available, I see no reason to put this on the General Fund when it can be passed through for the care being given without that great expense to our health care community.

I hope you will vote against the Minority Report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: When we took a vote on this bill in committee, a voice vote, I went along with the Minority. The major reason I did it at that time was because there were four hospitals mentioned that could not take advantage of this program if it was passed through to the Maine Health Care Finance Commission. Those four hospitals, I am not sure where they are, were Taylor, St. Andrews, C.A. Dean and Millinocket.

I have since received a communication from the Maine Hospital Association which has led me to change my mind on this particular bill. But, I was told

that since I had voted verbally with the Minority, I had to be recorded that way.

The communication I have from the Maine Hospital Association in regard to these four hospitals says, "The Maine Hospital Association has contacted each of these four hospitals and, after explaining the bill and its status at this time, each of the hospitals informed us that they would not oppose the bill. They believe the bill is a step in the right direction and even though they may be unable to participate at this time, they would not oppose it."

Now, in addition to the four, the good chair of my committee has mentioned some other hospitals.

Further on in the letter it says, "DHS has identified 10 hospitals that are not charging what they are allowed to charge under MHCFC. Since the loan payback provisions under this bill would be considered a pass-through, conceivably these hospitals would not benefit from this program. However, it is important to remember that three of these ten do not have a nurse vacancy problem. Also, many of the remainder would be willing to increase charges by a small amount while not to their maximum, if they would be able to attract nurses by paying their loans for them." Again, even the hospitals that would not be able to participate immediately still support the bill. So, that reason had already led me to change my position on the bill.

There is one more that I learned just before I came in here tonight and that is the choice that some people think you are being presented with is to do it, either as a pass-through or a General Fund appropriation. However, there is no money in the budget for a General Fund appropriation. So, either we vote with the Majority for a pass-through or we get nothing.

I would urge you now to vote with the Majority.

Mr. Speaker, I would ask when the vote is taken, it be taken with the yeas and nays.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Representative Rolde has indicated that the Maine Hospital Association sent him a letter indicating that some of those hospitals, that I indicated earlier, didn't care. Ladies and gentlemen, on Friday I got hold of the CEO of Millinocket Hospital and he cares, he cares greatly, because he knows that, down the road, that Eastern Maine Medical Center just got a pretty good sized raise for their nurses and he is concerned.

I also talked to the CEO of the Calais Hospital and he is very concerned. He wants to participate just like the Millinocket Hospital. I also talked to the administrator of the Northern Maine Medical Center in Fort Kent and he is also concerned. These are three hospitals who want to be involved in this program. However, if it goes through MHCFC, they are not going to be.

The guy in Millinocket spent a long time talking to me about the fact that Great Northern Paper really is their major client up there because 50 percent of the people who go into the Millinocket Hospital work at Great Northern and Great Northern is trying to cut down on their costs. So the Board of Trustees has realized this, have set their charges below what they can set their revenue limits or their charges. In other words, their revenue limits, we'll say, are \$5 million and they decided to set their charges at \$4 million so they don't go over that revenue limit. They do that because they realize the predicament that Great Northern is in. They said that there is no way that they would be able to take advantage of this.

The same thing goes with Northern Maine Medical Center in Fort Kent. They are not going to reach their revenue limits this year. Same thing with Calais.

I have no problem with what Representative Pines said, I agree wholeheartedly. Representative Pines and I have been on that committee for a number of years and have understood the problems of the nurses but I just feel that some of these hospitals are going to be left out if we go through MHCFC and if that is the way we want to do, it is too bad because some of these hospitals are going to be at an economic disadvantage because they are not going to be able to pass on through MHCFC this scholarship money, they are just never going to reach those limits.

We talked about some of the other ones, I guess St. Andrews in Castine was one of those. Castine will probably be closed before this program is in effect. Those three hospitals, and I haven't had a chance to get to some of the other ones, like the Rumford Hospital or the Sebastacook Hospital, some of those hospitals might be at an economic disadvantage.

Quite frankly, believing that early on that MHCFC was the way to go with this and I had no problems with it -- after realizing that these hospitals weren't going to be able to take advantage of it thought that, if you go through MHCFC, they just aren't going to be able to take advantage of it.

The SPEAKER: THE Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: First, I want to say that this is a very good bill and I am glad that both reports are "Ought to Pass." There are some differences in strategy in how you want to implement this well thought out program. The first thing, let's be practical about it -- there is no money in the budget to pay for this program. So, if we pass the Minority Report, we are going to have to think of a way to fund it and, if the monies aren't there, there won't be any hospitals that gets the program.

As far as the pass-through, I hate to disagree with my good chair, but he is wrong. There are probably only four hospitals that won't be able to get this program. The rest of them, the way the system is set up with the amount of money that they can charge, there is a certain level that those hospitals can go to. Some are at the level, some are below.

My good chair is counting those that are below and saying, okay, they can increase and go up to that level and therefore they can apply for this program. But he is also assuming that the ones that are at the level can't get a pass-through for this program, that is wrong, they can.

The HOT program, in my mind, is a good program but didn't go far enough, it only deals with RN's right now and I would have liked to see it deal with other health professionals. But, the priority was sent up in the budget that there wasn't enough money to pay for all of them so we were going to have this program for RN's, we were going to sunset it, see how it worked and expand it or eliminate it as we saw fit.

I would urge you to vote for the pass-through because I feel that it will be appropriate for most of the hospitals and will get the program for them whereas in the General Fund, we won't.

I want to leave this House with one final point. That has to do with the issue of benefits. We passed earlier today a study, a commission to look at CNA's, LPN's and RN's and how to recruit, retain and attract those people to those professions. It is a very bad

situation in the state right now, we are at a crisis. The problems of staffing health care facilities throughout this state is here with us now and this problem has to be addressed immediately.

The administration has put in this bill as one small step towards helping to alleviate that problem. I think it is a good step. But, they have taken the tact that benefits in lieu of wages is a good idea. All of us who work in the private sector know that you make those choices as a business owner or as an employee. If you move to another job or if you start a job, you decide early on, do I want to have a good benefit package and less wages or do I want to have high wages and less benefits? You make those decisions.

In the health care field, the way we have the situation now, it is grossly underfunded in the case of wages for these professionals. We can either revamp the system of reimbursement that is very expensive and ask for a lot more money in the form of wages for these professionals, and we have asked for some in bills that have gone through this body this year, or we can also look at the issue of benefits.

When I walk into a store and buy a piece of merchandise, I don't put money in a slot as I walk through the door that goes towards employee benefit packages. I know when I buy that piece of merchandise that the price of that has built into it profit, cost of utilities, cost of capital, benefit packages, salaries, wages, the whole works, it is built into the profit structure of that piece of merchandise that I buy.

I am saying to you today that that is the way we should deal with the issue of health care as well and we fund that through MHCFC in the form of pass-throughs. If we are going to say as a policy decision that benefits are a good way to attract and retain and recruit health professionals -- I am saying to you today it absolutely is, then we should also take the stand that as consumers of health care when we purchase that, we are picking up the cost of the benefits and that is what the pass-through will do. So, other than just the practical sense that, if we don't pass the bill on the Majority Report, it probably won't be funded. I am asking you to say even if it was possible to fund it through the General Fund that that is not the proper policy decision. We should make the choice to say that when we pay for health care, we shouldn't have separate funding for benefits and separate funding for wages for those health professionals. I would hope and urge you to go on to pass the Majority Report tonight.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I would imagine that most of you have heard that the prime problem in most of our health care facilities or hospitals is staff retention and staff recruitment. Over the past six to eight months, the hospitals have sat down with the Department of Human Services and said what can we do about it. This bill is the result of that discussion.

For some of you, the pass-through has become probably more of an issue in the last two days because of another bill that is going to come before you that has brought many people into the halls to talk to you.

I think we do need to say about the pass-throughs, however, that hospitals who are up to their revenue limits have an opportunity to change their internal structure to use those revenue limits as they wish to. Apparently some of them felt that their empty beds and some of the staff issues that

they have was an important enough issue that they wanted to participate in this way.

I would also remind you that the total bill deals, not only with nurses, but all health care professionals. I think we are looking at the industry's response -- and it may be the majority, except for four, to their idea of how they address staff retention and staff recruitment. I think we should respect that. So, I also hope you will defeat the motion on the floor and go on to the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: As I look around, I see people writing notes, reading their newspapers, having looks on their faces of confusion and anguish about this discussion.

If I could simplify it very easily for you, it is a question of who is going to pay for a program that is worthy. We hear that one of the options is a pass-through to MHCFC. If I could ask for a show of hands for how many of you even know what MHCFC is and it is often referred to as MHCFC and it is the Maine Health Care Finance Commission, but that is misleading. The two parties of who is going to pay here are the General Fund, which is the taxpayers or your health insurance, third-party payers. For that reason, you are not seeing this bill prioritized with other bills that will be coming before you to ask you to do the same thing.

You are going to hear that this program is worthy, that program is worthy, this program is worthy but it is going to come down to, again and again, who is going to pay for it? I submit to you that as a signer of the Minority "Ought to Pass" Report that it ought to be paid for with the General Fund. We have all heard in this session there is lots of money. I won't tell you who has told us that, I don't know if it is a big secret, but it is a fact that more and more people in this state cannot afford health insurance. This is the reason why. We have added so many different costs to it. I can't believe there isn't a worthy program that couldn't be offered for the hospitals, for the nurses, for all these people. There isn't any amount of money that they couldn't use to make their professions better. But again, it is going to come down to, who is going to pay for it?

I don't know how many of you pay for your own health insurance, if you have the state plan or whatever, but you see individual plans have just gone up 20 percent and group plans -- we have no idea. In fact, we hear over and over again how many insurance companies who are offering health insurance are just going out of the business (period). Again, it is a question of who is going to pay. I submit to you that if this is such a worthy program, you should support the Minority "Ought to Pass" Report, let it take its chances on the Appropriations Table and see how important it really is.

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 call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Manning of Portland that the House accept the Minority "Ought to

Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 265

YEA - Aliberti, Allen, Baker, Carroll, Cashman, Coles, Conley, Crowley, Dore, Erwin, P.; Gwadosky, Hale, Handy, Hickey, Hoglund, Ketover, Lacroix, Manning, Martin, H.; Mayo, McHenry, Mitchell, Moholland, Nutting, Perry, Pouliot, Rand, Rotondi, Ruhlin, Simpson, Stanley, Tammaro, Telow, Vose, Warren.

NAY - Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carter, Chonko, Clark, H.; Clark, M.; Cote, Curran, Daggett, Davis, Deilert, Dexter, Diamond, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Holt, Hussey, Jackson, Jacques, Joseph, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Matthews, K.; McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Parent, Paul, Pines, Priest, Racine, Reed, Richard, Ridley, Rolde, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Thistle, Tracy, Tupper, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Brown, Callahan, Hillock, Jalbert, Mahany, Nadeau, G. G.; Paradis, J.; Paradis, P.; Reeves, Rice, The Speaker.

Yes, 35; No, 105; Absent, 11; Paired, 0; Excused, 0.

35 having voted in the affirmative and 105 in the negative with 11 being absent, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-468) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-473) on Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency) (S.P. 845) (L.D. 2191) which was tabled earlier in the day and later today assigned pending acceptance of either report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Minority "Ought Not to Pass" Report.

During the four month period that the commission examined the Certificate of Need or the Hospital Development Account, they examined whether to increase the credit of the Hospital Development Account. The hospital industry never came forward with an analysis of the reasons for increasing the account nor with any proposal other than to increase

it so large as to permit every project requested by every hospital to be implemented this current year.

The Commission knew full-well that they would be dealing with adjustments for (1) increases in the volume, (2) for malpractice, (3) for Workers' Compensation Insurance, (4) for increased wages to attract and retain nurses and other professionals and (5) for such unforeseen and uncontrollable events such as the problems we are dealing with in AIDS. All these will add up to roughly 16 percent during the third and fourth payment year cycles. Because Medicare payments are essentially frozen, non-Medicare patients and businesses that pay for some of their health benefits will experience cost increases of roughly 24 percent or \$100.2 million, as a result of these commission adjustments. I want to repeat those commission adjustments, increase in volume for malpractice, for Workers' Compensation Insurance, for wage pass-throughs and also for the problems dealing with AIDS.

The increases that would result from arbitrarily adding \$7.8 million in the Development Account credits would be over and above the dramatic increases that will be required by other circumstances without any legislative action.

Despite the serious affordability concerns that these and other hospital cost increases raise, the Commission has not closed the door on increasing the credit to the Hospital Development Account above the \$6.7 million that had already been available for the payment year cycle. The Commission stated in its report to my committee, "The members of the Commission agreed to advise Commissioner Ives that they will consider seriously a request to increase the amount credited to the Hospital Development Account if, and after his review of the proposed projects, he concludes that an increase is necessary to permit him to approve one or more projects that are urgent or of such clear and compelling benefits to the citizens of Maine that they should be implemented without delay. This approach accommodates the limitations of the current state health plan and this affords Commissioner Ives, the opportunity to identify and, if necessary, request support for those initiatives that he deems to be of greatest importance. It also recognizes the fact that neither the Department nor the other organizations represented during the Commission's deliberations have had a meaningful opportunity to assess many of the proposed projects. The Department's review of them will enable all concerned to gain a better understanding of their potential benefits and costs."

I would like to read for the Record the letter that was sent to Commissioner Ives. "Commissioner Ives: As you know, my colleagues and I recently made two important decisions regarding the amount credited to the Hospital Development Account. The purpose of this letter is to formally communicate those decisions to you.

On January 28, 1988, we decided that we would not initiate a rulemaking proceeding to increase the amount credited to the Hospital Development Account at this time. We realize that there is substantial difference between the cost of the Certificate of Need projects now under review and the amount that remains available for that support. However, we do not believe that this is sufficient reason to increase the amount credited to the account. Having carefully considered the information shared with us by Deputy Commissioner Porter and others during the past two months, we have not found sufficient evidence to persuade us that such an increase is necessary or appropriate.

We recognize that such evidence might emerge during the Department's review of the proposed projects. For this reason, we also decided to inform you that we will consider seriously a request to increase the amount credited to the Hospital Development Account if you conclude that an increase is necessary to permit you to approve one or more projects that are urgent or are of such clear and compelling benefit to the citizens of Maine that they should be implemented without delay.

As I indicated in my February 2nd letter to you, my colleagues and I would like to meet with you later this Spring. In addition to any issues that you may wish to raise, we would like to discuss the Department's efforts to refine the State Health Plan, the status of your review of the proposed projects and, especially, any priorities that have been established for the use of the amount credited to the Hospital Development Account. We are now scheduled to meet on March 31st, April 14th, April 28th and May 12, 1988. If you are unable to meet with us on any of these dates, I am sure that we can adjust our schedule to accommodate you. I would be happy to discuss any questions you may have regarding our work and look forward to meeting you. Sincerely, s/Diantha Carrigan, Chairman."

This was a unanimous report out of the Maine Health Care Finance Commission.

This Legislature, last year, enacted a Bill or Resolve that set up the Blue Ribbon Commission to look at the long-term problems of health care and especially to look at the Certificate of Need problems, whether or not they should be just dealing strictly with hospitals or whether they ought to be dealing strictly with hospitals and outside of hospitals.

This \$7.8 million will not pay for all of the projects which are currently in the pipeline now.

I might add right up front, my community has many of these projects in the pipeline. If the Commissioner came to the point where the additional \$7.8 million is spent and needed projects can't be funded, he would have the same problem this year as he had last year. Last year, the Commissioner had \$8.5 million to deal with and after he got finished, he deferred projects worth \$2.8 million. The \$7.8 million will not fund every single project that is in the budget right now.

Absence of a good state health plan, according to Dr. Greenberg of the Department of Human Services, will take probably about two years. There will be a need to prioritize those projects that are currently in the pipeline right now.

I am not saying that some of these projects are not worthy but should we the Legislature just throw a number out like \$7.8 million or should we let the Department of Human Services set up their priorities? If we can cut down the future cost of raising the premiums that we talked about previously, and that I am sure the Appropriations Committee is going to be talking about, we can certainly help a lot of people in the next few years.

Last week, many of you got this particular piece of information in the mailbox. It came from Jo Gill. Jo Gill is the head of the Group Health Insurance for the state employees. The old rate for an individual person was \$80.80, the new rate is \$109.84. The old rate for two persons was \$171.40, the new rate is \$231.48, an increase of \$57.86.

Let me just say this, if we do not pass any pass-throughs through this legislature this year, we are most likely going to be seeing more and more increases next year just on things that deal with volume adjustments, AIDS and other different things.

If you are concerned about this, and we were concerned about this the other day, then you ought to be concerned about setting priorities and making sure that what is funded is absolutely necessary to be funded and not just pass something and then next year, let the Appropriations Table take a look at it.

Blue Cross, which serves half the State of Maine's population, has looked at all these pass-throughs and has done a study for the state health plan. That study indicated that an additional \$10 million in hospital cost pass-throughs will result in a three percent adjustment in the Blue Cross rates. In other words, our state policy right now is \$20,135,000.

It is a given that AIDS is going to be passed through. It is a unanimous report. With this report and the report that you just accepted, we are certainly going to be over the \$10 million and, most likely, probably near the \$20 million. But for \$10 million just for next year, the Appropriations people just in our state health plan are going to have to add \$604,000 for every \$10 million that is added and, if it gets to \$20 million, they are going to have to add \$1.2 million. Now, that is the State Employees Health Plan.

What about the Maine Teachers Health Plan? The Maine Teachers Health Plan, you are going to have to add \$629,000 -- we won't, but our communities will for a \$10 million pass-through.

What about Maine Municipal? For the \$10 million dealing with Maine Municipal, they will have to add \$188,000. Remember, what we are looking at right now is approximately \$36 million and that is an estimate that Blue Cross thinks is conservative, \$36 million of pass-throughs that are going to go through the system this year. That deals with the Day-Care project that has already been passed. That deals with the bill you just passed, the Hospital Development Account of \$7 million, the AIDS of \$5 million and a future bill that we will be discussing which they estimate at \$21 million. Let me say this, that one, they think is a conservative estimate. You are talking roughly \$30 million of pass-throughs that the system is going to have to absorb.

I would like to tell you who is against these particular projects. They aren't against the projects, they are just against the way this bill is drafted, the Maine Chamber of Commerce, Maine Federation of Independent Businesses, the Maine Committee on Aging, Blue Cross/Blue Shield of Maine, UNUM, AFL-CIO, Maine Association of Independent Neighborhoods, the Maine Municipal Association, the Maine Merchants Association, Independent Insurance Agents Association, Maine Human Services Council.

When this bill was heard down in Room 228, I thought it was most appropriate that it was heard that day in that room because I respect what goes on in that room. I might not like it, like a lot of us don't like it because we don't get our bills funded, bills that constituents asked us to put in, bills that really need to be funded. If you came in front of my committee, I think we probably got in the neighborhood of \$15 million or \$20 million probably over the course of the last two years dealing with issues that didn't get funded and probably won't get funded. Those were important issues, but the Appropriations Committee must take a stand and I think it was appropriate for that bill to be heard down there that day because what would happen is, they would just say -- let it be funded because it doesn't matter, it is going through MHCFC. If we can do it in Appropriations, I don't know why we can't do it with this particular bill.



Remember, there is an avenue for the Commissioner of Human Services to go with. I don't say that these bills aren't really needed, I am just saying there are different ways and different approaches for them. For that reason, I would hope you would go along with the Minority "Ought Not to Pass" Report.

By unanimous consent, on motion of Representative Rolde of York, House Rule 22 was suspended for the purpose of conducting business after 9:00 p.m.

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It is a late hour and you have all been lobbied very heavily on this bill. I am sure you are not really giving a great deal of attention to the problems of hospitals so I am going to throw away the very eloquent speech that I was going to make and just confine myself to a few brief facts about the situation facing hospitals in the area of capital improvements and new services in the state.

As you all know, we initiated some years ago a Certificate of Need program, which means that any hospital, if it wants to have a capital project over a certain amount of money or a new service must go through Certificate of Need through the Department of Human Services. It is an excruciatingly difficult process, it is also very expensive. For many years, hospitals just had to go through this. Then we created the Maine Health Care Finance Commission which put up a new roadblock in the path of hospitals seeking capital improvements or new services. That established a set limit of money for each year to deal with Certificate of Need. When we first set that up, the Legislature established what that set amount would be. It was done fairly arbitrarily, although supposedly based on past history. That amount was one percent for the first two years of MHCFC, 1984-85. Then the Maine Health Care Finance Commission was to set it by rule for the next three years.

What has happened is that that one percent now being set by the Maine Health Care Finance Commission is going down. It is now being set at \$6.7 million, which is less than one percent of the \$750 million of financial requirements for hospitals.

At the same time, the needs of our hospitals to modernize, to have up-to-date equipment, to have new services that people want, are increasing. We now have a situation where there is something like \$18 million worth of projects in the pipeline but only \$3.8 million available for those projects.

You have been told that even if this bill passes, all of the projects will not be funded and that is correct. This bill would add about another \$7 million, which would make it \$10 million out of \$18 million.

The question has arisen of, why doesn't the Commissioner of Human Services -- we have this system now where the Department of Human Services certifies whether a project is needed and then the Health Care Finance Commission sets up an amount, a bifurcated system. In fact, this bill is a result of the fact that those two state agencies do not agree.

What is happening de facto is that the Commissioner of Human Services is prioritizing. He

is prioritizing for those projects that are necessary for hospitals so that they will continue to stay in business and continue their accreditation. In other words, we are really playing catch-up. That is the reason for this bill, which is to put a one-time infusion of additional resources into the area so that our hospitals don't fall back that far. That is all we are asking in the Majority Report, just give them a chance.

I know my good chairman rattled a whole list of organizations that were opposed to this. I must say that I was terribly amused to see the lobbyist for the Chamber of Commerce out in the hall lobbying very hard against this measure because I remember attending a Rotary Club meeting where he was the prime speaker and he gave them a real rah, rah, speech on getting government off the backs of people in business. This is no more greater example with the Maine Health Care Finance Commission of government being on the backs of people in business that I have ever seen. In fact, I think even in the Soviet Union under Gorbachev, they probably haven't gone quite this far.

Anyway, I would ask you to strike a little blow for freedom, free enterprise and a better way to save the lives of your constituents by voting for the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: As you can see, several bills came before our committee requesting a pass-through which means that third-party payers would end up footing the bills. I voted against this bill and the reason that I did was, in the bill that we previously passed, there was an amount that was suggested to you that might be the fiscal note. That is an uncertain amount, it may be that and it may be a great deal less. This bill, however, assures a certain fiscal note and it assures a certain amount of pass-through. I think we do have to make choices about how much we pass on to the third-party payers. I think because staff recruitment and retention appears to be the most important issue in health care today, I happen to think that that one request was far more important than this one. So, I would urge you to accept the motion before you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: A few moments ago, I gave a speech that basically broke it down into, who is going to pay? You could apply that same thing to this situation again, who is going to pay? Maybe I didn't give a good enough example of the crisis that is existing in health insurance right now. Two years ago, it was a liability insurance crisis. Last Fall, it was a Workers' Compensation Insurance crisis. Well, to me, and I sit from the perspective of both the Banking and Insurance Committee and the Human Resources Committee, the health insurance problem is the real crisis of all those crises.

You sat through the debates on those issues, liability insurance, with tort reform, you have heard the pros and cons, let's lay it out to you again as far as what is going on with health insurance.

Health insurance premiums were increased this year by 20 percent. That was just their basic needs, now we are talking about this bill and there were two or three other bills that you have already heard and have been passed that have pass-throughs -- this is the one that has the most significant cost. It is very hard to oppose projects that have these kinds of merits.

I just spoke to one Representative and he said, lithotripsy, it is so important, we have got to have it. We have got to have these updated computer systems and we have got to have this and we have got to have that. And, we do. We could use all of them but we set up a system, the Health Care Finance Commission, whether it is viewed as some kind of a Soviet state-run program or not, you can look at it in any way you want but that is the system that we set up to mitigate the rapidly increasing cost of health insurance, health care costs.

We can throw that system out, we can sabotage that system or we can live with it. Living within a budget is painful, everybody understands that. We do have the Blue Ribbon Commission looking at the whole health care finance issue. The Banking and Insurance Committee, hopefully, will have a study that will look at the health insurance crisis. But, to pass this bill arbitrarily setting the figure at \$7.8 million, is no different than setting it at \$6.7 million except for one thing, it will definitely increase health insurance costs making it more difficult.

I spoke about individuals before and you heard how important this issue is to the Chamber of Commerce. You heard from the Chamber of Commerce how important Workers' Compensation Insurance was to them, so important that the insurance companies were going to leave the state and they wouldn't be able to do business. Well, the health insurance companies, as I said, are leaving the state (period) and they are not coming back. Nothing will bring them back into this market. It is not a threat, it is not politics, it is just that you cannot make a profit with health insurance, the costs are going up all the time.

What this bill does, the real issue that I have with it is, you set up a system and then you change the rules -- we hear this in here all the time, you change the rules to fit the circumstances you are in at the present. I submit to you that is not the way to go. The Health Care Finance Commission has given the proponents of these projects an opportunity to have them funded through a recommendation by the Commissioner of Human Services. That hasn't taken place. I say to you, if every time somebody wants to get something else funded and we have a regulatory system set up, they come to the legislature and we, because we don't want to say no and we won't fund it through the General Fund, we just pass it on that -- it might be a little delay in there but you are seriously making a mistake.

I urge you again to support the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative Stanley.

Representative STANLEY: Mr. Speaker, Members of the House: I have spent the better part of 30 years of my business career managing in the health insurance business and I spent a good deal of my volunteer time in health planning activities that are connected with that business. I am here to tell you tonight that the hospitals in this state and across this country and the medical profession at large have an appetite for technology which cannot be satisfied. The health care costs are still out of control in this state and in this country. Health care costs have been running, since the early 1970's, at twice the rate of inflation and that is currently the situation that we have here today.

This legislature in the last session set up a Blue Ribbon Commission to take a look at health care

costs and what we should be doing about it and their work is not yet completed.

A vote for this Majority Report will send four years of cost control right down the shooter here and will add to the health care costs for all of us.

Just in case anybody in this chamber believes that we are going to get the insurers by passing these costs through, let me disabuse you of that immediately. The cost of this \$7.8 million are going to be taken up by you, by myself, and by our employers, not by the insurers. I have been in that business, I know from what I speak.

The Minority Report will allow the Blue Ribbon Commission, if you vote it through and I recommend that you do, to finish its work and for the 114th to take up any changes that need to be taken up in the Certificate of Need Law and, it seems to me, that we should not be jumping in half way through the activity of that commission, taking up that charge and changing the rules before they have had a chance to do their work. I strongly urge you to vote for the Minority "Ought Not to Pass" Report.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Not being a member of the committee, I beg your indulgence in that I have a constituency concern that seems to be very, very concerned. The credibility and the integrity of the committee speaks for itself. Just analyze the last three reports. There is no consistency in support. That committee is commendable because they didn't show a kind of automatic support one way or the other. I am sure they evaluated the issues.

My problem is, con/con, conform or contest. I asked several questions today in our caucus and again it led me to be a little more inquisitive. I found these statistics to be correct. There are 550,000 Blue Cross and Blue Shield subscribers in this state. This year, out of the \$7.8 million, they are asking for the \$2.6. That divided among the 550,000 subscribers will give you an increase of \$4.75 a year or 40 cents a month, not the \$36 million or the \$37 million that has been thrown around here. They are talking about associated costs. This bill is asking for specific direction and that direction will give the cost burden to the subscriber as I just previously gave to you. Why can't we get a down-to-earth analysis without the three C's, crisis, catastrophe, calamity?

In the last statements with the person that I spoke to today gave me an up-to-date example of three cases of elderly that could not be treated. I stopped her in her tracks and said, "I do not want an emotional approach to this issue. I want a practical approach to this issue based on better service to those people that request it and require it."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Members of the House: I am the cosponsor on this bill and that is the reason I speak to you tonight and bring my message to you in regard to this issue.

A few years ago, we passed the Certificate of Need. We did place a cap because, at that time, we were told that the cost of our medical services was running away and reaching astronomical heights which will soon be beyond our means to support.

I say to you, if you look back over historical precedents, every society, every nation, every civilization since the beginning of time, have spent the maximum that they had within their means in two areas, one was in education, the other was in health. They knew no limits, the only limitation

that they imposed upon themselves was the extent of their available resources.

We have heard here this evening a great deal of discussion about the insurance dilemma and how much this is going to cost us on our insurance. I say to you, what we have is our people are leaving the state in order to have these services delivered to them to meet their needs, they are going beyond our borders. The insurance is paying for these services, regardless of whether they are performed here at home or elsewhere. When our people leave because they cannot obtain these services here within the state or somewhere close to home, this creates an additional expense for them, it creates an additional burden, it creates an additional inconvenience on their relatives who accompany them for whatever service that it is that they are seeking.

The expense that we are discussing here is extending this cap on a one-time basis and, as Representative Rolde pointed out to us, there are considerable accumulation of needs that have been piling up and are unfulfilled and that the extension of the cap at this time would allow for these needs to be cared for.

We have heard of Blue Ribbon Commission which is going to address these problems in a comprehensive fashion sometime in the future. I say, the problem exists now, it exists today, it is here, it is real. I think it is an issue of compassion. I think it is an issue that we must address. I urge your support for defeating the motion which is before us so that we can go on and accept the Majority Report.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I will be very, very brief. I just want to say that I am a reluctant supporter of this measure. I do not think it is a good long-range approach to this issue.

I personally brought before the Human Resources Committee my own opinion and my own bill, a comprehensive approach to how we look at health care financing and implementing of new medical services. The committee chose not to deal with that issue this year but to allow me to speak to the Blue Ribbon Task Force and it is for exactly that reason, exactly the reason the Committee gave me that opportunity and also because we do have a Blue Ribbon Task Force that I decided to support this measure because it is a one-time adjustment and we do have a study commission set up to look at these issues.

I do agree with those who say this is a short-term approach. I do agree with those who say that hospitals have a desire for a lot of medical equipment. The point of the matter is, the current system is flawed, it doesn't work appropriately to meet the needs of the health care services of our population. These past few years have emphasized that fact to me.

I think in the case of some of the services we don't see in the state that we should have are again some of the reasons I am supporting this bill. I will use just one example of that and then I will sit down and that is the idea of the lithotripsy machine being offered in this state. There is no reason whatsoever that we should not have that service in the State of Maine. It would be much more cost effective to have one than not to have one. Those insurance carriers who pay for that service when people in the State of Maine go out of state to get that service are paying for it just as they would if it was within the state. We get people who could go and have that type of treatment and be back at work

two days later versus being in for 7 to 10 days hospitalization and having the expense of that.

We absolutely have to make a choice on cost. We also have to make a choice on quality of service and the type of service we provide. We have consistently with the way we drafted regulations and other types of systems in this state deemphasized some of the systems that we really need and one of them is hospitals.

When we say we are not going to fund services that are absolutely essential, quality service in this state, we force those needs to be addressed by other individuals other than the hospitals. We must say, either we are going to revamp the system as a whole, which I think the Blue Ribbon Task Force will, or we are going to think of a way to balance that system for hospitals. Both of those, I think, are addressed. I think this is a one-time deal, helping to balance hospitals and those other groups that provide these services that are going to be out there. Those services are going to be there at a much higher cost for you and I. Let's do it where I think they belong and that is the hospitals and let's take that cap, raise it up allowing for flexibility, allowing for additional competition between those that have already been granted CON. It has already been said, yes, Certificate of Need is there. One of the criteria of Certificate of Need, affordability. Yes, they have met the criteria and it has been said to be needed. Now we are going to arbitrarily say on some cap that is set by historical cost plus inflation that we are not going to do it. I think that is inappropriate and I think this is a one-time way to adjust that.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: My young and learned colleague from Lewiston, Representative Boutilier, has given you every reason in the world to vote for the Minority Report, every single one. Technology, there is no way that any system in this state and this country and the Soviet Union or anywhere is going to keep up with technology in the medical field.

If we allow this one-time shot to just willy-nilly jump around and increase this cap, every year we are going to have something new and the hospitals are going to come in or the medical field is going to come in and say, we need to raise the cap because there is a new service that is available. Every single day there is a new breakthrough in medicine. You know that, I know that, everybody knows that.

It would be wonderful if we could have every single service available to every single citizen in the State of Maine. That just isn't a reality ladies and gentlemen of the House, never has been, and this won't make it a reality. The system is flawed, there is no doubt about it. That is why we have a Blue Ribbon Commission. That is why we are looking at revamping that system. Why don't we let them do that? Why are we coming in now with a short-sighted, short-term solution that isn't even a solution? There are projects that are unfunded. There are a lot of projects that aren't funded, there have been ever since we had CON enacted in this state. CON is complex, it is confusing, nobody likes it, no one wants to be regulated.

There are essential services that I would like to see offered in this state but I understand that we have to weigh the cost of those services and the benefits of those services and who is going to pay. The bottom line is, who is going to pay? Medicare is not going to pay anymore, those have been frozen

since 1983. Medicaid is not going to pay anymore because they don't have the money to do that. It goes to the private insurance carriers, you and I, or the uninsured people out there. It is cost shifting. Cost shifting in health care is the reason that we have MHCFC to try to equal that out.

If you think this is a solution and if you think this is the answer, I guess I have some questions that have to be answered. \$7.8 million, where did that arbitrary number come from? Who plucked that one out of the air? Does that fund all the projects that hospitals want or not? If not, who is going to make the determination of which one of the projects, how many of the projects, will be funded with that \$7.8 million? Is it going to be MHCFC? Is it going to be the members who make up the committee to work on the state health plan? Is it going to be the Joint Standing Committee on Human Resources? Is it going to be the Department of Human Services and the Commissioner? If it is going to be the Commissioner, then I submit to this House that maybe he should have made those determinations earlier and allowed that cap to be adjusted, something that the Commission has said on a continuing on-going basis they were willing to do. Somebody had to prioritize, no one seems to be willing to do that. So, my questions are, where are the priorities? Do we fund all the projects? And where did the \$7.8 million come from? I think it is short-sighted, I think we should allow the Commission to finish its work and if we are going to revamp the system, let's come back in the 114th and do it appropriately, properly, so we have the best medical care for the most people in the State of Maine.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from Gardiner, Representative Dellert.

**Representative DELLERT:** Mr. Speaker, Men and Women of the House: L.D. 2191 addresses an urgent problem that is preventing Maine hospitals from responding to community needs for more health care services and for updating our aging technology and physical plants. Without this legislation this session, a number of important projects will be delayed at least two years.

We are not talking about wish lists, we are talking about basic needs of this system. This bill asks the legislature to size the Certificate of Need development account for this year only because their health care needs simply cannot wait.

The questions that my learned colleague asked are, that many of these projects have been deferred and this money will help approve those projects that have been waiting but all of them must go through a Certificate of Need. We are just hoping that many of those that are really needed can be funded with this amount.

I hope you will vote against the Minority Report so that we can vote for the Majority Report.

I would ask for a roll call.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from Portland, Representative Manning.

**Representative MANNING:** Mr. Speaker, Ladies and Gentlemen of the House: I hate to keep this debate going on but I would just like to indicate from the report that the Maine Health Care Finance Committee gave us, if every single one of the projects were funded, total construction and renovation costs -- now we hear it is a \$7.8 million one-time deal. Wrong, ladies and gentlemen, wrong. Total construction and renovation costs of \$59,931,000. An informational system, total cost of almost \$4 million. New services, ladies and gentlemen, \$18 million. In other words, if that \$17.8 million that is in the pipeline right now, that \$7.8 would be

funded every year until the total costs would come to nearly \$76 million. Now, that is on the \$17.8 million. I don't have it broken down for the \$7.8 million and the reason I don't have it broken down is because Representative Carroll is right, \$7.8 million was plucked out of the air, it was a compromise. So, I don't know how to go and deal with a lot of these worthwhile projects.

Before we vote, I want to remind this House once again of what the Commissioner at the Maine Health Care Finance Commission said, if there is ample reason to increase that development account, the Commissioner may go to them. Ladies and gentlemen, I can't believe that that organization that we formed in 1983 is going to snub their nose at the commissioner if he says that certain hospitals need to have these services to keep going, I just can't believe that. Maybe I have a lot of faith in those people but I just can't believe that they are going to say no. But what that will allow the Commissioner of Human Services to do is to prioritize, prioritize what is absolutely needed this year in a year where we will have a lot of pass-throughs.

I have already indicated that the AIDS legislation is going to have a \$5 million pass-through. One hospital, one hospital alone, Maine Medical Center's chief executive officer told me and my committee that, just alone at the Medical Center, there will be a half a million dollar pass-through for AIDS. That is a total bill by Blue Cross of \$5 million. So what I am saying is, please let the Commissioner have the ability to prioritize, if he has anything that really needs to be funded, let MHCFC resize the account later this Spring.

Believe me, I am sitting here with the Medical Center in Portland looking at an AIDS clinic. It is also looking at a radiation thing, it is looking at a lithotripter, it is looking at an MRI. Mercy Hospital told me two weeks ago that they have the second highest occupancy rate in the state and they don't have a clinical computer. Do you think that I like not to fund these things? I would rather give the Commissioner the ability to say what is absolutely needed this year, a year when health insurance is going out of sight.

I would leave you with one thought in mind -- the Chamber of Commerce did a survey, the survey was, what are the costs that you have in your business? Workers' Compensation was sixth, health insurance was two. Workers' Compensation in this state is \$125 million. Health insurance costs in this state are over \$1 billion, remember that.

**THE SPEAKER PRO TEM:** The Chair recognizes the Representative from Bangor, Representative Duffy.

**Representative DUFFY:** Mr. Speaker, Men and Women of the House: I certainly will be brief. Two years ago, we were promised to fund the Eastern Maine Medical Center's heart surgery unit but, to our surprise, in June, it was not a priority and was not funded. There was a subsequent uproar. The Commissioner, at that particular time, didn't find it as a priority, even though people from northern Maine were going as far south as Texas to get heart surgery.

I am not telling you that this \$7.8 million is going to fund and take care of everything but I will submit to you that it is probably an accumulation over the last three or four years of the needs of the people of the State of Maine. I find no reason whatsoever, if somebody should go in for an old fashioned gall bladder operation, when it can be dissolved with the new equipment and new technology that we have today. I don't think they should have to go to Mass. General or wherever they have to go but, if they go to St. Joseph's Hospital in Bangor

today, they will have an operation that will need a recovery from 6, 8, to 10 weeks. I don't believe that that is necessary, I don't believe that that will be a priority for the State of Maine and for the well-being of the State of Maine to prioritize by the Commissioner, if the Commissioner does prioritize it, then it would get funded.

Yes, I happen to agree with the good Representative who spoke earlier that it will be two years down the road, no matter what this new Blue Ribbon Commission will do.

I do agree with the Representative from Old Town, Representative Paradis, that this is a necessity. It certainly is in some of the rural areas, it certainly is a necessity in northern Maine. Perhaps southern Maine would like to take that step beyond and go into better technology as the Representative from Portland feels so heartbroken about not getting but I can tell you, in northern Maine, we need it. We need the centralized services and we need the updated. I do believe that it is a one-shot deal and I do believe that it is something we can do here today and help out the people we try to serve.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: It is very difficult to stand here today opposed to L.D. 2191 because I think we all want the citizens of Maine all over this state to have the very best and most advanced health care. If that were the question, I would vote for it very easily today but that is not the question. The question is, at this time, can we afford to pay for this list of projects? Can we afford at this time to add to the burden of the cost of health insurance?

You heard Representative Simpson talk about a 20 percent increase -- well, for some groups in this state, the increase will be, not 20 percent, not 30 percent, but closer perhaps to 40 percent this year. Next year, the health insurers have already said that that increase will be about the same, if not more.

What happens when health insurance costs are increased? The purchasers of health insurance and most of those purchasers are employers who have got to make some very hard decisions. They have to decide if they are going to continue to offer health insurance to their employees. The decisions that they are making are varied, but they all include cost-shifting on to their employees. Some of them are no longer able to offer an employer input into the insurance or they reduce the amount that the employer is paying into that health insurance premium. They negotiate contracts with greater co-pays and larger deductibles or a reduced type of coverage or they go into a flexible benefit plan, hoping that some of their employees will not purchase as much health insurance. In any event, the transfer of costs is to the employee, to our constituents. This is causing incredible prices in health insurance and I think an incredible burden on to the people of our state who are ill, who need to use their health insurance and who are finding that it is not covering what it covered a year or two ago, let alone five years ago.

The dilemma here for us today is that we must think about who is going to benefit from this project if, indeed, we were to pass this bill and some of them would be funded. I think we have forgotten these projects aren't for hospitals, they are for people. In order to use the advanced equipment and the advanced technology, people have to have a means of paying for it. People will choose not to have certain procedures or they will wait a very long time if they feel the cost is going to be very great. We

will be placing an undue burden on the citizens of this state if we, at this time, pass this bill.

I am all for advanced technology in Maine, I am all for revamping our regulations system for hospitals and for Certificate of Need's system but we can't do it by one-shot deals. I don't believe this will be a one-shot deal, I believe I could guarantee to you that if, this were passed and if everyone of these projects were funded, there would be another list as long as the one we have before us today. We can't regulate our health care system in that fashion, we have to take it in a comprehensive way. We have put in motion the factors necessary to do that. We have set up a Blue Ribbon Commission, we hope to have a study of health insurance costs and our data collection system, we don't have the data that tells us what kind of a system would be best at this time.

Please think twice, think about your constituents who, perhaps, wouldn't even be able to use that advanced technology because they would have no means to pay for it. Please, I would ask you to vote for the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: One quick point -- Representative Paradis mentioned the dilemma of a person that has to go out of state and I think that is unfortunate and I would like to do everything that I possibly can to alleviate that problem too. I was talking to some of the Representatives in the back of the hall and we talked about their hospitals and what they could offer. The question right now is, do all hospitals offer all things? The answer is clearly no. We have small hospitals, we have large hospitals, we have rural hospitals, we have urban hospitals and many people have to travel, regardless of what you do with this bill, for certain procedures, certain operations, certain functions that their hospital doesn't offer, whether it is a large hospital or not. That is clearly the way the system is going to be after this.

The second point I would like to make real quickly is something that I referred to before. People are already asking, if these hospitals are going to get these projects funded, maybe I ought to get my amendment in to get some money for a project for my hospital too. If we are going to break the back of the Maine Health Care Finance Commission system by this bill, why is it just those hospitals? We have heard that there has been no cost effectiveness study done here, there has been no cost benefits study, there has been no prioritization for political reasons, for any reasons. These are the ones we are going to go with and these are the ones we are not going to go with and nobody can tell you why not.

Once again, I would hope you would avoid these two problems by going with the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Men and Women of the House: I hate to prolong this but just a couple of points I would like to make. One is in relation to what was just said by the Representative from Casco -- all these projects have had to go through the Certificate of Need process. The first time my hospital ever went through it, it took us two and a half years to go through that project. It was looked over with a fine-tooth comb.

As the gentleman from Lewiston has told you, affordability is part of the Certificate of Need process.

The second point I would like to make relates to, why didn't the Commissioner go before the Commission and prioritize? It is my understanding, and this is what the Commissioner said, he has no legislative authority to do that. If he were to do that on specific projects, he could be sued by others who were contesting those projects. I guess it strikes me as strange if that is what the opponents of this wanted, why didn't they put it into their version of the bill and give him that authority to prioritize?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Men and Women of the House: I do not want to see denial of Maine citizens of badly needed services, one and a half to two years and later those costs will go up. The Blue Ribbon Commission is meeting and those recommendations will not be ready for this year's development account fund.

It is interesting to note that Maine's per capita hospital expenses have always been less than the national average. This means less money is available in Maine for the provision of services. It is also an alarming trend in that the dollars spent per capita in Maine versus the U.S.A. has grown larger. As a result, Maine's availability and access to needed services will continue to fall behind the nation. This trend has serious consequences for us in the attraction and retention of health care personnel. Maine Health Care Finance Commission's guiding principles relative to affordability criteria ignore recent studies suggesting that citizens in the U.S.A. are willing to pay more, at least in the near future, for their health care.

I hope you will vote against this motion so that we may accept the Majority Report.

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 Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Men and Women of the House: This is one of the bills that I was planning to speak on and the reason I was planning on speaking on it is that the system that we have created for the Maine Health Care Finance Commission and the CON process (you have heard it described very well) is a very complicated and culminative kind of process for a hospital to go through. If it were the Maine Health Care Finance Commission that were the problem, that would be one thing, but the CON process, on top of the Maine Health Care Finance Commission, creates a bifurcated system that makes it increasingly more difficult for you folks to get through your health insurance the best service that you are going to end up paying for.

People are talking about health insurance going up and that is absolutely true, you can't deny that. The question is, the health insurance that you are paying for -- you want to go for the best possible service that you can get -- that is what is at issue here as far as I am concerned. We are trying to keep up at this point with a system that has lagged behind for the last four years that I have been here.

I have served on the CON committee that studied the CON in the 112th Legislature. We went through that process and we came to the conclusion that we really know at that point why it was that we were going to continue that process but the truth, in fact, was that we were going to do it. Once that process keeps rolling on, we end up sliding behind the times. I don't disagree with people that health care costs are going to go up and that you are going to see increases in health care insurances. At the same time, in order for things to change, in order for hospitals to be different, in order for the service delivery process to be different, we have got to keep up with the process that allows us to be innovative and flexible. Those are two words that we mentioned a lot in that CON study committee during the 112th.

I urge you to vote against the Minority Report, I hope you will do that so we can accept the Majority Report. I think the services that are on the list are needed. I know that under this particular bill that they are going to have to compete against each other again and I think that is an important part of the process as well.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would like to tell you that I was on the Human Resources Committee when the Health Care Finance Commission was established and I have to tell you that I have some problems. It is not perfect but I do understand that the Blue Ribbon Commission is working on it and I would urge you to please wait until their report comes out. If for no other reason, if you were eventually going to accept this kind of a bill, at least accept this Majority Report in the sense that your own hospital would have had a fair chance. What if your hospital only had a small project in there -- perhaps no project in there because they were trying to do the right thing with the funding that they have?

I urge you, let's wait until the report is done and do it so everyone has a fair chance later.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Portland, Representative Manning, that the House accept the Minority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I wish to pair my vote with the Representative from Lisbon, Representative Jalbert. If he were here and voting, he would be voting yea and I would be voting nay.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Portland, Representative Manning, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 266

YEA - Allen, Anthony, Armstrong, Baker, Carroll, Cashman, Clark, M.; Conley, Cote, Crowley, Daggett, Dexter, Dore, Erwin, P.; Gould, R. A.; Gurney, Hale, Handy, Hickey, Hogle, Ketover, Lacroix, LaPointe, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Perry, Pouliot, Priest, Richard, Ridley, Rotondi, Rydell, Simpson, Stanley, Swazey, Taylor, Tracy, Walker, Warren, Willey.

NAY - Aliberti, Anderson, Bailey, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Clark, H.; Coles, Curran, Davis, Dellert, Diamond, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Hanley, Harper, Hepburn,

Hichborn, Higgins, Holloway, Holt, Hussey, Jackson, Jacques, Joseph, Kilkelly, Kimball, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; McPherson, Michaud, Murphy, E.; Murphy, T.; Nicholson, Norton, Oliver, Paradis, E.; Parent, Paul, Pines, Racine, Rand, Reed, Rolde, Ruhlman, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Tamaro, Tardy, Telow, Thistle, Tupper, Vose, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Brown, Callahan, Carter, Chonko, Hillock, Mahany, Nadeau, G. G.; Paradis, J.; Reeves, Rice, The Speaker.

PAIRED - Jalbert, Strout, D..

Yes, 51; No, 87; Absent, 11; Paired, 2; Excused, 0.

51 having voted in the affirmative and 87 in the negative with 11 being absent and 2 paired, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-473) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time.

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

Representative MARTIN: Mr. Speaker, I present House Amendment "A" (H-739) and move its adoption.

House Amendment "A" (H-739) was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I want you all to read the amendment very carefully. This amendment does for northern Maine what the bill does for the rest of the state. It offers the opportunity for northern Maine to have a psychiatric service in a hospital since we now have covered the Bangor area and obviously, we are presently covered in the Portland area. I want to make it clear that I am talking about northern Maine and that is Millinocket, north, so we are not talking about other areas. Some people I know talk about north of Augusta as being northern Maine. That ought to make it clear -- that includes Washington County as well and I am hoping that what we would do here is allow this amendment to be added on at this time to allow the services to be provided in northern Maine as is provided in the rest of the state.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: It is not very often that I get up on the floor of the House and oppose the good gentleman from Eagle Lake.

Let me explain a couple of things to you. Last year, we formed a BMHI and AMHI committee, which basically looks at the overcrowded at both AMHI, across the river, and in Bangor, BMHI. Out of that, a subcommittee was formed which I asked to have formed to deal almost similarly to what this is, which is basically allowing hospitals to take psychiatric patients in and for the state, hopefully, (the committee hasn't come back with the study and will in the First Regular Session of the 114th) to deal with that.

For that reason, I would hope that we wouldn't pass this and would allow the AMHI-BMHI committee to come back and look at psychiatric units, not only in the northern part of the state but in a lot of other hospitals in this state who have come to me and said they would be willing to look at it to help bring in

additional revenues. I am hoping my subcommittee would allow this particular piece of legislation to go through, not tonight, probably some time next year about this time. I would request a Division.

Representative Martin of Eagle Lake 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 Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to ask a question through the Chair.

This amendment "A" -- could it be addressed by the Certificate of Need process, the CON process?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Dore, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative MARTIN: Mr. Speaker, Members of the House: In response to the Representative from Auburn, Representative Dore, you are looking at a process which would be shortcut by the fact that it would be obvious that a facility would be located in that area. If you look at the way the CON process works, the numbers work out, based on what happens in southern Maine, the CON would never be approved. This allows for that process to be intervened by need to the mere fact that it would be in northern Maine.

If you simply do it on numbers and on the basis in which we do CON's in the state, that process goes to those facilities that have the most number of people and, obviously, that does not apply. The net result of that is that we have to travel 200 and 300 miles to get the services. I do not believe that that is fair, I do not believe that that is the way we ought to treat the people of northern Maine.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: That is exactly why, sitting next to my good colleague from Limestone and hearing the episodes that the people in northern Maine have to go through to go down to BMHI, that is exactly what why I formed a subcommittee, the BMHI-AMHI subcommittee, so those people in northern Maine don't have to travel so far.

Yes, this is a waiver of Certificate of Need.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

Where is the nearest northern location of a hospital-based psychiatric care program?

The SPEAKER PRO TEM: The Representative from South Portland, Representative Anthony, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: At the present time, the people of Aroostook County have to go to South

Portland. The way in which the present structure from earlier action taken tonight would allow, in effect, for a facility to be constructed in Bangor. That would mean 200 miles.

The SPEAKER PRO TEM: The pending question before the House is adoption of House Amendment "A" (H-739). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 267

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bost, Bott, Boutilier, Carroll, Cashman, Clark, H.; Coles, Cote, Crowley, Curran, Daggett, Dellert, Diamond, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Hale, Harper, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, Kimball, Lacroix, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Priest, Rand, Reed, Richard, Rolde, Rotondi, Ruhlin, Salsbury, Scarpino, Sheltra, Sherburne, Smith, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Walker, Wentworth, Weymouth, Whitcomb, Zirkilton, The Speaker.

NAY - Armstrong, Bailey, Bickford, Bragg, Clark, M.; Conley, Dexter, Dore, Handy, Hanley, Hepburn, Holloway, Lebowitz, Manning, Nutting, Pouliot, Ridley, Rydell, Seavey, Simpson, Small, Soucy, Stanley, Strout, B.; Taylor, Warren, Willey.

ABSENT - Brown, Callahan, Carter, Chonko, Davis, Gwadosky, Hillock, Jalbert, LaPointe, Mahany, Nadeau, G. G.; O'Gara, Paradis, J.; Racine, Reeves, Rice, Webster, M..

Yes, 107; No, 27; Absent, 17; Paired, 0; Excused, 0.

107 having voted in the affirmative and 27 in the negative with 17 being absent, House Amendment "A" (H-739) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-473) and House Amendment "A" (H-739) in non-concurrence and sent up for concurrence.

(At Ease)

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

On motion of Representative Gould of Greenville, the House reconsidered its action whereby Bill "An Act to Strengthen the Site Location of Development Law" (S.P. 846) (L.D. 2202) was passed to be engrossed as amended by Committee Amendment "A" (S-477) as amended by Senate Amendment "A" (S-483).

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-477) as amended by Senate Amendment "A" (S-483) thereto was adopted.

The same Representative offered House Amendment "A" (H-747) to Committee Amendment "A" (S-477) and moved its adoption.

House Amendment "A" (H-747) to Committee Amendment "A" (S-477) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "A" thereto was adopted.

On motion of Representative Dexter of Kingfield, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, April 19, 1988.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act (H.P. 1687) (L.D. 2316) (S. "B" S-466 to C. "A" H-641) which was passed to be enacted in the House on April 18, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-641) as amended by Senate Amendments "A" (S-437) and "B" (S-466) thereto in non-concurrence.

The House voted to recede and concur.

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

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1935)

Bill "An Act to Revise the General Assistance Laws" (H.P. 1249) (L.D. 1705)

On motion of Representative Manning of Portland, the Bill was substituted for the Report, the Bill read once and assigned for second reading Tuesday, April 19, 1988.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-728) on Bill "An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages" (H.P. 1780) (L.D. 2433)

Signed:

Senators:

GAUVREAU of Androscoggin

KERRY of York

Representatives:

MANNING of Portland

SIMPSON of Casco

LAPOINTE of Auburn

TAYLOR of Camden

DELLERT of Gardiner

FARNUM of South Berwick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-729) on same Bill.

Signed:

Senator:

GILL of Cumberland

Representatives:

CLARK of Brunswick

ROLDE of York

BOUTILIER of Lewiston

PINES of Limestone

Reports were read.

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



Representative MANNING: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

This is another pass-through bill, plain and simple. Blue Cross has done an analysis of this bill and the minimum is a \$21 million pass-through, if the Minority Report is accepted.

The Majority Report is taking out of the original bill and saying that we should deal with it only as a scholarship fund for \$500,000. Currently, there are 4 or 5 hospitals who have already started into the system dealing with wage pass-throughs. You will hear that it is very difficult -- the Maine Medical Center has had one already, Bath Memorial has had one already, Regional in Brunswick had one or tried to get one and didn't realize they did not have the ability to get one because they hadn't spent enough money. This bill is definitely not needed. Hospital people have told you that it is needed because they can't work with MHCFC. If the Maine Medical Center can work with MHCFC and get their pass-through, then I think other hospitals can work with MHCFC.

If this bill is passed and the other bills that you have already voted on pass, we are talking about Appropriations dumping at least \$2 million into the State Health Care Plan next year. We are telling you that the Maine Teachers Association will be in the same boat and that means that we are going to give, I think if memory serves me right, \$11 million to local school assistance of which \$2 million is going to go right back to the Blue Cross to pay for these pass-throughs. We are giving more money to the municipalities of which a lot of it is going to go back for pass-throughs. Up, up, up -- we can't afford to bankrupt the insurance industry with these pass-throughs because they won't go bankrupt, our people will go bankrupt.

What is going to happen is more and more insurance companies are going to pass right on to them and more and more employers are going to pay. I am not going to give you 50 percent of your insurance, I will give you 5 percent, 10 percent, I can't afford it at all so I am going to drop the policy. Early on, I heard it said it isn't going to get \$36 million. I think Representative Aliberti said that is wrong, it is going to get to \$36 million at least. John Wakefield talked to the people who run the Blue Cross program and said, if this bill hits the appropriation desk, which it has to do, he is going to put a \$30 million (at least) future cost on it. Blue Cross is talking about \$21 million and \$30 million for everybody else.

I don't know if you want to go back home and talk to your constituents who aren't going to be able to afford insurance but I certainly don't. I work for a very small company and I will say that he is a very unusual person, who offers at least 50 percent of a family package to all his employees. I don't think my boss is going to allow that next year because I don't think he can afford it. I don't think a lot of people are going to be able to afford it.

The worst part about this whole scenario is, the Maine Health Care Finance Commission is set up so if there are more bad debts, the people who pick it up, will be Blue Cross. If Blue Cross is going to pick it up, you know who will be paying, it is the employer and the more the employer picks up, the less he is going to give out in benefits. It is a cycle that is going to continue and continue and continue.

If you pass this piece of legislation tonight, I would predict if you think the Workers' Compensation problem was bad in November, I will tell you right now, you ain't seen nothing yet.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I urge you to oppose the Majority Report so we could go on and pass the Minority Report.

Basically, this bill when it came to the committee, and I was the prime sponsor of it, it was in two parts. The first part would set up a loan for a scholarship fund, not just for nurses, which is what the bill we passed earlier this evening did, but for all health care workers. I am sure you have heard in your communities as I have heard in mine that the shortage is certainly for RN's but not just for RN's. It is for occupational therapists, lab techs, for a variety of different kinds of people.

The Majority and Minority Reports are identical in suggesting that we ought to fund a loan in scholarship funds to all health care workers through the General Fund. The difference in the two bills is that the Minority Report goes on to suggest that merely training workers is not enough. What we need to do to ensure that they go to work in health care professions and be able to pay them so that they can do this.

Right now, for instance, people who are dietary aides in most hospitals earn less than \$4.50 an hour. At the Maine Medical Center, they happen to earn \$4.75 an hour. However, they can go to work at McDonald's for \$5.50 an hour. In my area, the people who do the housekeeping (that is people who make sure the patient's get all the clean linens that they need, people who make sure that the hospital stays clean) make \$4.25 an hour. Also, in my neighborhood, people can go to a brand new motel that has opened up in Freeport and, not only be paid \$6.00 an hour, but also have free child care. I ask you, ladies and gentlemen of the House, where would you work? I certainly would take the job that had the child care and additional benefits for me.

The Minority Report, which I urge you to accept (after rejecting the Majority Report) would allow hospitals to petition to have those costs considered.

The Representative from Portland, Representative Manning, has talked about this being automatic at being a pass-through -- this is not correct. The hospitals, if they are down to 3 percent or less operating margin, are eligible to petition the Commission for redress on those wages. I know that you have heard a lot of split reports from the Human Resources Committee tonight but, for me, this bill is probably the most important that we have heard in terms of health care costs. It allows our health care workers to stay in health care.

I would also point out to you, ladies and gentlemen, just as this bill hit the floor, we were handed a yellow or blue sheet distributed at the request of the Representative from Portland and I will call your attention to the bottom point where it says, "This bill will allow hospitals to unfairly compete with nursing homes and home health agencies for health care workers." Let me tell you, some other legislation that we have already passed this session, will in fact negate that statement. This body has already passed L.D. 2137, "An Act to Amend the Principles of Reimbursement for Non-health Employees in Nursing Homes" and we sent it to the Appropriations table.

This body has already passed L.D. 2455, "An Act to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Cost of Recruiting, Training and Retaining Qualified Working Staff." We have sent that to the Appropriations table.

This body has also passed L.D. 1983, "An Act to Ensure Payment of Reasonable Cost to Operating Boarding Care Facilities." In other words, if you do not pass the Minority Report, it is hospitals that will not be able to compete fairly in the labor market.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: Just to clarify that, yes we passed that but that doesn't mean that it is going to be passed because we all know what is going to happen when we start divvying up the money. As you can see, there hasn't been a hospital yet under the old system that has been denied. If we relax this, 60 percent of our wages is going to be passed right through. They can set any wages.

There is another clinker in this bill that kind of really gets to me and that is, every hospital who reaches their revenue limits, will be guaranteed a 3 percent profit. You know, in my community, the largest hospital in the state, took my community to court because we tried to tax their parking lot (which I might add is the largest parking lot in the state) and my community lost in the Supreme Court because the parking lot is a part of the hospital. Now we are going to guarantee hospitals, who have reached their revenue limits, a 3 percent guaranteed profit. Think about that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I was also a sponsor of this bill and there was some confusion in our committee. A voice vote was taken. I wish to change my vote, I was not allowed to on the bill. I want to emphasize that the hospitals still will be required to apply to the Maine Health Care Finance Commission for permission to raise hospital charges to recover costs of improved wages and benefits.

The SPEAKER PRO TEM: The Chair will order a Division. The pending question before the House is the motion of the Representative from Portland, Representative Manning, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Clark of Brunswick 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 Portland, Representative Manning, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 268

YEA - Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bragg, Carroll, Cashman, Coles, Conley, Cote, Crowley, Curran, Daggett, Dexter, Diamond, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Gould, R. A.; Gurney, Gwadosky, Handy, Hichborn, Hickey, Higgins, Hoglund, Hussey, Jacques, Ketover, Lacroix, Lisnik, Look, Macomber, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G.

R.; Norton, Nutting, Oliver, Paradis, P.; Parent, Perry, Pouliot, Priest, Rand, Reed, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, P.; Stevenson, M.; Strout, D.; Swazey, Tammaro, Taylor, Tracy, Vose, Walker, Warren, Webster, M.; Willey, Zirkilton, The Speaker.

NAY - Aliberti, Bott, Boutilier, Clark, H.; Clark, M.; Dellert, Duffy, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Holloway, Holt, Joseph, Kilkelly, Kimball, Lawrence, Lebowitz, Lord, MacBride, Martin, H.; McPherson, Murphy, T.; Nicholson, Paradis, E.; Paul, Pines, Roide, Ruhlin, Salsbury, Scarpino, Seavey, Sherburne, Small, Stevens, A.; Strout, B.; Tardy, Telow, Thistle, Tupper, Wentworth, Weymouth, Whitcomb.

ABSENT - Brown, Callahan, Carter, Chonko, Davis, Dore, Hale, Hillock, Jackson, Jalbert, LaPointe, Mahany, Michaud, Nadeau, G. G.; O'Gara, Paradis, J.; Racine, Reeves, Rice, Richard, Ridley.

Yes, 85; No, 45; Absent, 21; Paired, 0; Excused, 0.

85 having voted in the affirmative and 45 in the negative with 21 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-728) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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At this point, the Speaker resumed the Chair.

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The House was called to order by the Speaker.

The Chair laid before the House the following matter: Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-480) on Bill "An Act to Establish a Resource Protection Law" (Emergency) (S.P. 870) (L.D. 2265) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-481) on same Bill which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-480) as amended by House Amendments "B" (H-742) and "C" (H-737) thereto.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby House Amendment "B" (H-742) to Committee Amendment "A" (S-480) was adopted.

On motion of the same Representative, House Amendment "B" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "D" (H-746) to Committee Amendment "A" (S-480) and moved its adoption.

House Amendment "D" (H-746) to Committee Amendment "A" (S-480) was read by the Clerk and adopted.

Committee Amendment "A" (S-480) as amended by House Amendments "C" (H-737) and "D" (H-746) thereto was adopted.

The Bill was passed to be engrossed as amended Committee Amendment "A" as amended by House Amendment "C" and "D" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Carroll of Gray,  
Adjourned until Tuesday, April 19, 1988, at  
twelve o'clock noon.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Monday  
April 18, 1988

Senate called to Order by the President.

Prayer by Reverend John Ellis of the Second  
Congregational Church in Norway.

REVEREND ELLIS: Let us pray. Creator God, we  
would pause on this day to give thanks for the  
Patriots of our nation and state who have established  
foundations of liberty on which we can build a life  
of opportunity for all the citizens of our land. May  
our work bear fruit from the seeds they have sown,  
fruits of health and education and employment for our  
people. There is hostility in the Persian Gulf today  
and we would pray that the lives of americans and  
those of all nations may be protected in that  
dangerous region. Look with favor upon the work of  
this assembly today, Oh God, and guide it toward good  
and right purposes. Amen.

Reading of the Journal of Friday, April 15, 1988.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND  
NATURAL RESOURCES on Bill "An Act to Strengthen the  
Site Location of Development Law"

S.P. 846 L.D. 2202

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (S-477).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-477) READ.

On motion by Senator USHER of Cumberland, Senate  
Amendment "A" (S-483) to Committee Amendment "A"  
(S-477) READ and ADOPTED.

Committee Amendment "A" (S-477) as Amended by  
Senate Amendment "A" (S-483) thereto, ADOPTED.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on HUMAN RESOURCES  
on Bill "An Act to Enhance the Quality of Care in  
Long-term Care Facilities through Consultation,  
Education and Intermediate Sanctions"

S.P. 485 L.D. 1462

Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (S-478).

Signed:

Senators:

GAUVREAU of Androscoggin

KERRY of York

GILL of Cumberland

Representatives:

MANNING of Portland

TAYLOR of Camden

DELLERT of Gardiner

PINES of Limestone

FARNUM of South Berwick