

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

Senate  
May 22, 1991 to July 10, 1991

Index

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

In Senate Chamber  
Tuesday  
May 28, 1991

Senate called to Order by the President.

Prayer by Pastor Linda Shevlin of the United Methodist Church in Rumford.

PASTOR LINDA SHEVLIN: We are being joined in prayer this morning by all the members of the Congregation of Rumford United Methodist Church at this time. Let us be in a spirit of prayer. Gracious and loving God, we have been summoned here, and gathered together from class room and office, kitchen and car pool, mill and field, as young, old and middle aged, in relationships and out of them, outspoken or holding to the background from silent, empty homes, and noisy family gatherings. We have each heard our names being called. We come to this place to pursue Your divine vision for all people. Some of us come here bored and apathetic, O God. We have no expectation other than getting through this day. Surprise us with the good news that we can be renewed and excited. Some come weary and worn. Blow through our lives clearing out the cobwebs of closed minds and outworn ideas, and fill us with Your freshness. Some come under wrong assumptions. We believe we are really in control of things, and we sometimes tamper with the lives of those around us for our own ends. Some of us come with regrets. Regrets for forgotten promises, for flimsy excuses, for our own luxury among the oppression and sorrow of others, for our tendency to hide from our own problems and our readiness to blame those around us. If we have seen pain without being moved, if we have talked of justice without insuring it for each of our sisters and brothers, if we have been tranquil in our affluence and made excuses for injustice and misery, forgive us, but go beyond forgiveness and change us. Grant this day to the members and officers of this Body, a sacred moment of quiet before they begin the days work. Turn their thoughts to You and open their hearts to Your spirit, that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. Let them not think once this prayer is said that their dependence on You is over, and that they can ignore Your counsel for the rest of the day. So help us all this day, we trust ourselves in Your loving, guiding hands. Amen.

Reading of the Journal of Thursday, May 23, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Emergency

An Act Relating to the Knox County Budget Process  
S.P. 290 L.D. 772  
(C "A" S-116)

In House, May 20, 1991, **PASSED TO BE ENACTED.**

In Senate, May 22, 1991, **FAILED OF ENACTMENT.**

Comes from the House, that Body **INSISTED.**

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, **RECEDED and CONCURRED** to **ENACTMENT** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Non-concurrent Matter

Bill "An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources"  
S.P. 457 L.D. 1233

In Senate, May 7, 1991, **PASSED TO BE ENGROSSED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-422) in NON-CONCURRENCE.**

The Senate **RECEDED and CONCURRED.**

House Papers

Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings"  
H.P. 1318 L.D. 1905

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED.**

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE**

May 23, 1991

Bill "An Act to Develop and Implement a Statewide System to Collect and Dispose of Household Hazardous Products" (Emergency)

H.P. 1317 L.D. 1904

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of John Crabtree of Warren, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 1  
Representatives 10

NAYS: 0

ABSENT: 2 Sen. Matthews of Kennebec, Sen. Twitchell of Oxford

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

May 23, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
115th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "**Ought Not to Pass**" Report of the Committee on **Fisheries and Wildlife** on Bill "An Act to Eliminate Sunday Allocations on the Penobscot River" (S.P. 676) (L.D. 1790).

Sincerely,

S/Edwin H. Pert  
Clerk of the House

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

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John Crabtree of Warren, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Sen. Zachary E. Matthews S/Rep. Dorothy A. Rotondi  
Senate Chair House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of John Crabtree of Warren, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Fisheries and Wildlife be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEAS: Senators 0  
Representatives 10

NAYS: 0

ABSENT: 3 Sen. Matthews of Kennebec, Sen. Twitchell of Oxford, Sen. Summers of Cumberland

**ROLL CALL**

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, CONLEY, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRANNIGAN, BRAWN, CLEVELAND, ESTES, ESTY, GAUVREAU, TITCOMB, VOSE

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 8 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of John Crabtree, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wilmot Robinson of Millinocket, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Sincerely,

S/Sen. Zachary E. Matthews S/Rep. Dorothy A. Rotondi  
Senate Chair House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of Wilmot Robinson of Millinocket be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Fisheries and Wildlife be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A Vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE**

May 23, 1991

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Wilmot Robinson of Millinocket, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

**ROLL CALL**

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, CONLEY, DUTREMBLE, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRANNIGAN, BRAWN, CLEVELAND, ESTES, ESTY, GAUVREAU, TITCOMB, VOSE

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 8 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Wilmot Robinson, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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**SENATE PAPERS**

Bill "An Act to Provide Compensation for Certain State Employees" (Emergency)  
S.P. 718 L.D. 1908

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Senator **KANY** of Kennebec,  
Representative **TRACY** of Rome and Representative  
**DAGGETT** of Augusta  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

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Bill "An Act Concerning Smoking in the Workplace"  
S.P. 716 L.D. 1907

Presented by President **PRAY** of Penobscot  
Cosponsored by Representative **CLARK** of Millinocket

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

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

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**COMMITTEE REPORTS**

**House**

**Ought Not to Pass**

The following **Ought Not to Pass** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)  
H.P. 769 L.D. 1103

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)  
H.P. 819 L.D. 1173

From the Committee on **LEGAL AFFAIRS** Resolve, Authorizing Paul Wiegleb to Bring a Civil Action Against the State  
H.P. 104 L.D. 147

From the Committee on **TAXATION** Bill "An Act to Increase the Progressivity of the Maine Sales Tax Code"  
H.P. 189 L.D. 282

From the Committee on **TAXATION** Bill "An Act to Provide Comprehensive Property Tax Relief"  
H.P. 563 L.D. 806

From the Committee on **TAXATION** Bill "An Act to Aid Municipalities in Collecting Past Due Property Taxes"  
H.P. 673 L.D. 972

From the Committee on **TAXATION** Bill "An Act Concerning Interest Deductions for Corporations" (Emergency)  
H.P. 838 L.D. 1204

From the Committee on **TAXATION** Bill "An Act to Redefine Nonprofit Status in the Sales and Use Tax Law"  
H.P. 902 L.D. 1299

From the Committee on **TAXATION** Bill "An Act to Restructure the Personal Income Tax System to Provide Greater Equity and Progressivity"  
H.P. 942 L.D. 1364

From the Committee on **TAXATION** Bill "An Act Concerning Interest Paid on Savings"  
H.P. 1179 L.D. 1722

From the Committee on **TAXATION** Bill "An Act to Amend the Laws Relating to Watercraft Registration and Excise Tax"  
H.P. 1212 L.D. 1770

From the Committee on **TAXATION RESOLUTION**,  
Proposing an Amendment to the Constitution of Maine  
to Give School Districts Taxing Authority  
H.P. 1241 L.D. 1807

From the Committee on **TAXATION** Bill "An Act to  
Create a Sales Tax Trust Fund for Maine's Future"  
(Emergency)  
H.P. 1251 L.D. 1818

From the Committee on **TAXATION** Bill "An Act to  
Expand the User Fee at the Municipality Level"  
H.P. 1281 L.D. 1851

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**Change of Reference**

The Committee on **ENERGY AND NATURAL RESOURCES** on  
Bill "An Act to Provide Tire Disposal Alternatives  
and Fund Waste Management Programs" (Emergency)  
H.P. 1300 L.D. 1880

Reported that the same be **REFERRED** to the  
Committee on **TAXATION**.

Comes from the House with the Report **READ** and  
**ACCEPTED** and the Bill **REFERRED** to the Committee on  
**TAXATION**.

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

The Bill **REFERRED** to the Committee on **TAXATION**,  
in concurrence.

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**Ought to Pass**

The Committee on **JUDICIARY** on Bill "An Act to  
Require Parental Consent to Adoption before a Probate  
Judge"  
H.P. 1215 L.D. 1773

Reported that the same **Ought to Pass**.

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

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

The Bill **READ ONCE**.

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

The Committee on **UTILITIES** on Bill "An Act to  
Increase the Debt Limit of the Ogunquit Sewer  
District" (Emergency)  
H.P. 1255 L.D. 1823

Reported that the same **Ought to Pass**.

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

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

The Bill **READ ONCE**.

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

---

**Ought to Pass As Amended**

The Committee on **AGING, RETIREMENT AND VETERANS**  
on Bill "An Act Concerning Access to Maine Veterans'  
Homes and the Veterans' Memorial Cemetery"  
H.P. 964 L.D. 1391

Reported that the same **Ought to Pass as Amended**  
by **Committee Amendment "A" (H-403)**.

Comes from the House with the Report **READ** and the  
Bill and Accompanying Papers **RECOMMITTED** to the  
Committee on **AGING, RETIREMENT AND VETERANS**.

Which Report was **READ**.

The Bill and Accompanying Papers **RECOMMITTED** to  
the Committee on **AGING, RETIREMENT AND VETERANS**, in  
concurrence.

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The Committee on **APPROPRIATIONS AND FINANCIAL**  
**AFFAIRS** on Bill "An Act to Make Allocations from the  
Maine Nuclear Emergency Planning Fund for the Fiscal  
Years Ending June 30, 1992 and June 30, 1993"  
(Emergency)  
H.P. 760 L.D. 1094

Reported that the same **Ought to Pass as Amended**  
by **Committee Amendment "A" (H-365)**.

Comes from the House with the Report **READ** and  
**ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS**  
**AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-365) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

---

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency)

H.P. 968 L.D. 1395

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-363).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363) AND HOUSE AMENDMENT "A" (H-429).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-363) READ and ADOPTED, in concurrence.

House Amendment "A" (H-429) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

---

The Committee on BANKING AND INSURANCE on Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies"

H.P. 230 L.D. 321

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-354).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-354).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-354) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Status of Employee Benefit Excess Insurance"

H.P. 814 L.D. 1168

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-355).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-355) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

---

The Committee on BANKING AND INSURANCE on Bill "An Act Relating to Insurance of Rental Motor Vehicles"

H.P. 934 L.D. 1354

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-353).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-353) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

---

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Law Regarding Assessment of Insurers and License Fees under the Insurance Law"

H.P. 989 L.D. 1434

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-352).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352).



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

The Bill **READ ONCE**.

Committee Amendment "A" (H-352) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION** on Bill "An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians"  
H.P. 726 L.D. 1030

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-361)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-361) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION** on Bill "An Act Concerning State Education Mandate Waivers"  
H.P. 908 L.D. 1305

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-358)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-358) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes" (Emergency)  
H.P. 755 L.D. 1089

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-390)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-390) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HUMAN RESOURCES** on Resolve, to Create a Demonstration Program to Increase Utilization of the Food Stamp Program by the Elderly  
H.P. 586 L.D. 837

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-382)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-382) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act Regarding Liability for Persons Responding to Oil Spills"  
H.P. 53 L.D. 74

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-360)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-360) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs"

H.P. 454 L.D. 644

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment"

H.P. 1155 L.D. 1696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors"

H.P. 901 L.D. 1298

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-381)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-381) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons"

H.P. 915 L.D. 1312

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Number of Signatures Required for County Office Elections"

H.P. 970 L.D. 1411

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-384)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-384) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **MARINE RESOURCES** on Bill "An Act Regarding Aquaculture"

H.P. 55 L.D. 76

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Bureau of Public Improvements to Conduct a Study of All State Work Places

H.P. 668 L.D. 948

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-379)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-379)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-379) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay"

H.P. 696 L.D. 1000

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-380)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-380) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act Regarding Passing of School Buses" (Emergency)

H.P. 778 L.D. 1110

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-378)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-378)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-378) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act Dealing with Abandoned Automobiles in the State"

H.P. 1022 L.D. 1495

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-383)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-383) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES** on Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and Make Certain Other Changes" (Emergency)

H.P. 1092 L.D. 1592

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-369)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-369) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES** on Bill "An Act Regarding Cable Television"

H.P. 1121 L.D. 1646

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-388)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-388) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES** on Bill "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices"

H.P. 1134 L.D. 1659

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-410)**.

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **UTILITIES**.

Which Report was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-410) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

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Senate at Ease

Senate called to order by the President.

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

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The Committee on **UTILITIES** on Bill "An Act to Promote Participation in Affordable Telephone Service"

H.P. 1157 L.D. 1698

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-368)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-368) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Amend the Waldoboro Sewer District Charter" (Emergency)

H.P. 1225 L.D. 1783

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-370).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370) AND HOUSE AMENDMENTS "A" (H-387) AND "B" (H-430).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-370) READ and ADOPTED, in concurrence.

House Amendment "A" (H-387) READ and ADOPTED, in concurrence.

House Amendment "B" (H-430) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act Regarding Public Exposure to Nonionizing Radiation"

H.P. 509 L.D. 703

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-351)

Signed:

- Representatives: MANNING of Portland, GOODRIDGE of Pittsfield, SIMONDS of Cape Elizabeth, TREAT of Gardiner, WENTWORTH of Arundel, GEAN of Alfred, CLARK of Brunswick

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

Signed:

Senators:

- CONLEY of Cumberland, BOST of Penobscot, GILL of Cumberland

Representatives:

- PENDLETON of Scarborough, DUPLESSIS of Old Town, PENDEXTER of Scarborough

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351).

Which Reports were READ.

The Minority OUGHT NOT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program" H.P. 557 L.D. 800

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-350)

Signed:

Senators:

- CONLEY of Cumberland, BOST of Penobscot

Representatives:

- MANNING of Portland, GEAN of Alfred, GOODRIDGE of Pittsfield, TREAT of Gardiner, WENTWORTH of Arundel, CLARK of Brunswick, SIMONDS of Cape Elizabeth

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

Signed:

Senator:

- GILL of Cumberland

Representatives:

- PENDLETON of Scarborough, PENDEXTER of Scarborough, DUPLESSIS of Old Town

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-350) **READ** and **ADOPTED**, in concurrence.

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

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#### Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment"

H.P. 1051 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-349)**

Signed:

Senators:

**CONLEY** of Cumberland  
**GILL** of Cumberland

Representatives:

**MANNING** of Portland  
**GOODRIDGE** of Pittsfield  
**WENTWORTH** of Arundel  
**TREAT** of Gardiner  
**GEAN** of Alfred  
**SIMONDS** of Cape Elizabeth

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

Signed:

Senator:

**BOST** of Penobscot

Representatives:

**PENDLETON** of Scarborough  
**PENDEXTER** of Scarborough  
**DUPLESSIS** of Old Town  
**CLARK** of Brunswick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349) AND HOUSE AMENDMENT "A" (H-431)**.

Which Reports were **READ**.

Senator **CONLEY** of Cumberland moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would urge the acceptance of the Minority Ought Not To Pass Report and would speak to my motion.

Many of you were around these halls several years ago when the original Health Cost Containment Legislation was enacted, with the collective hope that in doing so we would be able to begin the reversal of spiraling health care costs in Maine. A Certificate of Need was a part of that package, and it was enacted to review capital expenditures in hospitals. A historical review of the development of the Certificate of Need Legislation, both at the state and the federal level, indicates that either statute contemplated the extension of the Certificate of Need requirement to other than health care facilities, which is precisely what this Bill would do.

The reason for this is rather simple. The purpose of this Certificate of Need was founded on the reasonable cost reimbursement method which applied to hospitals and did not, and does not apply to other health care providers. This reasonable cost reimbursement formula assured that hospitals would be reimbursed for the cost of all capital equipment for facilities, regardless of its use or its need. Now, under this reasonable cost formula, hospitals were reimbursed for all capital costs associated with those accusations, whether or not the facilities were ever opened, or used, or whether or not the equipment was ever used to provide a single service.

Recognizing that this reimbursement situation, and in an effort to deter the development of duplication and unnecessary facilities and services, which is a goal that I think that many of us share, the United States Congress passed the first Certificate of Need Law back in 1972. Maine's Law has closely mirrored the Federal Law, including changes in the Federal 1974 Legislation, entitled "The National Health Planning and Resources Development Act". Because providers of services other than facilities are reimbursed under a variety of methods, including a reasonable cost basis, no need has been seen in the past, and in my estimation, there is compelling need that has been presented to us, currently, to extend this Certificate of Need to other health care providers. These providers have no guarantee that their costs will be met, and this difference in reimbursement alone assures that any non-health care facility purchasing significant, major medical equipment, will be certain that it is needed in the community before it is purchased. In my estimation, this legislation could be characterized as a foot in the door Bill, because obviously, once this is in place, there will be measures down the road to begin to lower the ceiling, which currently is embodied in this piece of legislation.

The Certificate of Need Law is a franchising mechanism that has not proven to be cost effective, even as it relates to hospitals. The trend nationwide is in favor of repealing Certificate of Need Laws, which franchise inefficient providers, and inhibit innovation and competition. And while I am not standing before you this morning, arguing that we abolish our current Certificate of Need Law, because I think it certainly does have a place, I am arguing that this not be extended unnecessarily. Eight states, including Arizona, Kansas, Minnesota, Idaho, Utah, New Mexico, Louisiana, and California, have actually repealed their Certificate of Need Laws as they apply to hospitals, and in recent history, no state has extended the requirement to a physicians office as this Bill would do. Care delivered within a hospital, is care delivered in the most expensive setting.

It is interesting, we have had a number of debates earlier this session characterized as "David versus Goliath". Well, whether it be the Insurance Industry versus the Banking Industry, and the list would go on, I would see this as one more "Goliath versus Goliath" issue, and I think it is very important that we not view the hospitals as the down trodden in this arena, that currently, the playing field is very level, and necessarily so, by design. This Legislature designed that level playing field, and we certainly ought not to tamper with that. The Department of Human Services retains within its Certificate of Need Law the ability to grant their certificate based upon certain conditions. The granting of such conditions, when applied to non-institutional settings, could severely restrict the professions ability to treat patients, and that is an important point. State Regulators should not be permitted to restrict equipment, thus preventing its use by any and all patients when the states share of the costs of the Medicaid Program presents only about 3% of health care expenditures in Maine. The physician portion of Medicaid represents less than 5% of the entire Medicaid budget.

We have already seen instances where the Certificate of Need process has been used to actually deter, or delay care provided to patients. I have intervened on behalf of a number of my constituents over the past several years in such an issue. Delaying such payments as services of an Orthopedic Surgeon in Houlton, and the list goes on, and on.

I would state lastly that there is precedent for rejecting this legislation. Over the past two years, a Commission authorized by this Legislature, has examined the issue of competition and regulation in health care, and did not recommend this approach. Neither did the CON Study, conducted by the Human Resources Committee, on which I now serve, I was not a member at that point, back in 1986. In fact, three separate Study Commissions in the last twelve years have soundly rejected this approach. The Legislature itself has defeated this same proposal, by my count, at least four times since 1978. So, in summary, if I felt that this particular legislation would contribute in a meaningful manner to health care costs containment, I might reconsider my position. I was presented no compelling argument that it, in fact, does. In fact, I think in turn would

contribute significantly to the already over burdensome red tape that our health care providers across this state are faced with on a daily basis. In that light, I certainly would hope that you would reject the motion to accept the Majority Ought to Pass Report so that we may move on to reject this Bill. Thank you.

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Off Record Remarks

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

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sure that there is not a person in the Body who has not been spoken to by someone in reference to this Bill. And I do believe that my colleague from the County of Penobscot, Senator Bost, has articulated in a fairly cogent fashion the frustration which people across this state have had with the Certificate of Need process. But, I say, God help the State of Maine if we did not have the CON process. Our former Governor worked very hard to get that process in place to get some sort of control on health care costs. And, although health care costs have been rising, I think the rate of inflation is 4%, and health care costs have been going up at a rate of 12%. I think without that CON commission, we would be in much worse shape than we are now.

This Bill is a very simple Bill. What it says is, the equipment that we are looking at, and that being equipment that costs more than \$1 million, which is not your casual scalpel, we are talking about major pieces of medical equipment that have to go through the CON process. Who cares whether they are in a hospital, or whether they are in a doctors office? What is really going on here, since the CON process has come on board, and a closer look has been given at what kind of equipment is going to go into hospitals, and doctors have found a way to get around that! They have gone out and started their own little offices, and pooled their resources, and managed to get this equipment without having to go through this CON process, so they have created a hole in the system. And I would suggest that is one of the reasons why health care costs have continued to rise.

Now there is nobody any popular, and certainly, in my town, and I am sure in the rural towns, than somebody's local doctor. He or she provides valuable services, and if you get a call from he or she saying, "Gee, I am not going to call you about anything else this session, but this Bill is important to me". That puts a lot of pressure on somebody, particularly, in this Body, to say, "Gee, I ought to listen to this person". But, in fact, what we have to look at is the system overall. And if we are ever going to get a handle on our health care costs, to try to bring them down, than everybody should be on a level playing field, and I would disagree with my good colleague from Penobscot, Senator Bost, on that point. Right now, the doctors who go out and avoid this process are not on a level

playing field. They do not have to prove, or justify that they need this machine. If you are sick, you probably wouldn't mind having some of these fancy machines right in your own living room, or if one of your relatives is sick, you would want these machines everywhere! But, to be responsible to the system overall, we should have everybody play by the same rules. And that includes doctor's offices as well as the hospitals themselves.

Blue Cross and Blue Shield, we have all met with them from time to time, a non-profit agency which insures well over 60% of the people in this state, are strongly in favor of this Bill. The only ax that they have to grind on this is bringing health care costs down! If we are going to get serious about it, this is the type of legislation that we should look at. It is for those reasons that I disagree with my good friend from Penobscot, Senator Bost, and urge you to accept the Majority Ought to Pass Report.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. CON has been around almost as long as I have in this Legislature. We were mandated by the Fed's if we were receiving Federal funds to put a CON in place, and that was in the Health Planning and Resource Development Act of 1974. The State of Maine complied. If it was up to me, and people who have been around here for a long time know that I don't like regulation, I fought against it then, and if we are bound to have regulation, which we are now under CON, than I believe we should level that playing field. The point being that through the years, because of CON, we have seen some change in the decrease of health care costs coming down, because it only applied to hospitals. Now what we see is the blipping out of physicians costs, increasing because they have the ability to be entrepreneurial, and put in pieces of equipment that hospitals were not able to put in. That raises the cost of health care.

This is not going to be hardship on any physician when we are talking about \$1 million. A piece of equipment that costs \$1 million placed in a physicians office, if he feels compelled to have the piece of equipment because it is not available anywhere else, than he will go ahead with the process of CON. But, what we are finding is, that the traditional place which was the hospital for having the highest technology available for health care in the state, is no longer true. We have seen Laser Labs being put into physicians offices, we have seen Ambulatory Surgery Units being put into physicians offices, we have the Resonance machines put into physicians offices, and as time goes on, and as technology is developed, we will see more and more of that happen, unless we put the physicians under the CON process.

If we can have a marketplace where it is driven by the market, and we are going to have regulation, than I think we should regulate. People can't walk into a hospital and say, "Hospital, take me and take care of me, I don't feel good". They have to be admitted by a physician. Physicians do have a very big part to play in the overall health care costs. They are the ones that require the testing to be

done, they tell their patients what workups need to be done, and traditionally, the hospital has been the laboratory for this to take place. Now the physicians have decided that they would like to move into another area.

I think it is very important that we look at national costs, and in the State of Maine, we have seen the cost from the 1980's until now, decrease in health care costs of hospitals. In the State of Maine, we have seen the costs of physician health care increase, tremendously, and I think it is time that we looked at the whole playing field if we are going to try and reduce the cost of health care. I ask you to please vote on the Majority Report.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. A couple of points before we conclude the debate this morning. I rarely find myself on the opposing side of my two colleagues, Senator Conley from Cumberland, and Senator Gill from Cumberland.

I do, however, feel that only one dimension has been shared by the good Senator from Cumberland, Senator Conley on this issue. He spoke rather convincingly of the need to assure that everyone plays by the same rules. If this Bill, in fact, achieved what I stated previously, I would probably feel otherwise. However, I think that we would all agree, those of us who serve on the Committee on Human Resources, and looked at a number of these health cost containment issues in depth, that hospital care, care provided within the setting of a hospital, is the most expensive setting. Perhaps necessarily so, but the fact of the matter is, it is the most expensive. The Federal Government, business groups, labor groups, as well as private insurers, have all taken steps over the last few years to remove the provision of health care from the hospital setting, when this can be done without compromising the quality of that care. To require non-institutional providers, i.e., doctors physicians, etc., to go through a CON, would, in fact, put them in a noncompetitive posture, relative to hospitals with respect to the abilities to devote the necessary time, money, and energy to the CON process.

The CON process is one of the most complex that I am aware of in any form of regulation within State Government. Time and cost associated with achieving a CON can be anywhere from six months to a year, or more, and the thousands, upon thousands of dollars which are expended in this area, there is no guarantee that those costs can be recovered. Unlike hospitals, individual providers cannot automatically recover those costs. It is a big question mark.

Secondly, related to the level playing field that the debate has focused on up to this point, no one has mentioned up to this point the hospital development account, something I think needs to be discussed. The extension of the CON outside hospitals would, in my estimation, be particularly unfair at this point, given the existence of the hospital development account. The account, the amount of which is determined annually by the Health Care Finance Commission, which was referenced by the



good Senator from Cumberland, Senator Conley, limits annual capital investment each year. In other words, physicians who are fortunate enough to attain a CON for equipment, would then have to compete with the states forty-two hospitals for a portion of the limited credits available in the Hospital Development Account. In at least three of the past six years, the Development Account has not been sufficient to fund even hospital projects that received CON approval. So, obviously, the pool of money which would be made available, presuming that a physician gained access through the CON process, the pool of money may be insufficient to fund the project that was requested.

I ask you once again not to create unnecessary imbalance to this process, and Mr. President, I would request a Division on the pending motion.

Senator **BOST** of Penobscot requested a Division.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a few points on the costs of health care in Maine. Per capita health care spending rose from \$870 in 1980, to \$2,200 in 1990. Maine had the fifth highest increase in per capita health care expenditures in the U.S. during the 1980's. An increase of 150%! If the status quo continues, in other words, if cost control measures like this one, L.D. 1524, are not adopted, per capita health care expenditures will rise to \$5,000 by the year 2000. Another 130% increase over where we are now!

The medical inflation rate is running at 12% per year, much higher than the cost of living inflation rate, which is at 4% per year. That is the situation into which L.D. 1524 was introduced. That is why it was introduced, to control runaway medical costs. Currently, the Health Care Financing System regulates inpatient hospital purchases of high technology equipment, but it doesn't regulate out-patient purchases of such technology. This one sided approach permits an excess capacity of technology to develop. Where there is an excess of capacity of such equipment, over use of the equipment results in higher costs passed on to consumers and businesses.

When a doctors office purchases an MRI, a Magnetic Resonance Imager, or another high-tech machine, they do a business plan for that machine, just like you were to start a new business. And how many of those tests do they have to do in order to pay for that business? How many per day, how many per week, how many in the first year, how many in the second year, how many in the third? And guess what, they often do not change that business plan, or that target number of tests after that machine is paid for. As a matter of fact, more often than not, they keep the cost per test at the same level.

I urge you to pass L.D. 1524, it is the least we can do to try and put a cap on Maine's runaway health care costs. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The difficulty in sitting here listening to this, is because a doctor from Bangor was involved in a law case that involved the Nuclear Magnetic Resonance. At that time, the state did not have the power to use the CON process to review his out of hospital purchase of an equipment that he was using his own funds to purchase. They tried at that time, two years ago, to amend the legislation to include that at that time, and subsequently, it failed.

This attempt here is going to further dilute the hospitals ability, which are already straining to work within the CON process. It is not increasing the pool, it is putting more people into the pool, it is reducing the amounts, or the times that hospitals could get CON approval process. And frankly, it is something that has already occurred, and the horses are out of the barn as far as the Nuclear Magnetic Resonance machine is in Bangor, but the fact is, that that particular firm is now moving with the hospital and going through the CON process for a Nuclear Magnetic Resonance machine at Eastern Maine Medical Center. So they are going through the process. This is not anything other than hurting the hospitals, hurting their ability to get technology, which all of us already know how delayed the CON process is, how much they carry forward, how much they constrain the hospitals, and how you are throwing a pool of physicians in with those hospitals, and it is going to seriously undermine their ability. Thank you Mr. President.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you will reject the pending motion, the Majority Report.

It is interesting sitting in this Chamber, I like to think back to previous sessions, and it is interesting today that we are talking about extending the CON to physicians, which has not been accepted by any Commission. I was on one Commission, called the Health Care Data Commission, which recommended that physicians, and everybody else put forth medical information so that we could get a handle on a lot of issues. But, you know, in the last few sessions we spent a tremendous amount of time and effort in here dealing with the problems of access to care.

The legislation and the Majority Report does very little. In fact, I think it takes a step backwards with respect to access. We know about the problems that the regulatory framework has had with respect to small hospitals. It is restricting them to death, ladies and gentlemen, we have already had small hospitals in rural parts of our state nearly close their doors, and some shut their doors. We have had problems with physicians and small communities being able to attract physicians to come up and practice because of the bureaucracy, and the red tape, and the constriction on their ability to do their chosen medical profession.

The legislation and the Majority Report today, in my estimation, is the beginning of an issue that has been around this State House for a number of years, which is to get at the physicians, and to bring that

under more control. We are not just talking about the physicians that are involved, and special kinds of medical procedures, there are individuals here that would love to have CON and more control over physicians in general practice. I believe that, and I think that many other Legislators believe that.

And we should also get at the issues of how the costs of health care are so high. Ladies and Gentlemen, we have had legislation in here, and I have been pleased, my good friend to my left, the good Senator from Cumberland, Senator Gill, has supported, and others in this Chamber, and the other Body, legislation trying to get at the problem of the high cost of medical malpractice, and frivolous law suits, and those kind of issues, and thwart reform. We have a great long distance to go on that issue. But, lets not forget that that is a real problem for physicians, ladies and gentlemen, and one which I must submit to this Body of the Senate we have not grappled with.

This, as I mentioned at the beginning, this particular legislation is packaged nice and neatly, it has got some very key kinds of provisions in it, a million dollar minimum, where we are really getting at the big doctors that are spending an enormous amount of money. But, ladies and gentlemen, many of us in this Chamber and in this Legislature know what's up. We know what is afoot here. And ladies and gentlemen, I think we have an opportunity to stop this extension and this bureaucracy. At a time when the nation is going to out-patient services to hold down the costs of health care, Maine is going in the opposite direction. I can't understand that.

I am reminded of a statement made by General Powell when they talked about the enemy and he said, "I am going to find it, get a hold of it, and I am going to kill it". Ladies and Gentlemen, I hope you kill this Bill. Thank you Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill will correct a state policy that has been discriminatory with respect to hospitals, in that it only requires the CON to look at hospitals, or for hospitals to go under the CON process, when other entities did not need a CON for the same activity. That is precisely what we are getting at here!

There has been evidence that where radiology is concerned, for instance, and Magnetic Resonance Imaging machines, in a survey of over 6,000 physicians, mostly in the northeastern parts of the United States, found that physicians who owned imaging equipment, ordered 4 to 4.5% more scans than physicians who referred the patients to hospitals. That contributes to the high costs of health care! When we look at the overall charges for radiology, we find that 4 to 4.5% of the total health care costs are because of radiology. Now that tells you something, and it is not only the Magnetic Imaging machines that we are talking about, it is putting lazars in doctor's offices where surgery can be performed with lazars. Traditionally, surgery had been performed in hospitals. We are not getting at doctors who are our family practitioners, we are

talking about physicians who want to put a \$1 million worth of equipment in their offices, and those would have to come under a CON process.

Now, it stands to reason we are here in a Budget crisis, and when a physician might purchase a piece of equipment, and have it in his office, when things are so that he has to make payments on this piece of equipment to a bank, there are only 1.2 million people in the State of Maine. It seems to me, if you have a piece of equipment in your office, that you are going to use it a little bit more than if it was in the hospital. I think it is important for us to look at that. If we are really trying to keep expensive health care costs down, I am not talking about going to your physician if you have an allergy, and seeing a doctor, and paying the bill, and getting what you need for your allergy, I am talking about a \$1 million piece of equipment in that office. I don't think that will be a hardship for anybody.

If we want to talk about the CON Development Account, the CON Development Account is adjusted by the Commission. The Commission has a set of criteria to look at in order to adjust that. I, myself, put in a piece of legislation a few years back to increase that Development Account, because I didn't think that it was acting fast enough at that point. It passed, and we got an additional amount of money in the Development Account. I think that there is ample opportunity, either through the Commission raising that account, or if you need to be, through legislation to raise that account. I think the whole concept of this even playing field is really important.

As I said before, people who know me, know I hate regulation, but if we are going to have regulation, than lets have everybody on this playing field, and under the same umbrella, so that we can look at them in unison. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to quickly respond to my colleague, the Senator from Cumberland, Senator Gill, to our west here, we have New Hampshire, and they have no bureaucracy like we have here in Maine that controls, and stifles, and constricts the access to health care services.

Just an additional bit of information that some states, and I fear that Maine is headed in that direction, are now trying to pass the many kinds of smaller kinds of state versions of socialized medicine control. Oregon passed an interesting law, which stated that individuals could only get certain kinds of medical procedures and help, and they listed about fifty or sixty procedures that were part of this basic plan. As soon as that happened, I think it was very close to the timing of the enactment and passage of that new law, an individual, a young boy, became terminally sick, which required immediate emergency medical care. And guess what ladies and gentlemen, he couldn't get it in Oregon because of the new law! A twelve year boy had to go across the state line to get the procedure to save that young child's life. There was such an outcry in Oregon as this issue unfolded, a tremendous outcry from all

interest groups, low income individuals, people that support access to health care, advocacy groups, everyone, that this boy should get medical treatment, that they helped this individual get across the line and get this procedure taken care of.

Ladies and gentlemen of the Senate, Mr. President, I would ask to Indefinitely Postpone this Bill and Accompanying Papers.

Senator **MATTHEWS** of Kennebec moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to ask a couple of quick questions from someone on the Committee. I would like to know whether doctors are regulated by this now? I was here during my second term in the other Body when we developed this bureaucracy, which I was opposed to then, and am probably more opposed to now. At the time, I always debated here in the Senate that we ought to eliminate the CON, because I don't want anymore government regulation.

To follow up on the comments made by the good Senator from Kennebec, Senator McCormick, I would only like to remind the members of this Body that those skyrocketing costs have occurred since we enacted this magical Regulation Board in the early 1980's. I would like to know, if doctors are currently required to be regulated, and if so, how does a doctor go about meeting those regulations, or are we just going to add on more government onto the free market system? I am concerned about that. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In answer to the question posed by the good Senator from Franklin, Senator Webster, doctors are not currently controlled by the system. The system has been set up to control hospitals, and hospitals costs. The answer to that would be no.

In answer to your overall concern, and obviously, you have been concerned about regulation of health care costs, and in general, government intrusion into that area since you have been here, if you have been, no way would you support this legislation, or any legislation approaching it. I would say to you, and to my colleague from Kennebec, Senator Matthews, who essentially got me to a position where I was going to have to rise again, whenever anybody compares the great State of Maine to the State of New Hampshire, and uses New Hampshire as a favorable model to follow, it always causes me concern, since I can't see anything in that state worth repeating in this state.

I would say to this Body, that this legislation is a reasonable extension of legislation which was promoted by Governor Joseph Brennan, in an attempt to get some control on hospital costs, and in an attempt

to get some control on medical costs in general! During the last campaign, it was no secret that one of the most popular commercials, and set-up commercials during the political season, were those of Neil Rolde's, which dealt with getting health care costs under control, and affordable health care. Now we have a lot of problems in our health care system, there is no doubt about that. And costs do continue to rise, but if we do not attempt to regulate it, they are going to skyrocket! They are going to go through the roof! We must regulate it. This industry must be more heavily regulated.

I would say that is why the Canadian system is doing better, and why it is being looked at as a model for our own health care system. I would suggest that this Bill, which talks about pieces of equipment that costs more than a \$1 million, is a reasonable approach in trying to figure out if this a worthwhile purchase? If somebody is going to spend a million dollars, and there might be another machine just a couple blocks away that you can go to, it doesn't matter if it is in the hospital, or a doctors office. It doesn't matter at all! It is whether or not we need the machine, that is the question. If we have too many machines, than the costs will continue to go up, there is no other way around it! For all of those reasons, we must support the Majority Report.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the good Senator from Franklin, Senator Webster, the answer to the question was only partly accurate, and I am sure it is only by innocent omission. The question as I heard it asked of the Body was whether or not physicians are already regulated. I believe that the answer was "no". Perhaps I misunderstood the good Senator from Cumberland, Senator Conley. The fact of the matter is, facilities outside of hospitals that currently provide laboratory imaging, surgical, or cardiac diagnostic services, or any other service requiring the purchase of medical equipment costing \$500,000 or more, and that it is obviously half of the amount that is targeted in this Bill, all of those purchases must meet the Charity Care Rules of the Health Care Finance Commission already in place. There are provisions already in place that govern the expenditures of physicians.

I might add, that this is by virtue of legislation that we passed in this Body last session. I would also add that in legislation that we passed last year, lest we think that this is a debate between the regulated and the unregulated, that hospitals are not permitted to obtain medical equipment for primary outpatient use without CON, i.e. circumventing the CON process, so long as they are not seeking an increase in their revenue cap that is established by Maine Health Care Finance Commission.

Again, the signers of the Minority Ought Not to Pass Report are not making a case for abolishing the CON process, or eliminating regulation, we are just making a case, hopefully a successful case, against unnecessary expansion of the current CON law. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wasn't going to rise again, but I feel that I must comment on the remarks of my colleagues from Kennebec and Franklin Counties, Senator Matthews and Senator Webster.

First of all, the word bureaucracy has been thrown around in this debate, and I don't know if you have noticed it, but the word has been elevated to the level of say, the word that President Bush elevated in the last campaign, which was liberal, or that the word in the 1970's and 1980's, which was communist. We are throwing the word bureaucracy around, but basically, what is being talked about here is, should our health care system and our health care costs be organized by someone of some entity, or should it not?

I say that the answer to that is "yes". Someone has to watch the bottom line, and that someone, as per actions of this Legislature, right now, is the current system. Some of the Senators today have complained that the current system has not held the line against cost increases. Lets have some statistics on that. First of all, Maine has kept hospital costs down to a 9% increase, whereas, overall in the country, hospital care increases were 11%. So, in fact, the system is working.

But, in answer to the complaint of the Senator from Franklin, Senator Webster, the system was established by this Legislature, and in every succeeding session, its hands have been tied by these same Body's to reduce its power to control costs. If we were to listen to my colleague from Kennebec, Senator Matthews, we would think that the only thing that is keeping Mainer's from adequate health care is a bureaucracy! Well, I beg to differ. The thing that is keeping Mainer's from adequate health care is these escalating costs! That is what is keeping Americans from adequate health care. A million Americans every year are dropping their health insurance because they cannot afford the rising rates. And we are proposing to vote against a measure that would help control health care costs? I am undone!

My last point. The greatest component of the rising health care costs right now is out-patient costs. That is what is making our health care costs go up the most, out-patient costs. That is exactly what L.D. 1524 reports to fix. The big rise, which was mentioned by Senator Webster from Franklin, the rising escalating costs of the 1980's, which he complained that the system has not been able to fix, that rise has been due to a shifting of costs from inpatient to outpatient services.

So therefore, a cost control measure like L.D. 1524 would help keep the lid on doctor's offices purchasing high technological equipment, and will help control health care costs, and help gain the access of more Mainer's to our health care system. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Thanks to my good colleague the Senator from Androscoggin, Senator Gauvreau, I got a little note, and I just want to share with the Body that the good Senator from Cumberland, Senator Conley, is a graduate of a New Hampshire College, Saint Anselm's. I am trying to figure the logic out, and I have come to the conclusion that Saint Anselm's must have been an Irishman. Thank you Mr. President.

Senator **BUSTIN** of Kennebec requested a Roll Call and subsequently withdrew her request.

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

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I had not planned to rise on this Bill, and I hate it when anyone says that, because they rise anyway. But, in any case, as I heard the discussion, I realized that when the original Certificate of Need Law went into effect, I was Chair of the Health and Institutional Services Committee. The moment that Bill came in, and it was brought to me, I said, "But where are the docks?" And what was said to me was, "We will get them later, we want to do this now". And I said, "Later will be after the horse is stolen". And ladies and gentlemen, that is exactly what is happening here today. The horse has been stolen. And what we are trying to do is close the barn door. There are still horses in that barn, so the door has to be closed. We have lost some of them, we have lost a good many of them. It has made your health care dollar go higher, and higher, not only because of that, but that is one of the places where your health dollar has gone higher.

What happens when a new piece of equipment is bought, it has to be paid for. I am not saying that if that were my son, and I lived in Oregon, and I couldn't get treatment unless I went to the next state, that I wouldn't be mad as a haddock. But, the fact of the matter is, that right here in Maine, right now, today, guess where we take our children when they get sick and we can't treat them in Maine? Right to Children's Hospital in Massachusetts. We have been doing it for years, and years, and years. And that has helped contain the costs. Sure, I want that piece of equipment, not in the local hospital, not in my local doctor's office, but right in my house with somebody there to operate it if my child is sick. But you know what? That is such an expensive system that I am never, ever going to afford that. Never, ever! And we can't even afford the system that we have set up now! We have to change it.

One of the ways that we help change that, is to put the doctors under the Certificate of Need. It has been a problem ever since we began working with this issue, it continues to be a problem, and if you don't do something about it now, it will continue to raise your health care costs. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. In the eleven years that I have been here, I don't ever remember coming in to a debate and plan to vote one way, and turning around 100% and feeling so strongly the other way.

You know, it makes sense to me, and I have listened to people who have talked about the view point, I hate the Certificate of Need idea anyway, but if the hospitals are going to have this regulation, than we ought to give it to doctors. It makes some sense, I didn't know a lot about the issue, and I listened to some of the speeches here today, and frankly, ladies and gentlemen of the Senate, the people of this state who live in rural Maine are not asking for more government. That is what this Bill does, they are not asking for more government regulation. I happen to believe in this free market system that this country was built on, it seems to me that it has worked well for 200 years and we should leave it alone.

What we ought to be doing today is eliminating the Certificate of Need, stopping this tremendous regulation on our hospitals which is causing many of the rural areas of the state not to have the kind of health care we need because of government regulation. I don't buy for a minute the argument that government can come in here and solve everything. I suggest that this Bill is a terrible idea. We ought to be repealing the Certificate of Need, we ought to get government out of our lives. So ladies and Gentlemen, I ask you to support the motion by Senator Matthews of Kennebec, to Indefinitely Postpone. Thank you.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. If I understand the good Senator from Franklin correctly, apparently he was going to vote with the good Senator from Cumberland, Senator Gill, and myself, in favor of this piece of legislation. I am very happy to have a chance to rise to my feet to bring him back to his senses to let him remember what it is that he truly believes in. Obviously, I know him better than he knows himself at times, and it is nice that he has had a chance to get back in touch with his feelings about government. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator MATTHEWS of Kennebec to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE.

A Division has been requested.

Will all those in favor of the motion by Senator MATTHEWS of Kennebec to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, please rise and remain standing in their places until counted.

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

12 Senators having voted in the affirmative and 18 Senator having voted in the negative, the motion of Senator MATTHEWS of Kennebec to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, please rise in their places and remain standing until counted.

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

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator CONLEY of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-349) READ and ADOPTED, in concurrence.

House Amendment "A" (H-431) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator BRANNIGAN for the Committee on HOUSING AND ECONOMIC DEVELOPMENT Bill "An Act to Amend and Extend the Fuel Assistance Reserve Fund"  
S.P. 703 L.D. 1874

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Ought to Pass

Senator RICH for the Committee on BUSINESS LEGISLATION on Bill "An Act Concerning Acquisition of Heating Oil Assets"

S.P. 701 L.D. 1869

Reported that the same Ought to Pass.

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

The Bill **READ ONCE**.

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

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**Ought to Pass As Amended**

Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Health Insurance for Retired Teachers"

S.P. 541 L.D. 1439

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-216)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-216) **READ** and **ADOPTED**.

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

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Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Revise the Laws Governing Banking Institutions"

S.P. 608 L.D. 1612

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-215)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-215) **READ** and **ADOPTED**.

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

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Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years"

S.P. 453 L.D. 1229

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-214)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-214) **READ** and **ADOPTED**.

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

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Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment"

S.P. 386 L.D. 1063

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-218)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-218) **READ** and **ADOPTED**.

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

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Off Record Remarks

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Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Assist Municipalities to Design Growth Management Strategies That Are Compatible with Rural Landscapes"

S.P. 646 L.D. 1691

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-219)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-219) **READ** and **ADOPTED**.

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

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Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Bill "An Act to Allow for a Trailer Transit License"

S.P. 303 L.D. 812

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-213)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

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

Bill "An Act to Increase the Collection of Child Support Payments"

H.P. 800 L.D. 1146  
(C "A" H-342)

Bill "An Act Concerning Witnesses and the Integrity of the Judicial Process"

H.P. 853 L.D. 1219  
(C "A" H-334)

Bill "An Act Concerning the Packaging of Soymilk"

H.P. 870 L.D. 1256  
(C "A" H-341)

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1991-92" (Emergency)

H.P. 933 L.D. 1353  
(C "A" H-344)

Bill "An Act to Clarify the Role of the Maine Youth Center"

H.P. 1161 L.D. 1702  
(C "A" H-348)

Bill "An Act Concerning Tax Anticipation Notes for Fiscal Year 1991-92 and the Maine Rainy Day Fund" (Emergency)

H.P. 1301 L.D. 1882  
(H "A" H-377)

Off Record Remarks

**SECOND READERS**

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

**House**

Bill "An Act Relating to Tax Refund Anticipation Loan Disclosures"

H.P. 1246 L.D. 1813

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

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

**House As Amended**

Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension"

H.P. 71 L.D. 99  
(C "A" H-279)

Bill "An Act to Protect Retail Sales Employees"

H.P. 352 L.D. 482  
(C "A" H-325)

Bill "An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft"

H.P. 441 L.D. 624  
(H "A" H-372 to C "A" H-330)

Bill "An Act Concerning Unemployment Benefits During Lockouts"

H.P. 649 L.D. 923  
(C "A" H-326)

Bill "An Act to Protect the Rights of Independent Sales Representatives after Termination of Their Contracts"

H.P. 764 L.D. 1098  
(C "A" H-347)

Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (Emergency)

H.P. 56 L.D. 77  
(C "A" H-339)

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act to Prohibit the Installation of Electric Heating Systems"

H.P. 271 L.D. 391

Which was **READ A SECOND TIME**.

On motion by Senator **CLEVELAND** of Androscoggin, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Encourage Electric Utility Efficiency and Economical Electric Rates"

S.P. 196 L.D. 505  
(C "A" S-203)

Bill "An Act to Amend the Fair Credit Reporting Laws"

S.P. 203 L.D. 530  
(C "A" S-199)

Bill "An Act to Establish a Northern Maine Regional Juvenile Detention Facility"

S.P. 329 L.D. 885  
(C "A" S-201)

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco

S.P. 349 L.D. 951  
(C "A" S-200)

Bill "An Act to Amend the Disability Provisions of the Maine State Retirement System Laws"

S.P. 411 L.D. 1125  
(C "A" S-204)

Bill "An Act to Improve the Administration of the Engineering Registration Laws"

S.P. 596 L.D. 1581  
(C "A" S-197)

Bill "An Act to Amend the Laws Governing Warning Notices Posted by Sellers of Firearms at Trade Shows"

S.P. 601 L.D. 1605  
(C "A" S-198)

Bill "An Act to Encourage Waste Reduction and Recycling"

S.P. 613 L.D. 1617  
(C "A" S-210)

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

Sent down for concurrence.

Resolve, to Establish the Commission on Electric Utilities and Long-range Energy Production Planning (Emergency)

S.P. 292 L.D. 774  
(C "A" S-205)

Which was **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-205).

On further motion by same Senator, Senate Amendment "A" (S-220) to Committee Amendment "A" (S-205) **READ** and **ADOPTED**.

Committee Amendment "A" (S-205) as Amended by Senate Amendment "A" (S-220) thereto, **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

**ENACTORS**

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

An Act to Provide an Expedited Process for the Commencement of Paternity Actions

S.P. 310 L.D. 819  
(C "A" S-87; H "A" H-340)

An Act to Encourage Recycling of Waste Oil

H.P. 658 L.D. 937  
(C "A" H-191; H "A" H-309)

An Act to Exempt Certain Persons from the Counselors Licensure Laws

S.P. 357 L.D. 959  
(C "A" S-140)

An Act Concerning Credit Card Surcharges

H.P. 829 L.D. 1195  
(C "A" H-282)

An Act to Clarify the Landlord's Handling of Abandoned Property

H.P. 873 L.D. 1259  
(C "A" H-274)



An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate Probation at a Time Earlier Than That Provided for in the Sentence

H.P. 878 L.D. 1269  
(H "A" H-337 to C  
"A" H-207)

An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters

H.P. 893 L.D. 1290  
(C "A" H-267)

An Act to Improve the Smoke Detector Laws

H.P. 897 L.D. 1294  
(C "A" H-275)

An Act to Increase the Late Fee for Dog Licenses

H.P. 932 L.D. 1352  
(C "A" H-272)

An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A

H.P. 1053 L.D. 1542

An Act to Make Maine Milk Laws Conform to Federal Laws

H.P. 1060 L.D. 1549  
(C "A" H-271)

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

An Act to Encourage the Development of Air Transportation Service to Small Communities

H.P. 602 L.D. 862  
(C "A" H-269)

On motion by Senator **PEARSON** of Penobscot, was placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend Certain Commercial Motor Vehicle Laws

H.P. 636 L.D. 906  
(C "A" H-268)

On motion by Senator **MILLS** of Oxford, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State

H.P. 875 L.D. 1261  
(C "A" H-273)

On motion by Senator **PEARSON** of Penobscot, was placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System

H.P. 1084 L.D. 1578

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT**.

An Act to Enhance the Filing of Documents in the Registry of Deeds

H.P. 95 L.D. 136  
(H "A" H-286 to C  
"A" H-229)

Comes from the House Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Which was **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

**Resolve**

Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights

H.P. 776 L.D. 1108  
(C "A" H-278)

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

Off Record Remarks

**RECALLED FROM THE GOVERNOR'S DESK**

**Emergency**

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

Senator **CLARK:** Mr. President, is the Senate in position of L.D. 999?

**THE PRESIDENT:** The Chair would answer in the affirmative the Bill having been recalled from the Governor's Desk.

An Act to Establish the Maine Primary Care Residency Training Assistance Program  
S.P. 374 L.D. 999  
(C "A" S-106)

(In Senate, May 16, 1991, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 717, in concurrence.)

On motion by Senator **CLARK** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, Tabled Unassigned pending **ENACTMENT**.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Specially Assigned matter:

**HOUSE REPORTS** - the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend the Spent Fuel and High-level Radioactive Waste Requirements"  
H.P. 369 L.D. 523

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-343)**

Tabled - May 23, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 23, 1991, Reports **READ**.)

(In House, May 22, 1991, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **TITCOMB** of Cumberland moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 523, I am sure you have all been talking about it with at least one person here in the Chamber, today. L.D. 523, I believe, raises some critically important issues, be in pro-nuclear or anti-nuclear, in your mind, these issues must be raised, and I think now is the time to raise them. The first is how do we deal with the high-level nuclear waste that is stockpiled at Maine Yankee? The pool at Maine Yankee is already eight times the capacity it was designed to serve. The question that we as Senators have to address is, where do we go from here in responsible storage and operation of our nuclear power facility?

If the Federal Government has not taken the responsible route of finding a responsible disposal program, if the spent fuel pools that are currently racked, and reracked, ultimately reach the brim, and if, and only if Maine Yankee has made no other storage provisions, the question is, what do we do? Do we allow the plant to further rerack beyond the safety point? L.D. 523 raises a question about that very issue. L.D. 523 asserts that the Public Utilities is to conduct a study to determine when the plant will exhaust all storage capacity. They will determine a date. Three years before that date, they will require Maine Yankee to demonstrate that it has made further provisions for the storage of the waste that it is producing. That can be done through a Federal facility, if it is ready, or it can go so far to be above ground in dry cast storage, which is readily available. If Maine Yankee cannot demonstrate that they have done something appropriate, then they lose their right to operate, then after the date that it is determined they will reach the top of the pool.

Call it anything you choose, I have it called a Close Maine Yankee Plan. I don't buy that, I think that is the easy way out, I think that buys into the old "Sacred Cow" mentality. I think it deserves a very clear looking at. What it really is, is accountability. No business of any kind should operate in Maine without accountability. This Minority Report creates that accountability, and it also pushes the Federal Government's buttons to get off the dime, and produce a quality disposal plan.

The second part of this report requires an updated cost assessment of the plants operation, if it has made appropriate disposal plans. It will look at the cost of this disposal in conjunction with all other operating costs that will be borne by Maine rate payers. The State Law now dictates that our power sources must be those of least cost. If the plant is cost effective compared to other available power options, it stays open. If it cannot compete financially, it either closes, or sells its power out-of-state. This is called simple, economic accountability to Maine people.

I have heard much discussion from business interest this year concerning the need for economic impact studies. Well, here it is. An opportunity to understand clearly what power costs least. The first part of the Bill holds the nuclear plant accountable for its waste and its cost. If they can demonstrate

their ability to operate affordably, then there is no concern. If they cannot, then we will seek other available energy options for Maine people. If the cheap power picture painted by nuclear proponents is indeed true, I would expect this Bill would simply prove their case. If it is not, the people of Maine deserve to know. After all, it is the people of Maine who pay the monthly power bills. Incidentally, the Attorney General's Office has determined that this case is defensible in court.

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Off Record Remarks

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Trying to simplify this particular issue so that it can be sure, concise, and accurate, is a job which I have been trying to grapple with, and I will try to do my best, because I know that there are a lot of issues before us today.

This issue was discussed and debated back in 1983, and a law was passed. It was subsequently ruled unconstitutional by the Maine Superior Court, and the State of Maine, and all parties involved signed an agreement saying basically to that effect. A Bill was introduced to the Committee that would have basically closed down Maine Yankee, and on its face, it didn't meet the straight face test. At the request of the Legislature, the Attorney General's Office was involved in trying to draft something that would meet the Constitutional constraints, and it was upon the request of the Legislature that that was done. This isn't being proposed by the Attorney General, it was done by a legislative request. The very simple line on page three, where it states in the Amendment, "It shall further determine whether these costs are the most economical costs for the state", it would close down Maine Yankee, because in reviewing all of the costs, it would be the cost of the paid for hydro facilities that would be more economical. Maine Yankee wouldn't be able to meet that test, and it would, if this theoretically passed, and was Constitutional, would close down Maine Yankee.

The citizens of Maine have voted three times on Maine Yankee. They have voted to keep it open. It is their wish. If legislatively we are trying to close it down, than you should pass this amendment in the Minority of the Committee on Energy and Natural Resources Report, which was to basically close down Maine Yankee. The issue before us today, I believe, is one that we do not have the domain to be involved with high-level spent nuclear fuel rods at Maine Yankee. It was ruled unconstitutional. There are three Supreme Court cases, and one Federal Act that preempts us. We have been paying in our electric bills so that the Department of Energy has taken ownership over that particular issue, and courts have already ruled.

This is a tremendous waste of time, and a slap in the face of the people of Maine that have already voted on this particular issue. Mr. President, I would appreciate a Division on this motion, and would request that the Senate support the Majority Ought Not To Pass Report. Thank you.

Senator **BALDACCI** of Penobscot requested a Division.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to support the position of the Senate Chair of the Energy and Natural Resources Committee, the Senator from Cumberland, Senator Titcomb. I applaud the focus on the costs of disposing of high-level nuclear waste.

Supposedly, Maine Yankee offers extremely inexpensive electricity. But, of course, that is a fallacy, because the true cost of disposing, particularly of the high-level nuclear waste, has not been considered appropriately. Not at all! Once again, I remind you that there is not a single High-level Nuclear Waste Disposal Facility any place in the world! Any place in the entire world! And the United States, of course, depends much more on nuclear fuel to generate electricity than any other nation in the world, although our percentage of that source is less.

Most of the nuclear power plants in the world are concentrated on the East Coast of the United States, beginning here in Maine. In fact, the Federal Government, in recent years, has suggested even having a Nuclear Power Plant Park in Maine. Of course it is ludicrous, especially considering the fact that this nation, nor other nations, have not appropriately taken care of that radio active waste which is dangerous for thousands of years. What a legacy to leave future generations! It is absolutely insane, of course!

But, I do applaud the Senator from Cumberland, Senator Titcomb, for doing what we can do under Federal Law, in which there is some preemption, and that is primarily focusing on the fiscal and financial aspect of that whole issue, that portion which has been so ignored. I would like to point out to my seatmate and others in this room, that there are alternatives to just simply overfilling the swimming pool like facility that houses that most dangerous of spent fuel rods while they cool and decay. And what could be done legally, would be to allow some of our fellow utilities on the East Coast that share this past desire to focus, and to largely allow the proliferation of nuclear power plants, they could take some of our spent fuel for storage in their swimming pool like facilities. And of course, we have so much interlocking ownership that this is a reality, and it is likely. Thank goodness, Maine utilities finally got out of their ownership of Seabrook, but the Seabrook swimming pool for its spent fuel could be made available because of the interlocking ownership in which some of those owners still own parts of Maine Yankee. Also, the Federal Government could offer to take some of that spent fuel and even dry store it.

So there are options, and I do applaud this focus on the financial aspects, those aspects that have been so ignored. I urge you to support the pending motion.

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Off Record Remarks

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

**Senator TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going to belabor this issue beyond just a final statement today. But you know, it has been very interesting, not that I have been involved over the last forty years, but it has been very interesting to see that whenever the issue of talking about the real substance of the nuclear question comes up, we always say that this is a close Maine Yankee issue. This is not a close Maine Yankee issue. You know, it is kind of like, if you can cut the mustard, than there is no problem. If you can't, than maybe there is a problem. First of all, the handy cover-up of don't talk about this "Sacred Cow". Don't ask any of the questions that need to be asked. Don't ask what it is going to cost. Don't ask why the liability of the industry is being subsidized by us through our tax dollars. We never hear about that! Certainly, don't ask the people from Cornville that came up here what the real cost is of disposing of low-level waste. Don't ask what the cost of dealing with high-level waste is. Granted, the Federal Government has botched this whole plan from one end of this country to the other. We now have a problem where all of the plans that they have put into place have backfired on them because they weren't up front with us in the beginning. So don't ask these questions, because it looks like you are going to close Maine Yankee.

Well, that is not the facts. The State of Maine, or any other state is not entitled to regulate their nuclear power facilities on health and safety. Basically, that is a Federal Law. But, we do have a right to ask the appropriate questions on the economics of running that plant. We have that right! We certainly have it when we are dealing with any other facility in the state, and under Federal Law, we are given the opportunity to do that at Maine Yankee. We are simply saying, that if you cannot deal with your waste in an affordable way, and that the people of Maine can afford to pay, first of all, we have a right to know it, because we have never known the true costs of nuclear. We have never known them! And it appears that we may not even know them here! We certainly have that right. If we can throw the whole nuclear picture into the mix, and say, "What is most affordable, has a right to continue, and what does not"? That is not a closed Maine Yankee issue, unless of course, Maine Yankee does not think that it can cut the mustard. And I guess that is the challenge that I see before us. The Maine people have the right to know.

Don't anyone in this Chamber, or any other Chamber, ever tell me that during the educational campaign of whether or not we were going to close Maine Yankee, the people of this state ever heard anything from the facility about the costs associated with doing business. They didn't hear about the nearly \$20 million turbines. They didn't hear about high-level/low-level waste. Not from Maine Yankee! Maybe it is time to talk about these things. Whether you are anti-nuclear or pro-nuclear, at least what we can do for the rate payers in this state is lay the cards on the table. Let them make decisions based on the facts and on the truth. And frankly, I don't think that they have gotten that truth. I don't think anyone has put it together, because we have never hit Public Utilities. Look at it! I believe that in this economy, everyone calling for economic impact studies, certainly, this is a reasonable approach to take in our responsibility to the rate payers of Maine. I don't think that this is too much out in left field, and it is going the wrong way. I think accountability has become the trend of this decade. I certainly hope that you will go with the Minority Ought To Pass As Amended Report.

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

**Senator BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think it is important to point out that nuclear power and nuclear waste was not an issue that we were dealing with, it was not an issue that was before the Committee. The issue was, were we going to pass a Bill that was going to be contested in courts, and ultimately thrown out because it was being preempted by the Federal Government? I submit to you that there are much cheaper ways to send a message to Washington such as Western Union, instead of using the legal power and Budget of the State of Maine, to defend itself in a case that has no merit.

There were four different sitings. There was Pacific Gas and Electric that dealt with motive and intent. There was English versus General Electric that dealt with the effect of legislation. Whether it was passed with the best of intent on economic reasons, but its ultimate effect was to close down the facility, or have it stop operating. It was preempted, it was ruled unconstitutional by the United States Supreme Court. The reason that they are having problems siting the high-level nuclear waste dump, is because they were taken to court by the State of Nevada, because they weren't getting any easements in the right-of-way, and United States Supreme Court ruled last week that the State of Nevada was preempted when it dealt with the high-level Federal Nuclear Waste issue.

What is being proposed here, Mr. President, and members of the Senate, is a salvo to the nuclear industry to suddenly have the ratepayers pay for the defense, and the Superior, and the Supreme, and the United States District Court, and the United States Supreme Court defend the fact that they are preempted. The State of Maine is preempted under this law by the Federal Government. If the waste is such a concern by the proponents of this legislation, why isn't there anything in this legislation to deal with high-level waste? What happens when you stop a facility from generating power, and there are pools

of nuclear spent fuel rods sitting there, what does this legislation do about those spent fuel rods? What does this legislation address about waste? What happens to that waste? It is right there! Nothing happens to that waste! If that is the concern, why isn't there something in this amendment that tells us what is going to happen to that waste? It only gives an economic test to Maine Yankee to say that basically, if it is not the least costly power, then it has to close down. I submit to you on both legal grounds, not including the contracts that Maine Yankee has being a wholesaler of power to other entities outside of the state, that they would be violating the contract clause of the United States Supreme Court, and I, frankly, not being an attorney, but I tell you, I have never had as many legal precedences established when it came to this particular issue.

We were there, I chaired the Committee on Utilities in 1983, we passed a spent fuel legislation then, it was ruled and advised unconstitutional by the Attorney Generals Office, and it was just this past March agreed to by the state that it was unconstitutional. This is another attempt to have a eight or nine year legal process established when the state, in effect, does not have the jurisdiction. So I would not ask you to waste the state's time and money on this type of legislation, because it is not addressing their concerns of waste, and it is not legal in the eyes of the Federal Government. Thank you Mr. President.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have not been involved in this legislation until this point, but there are some issues that I feel that I must rise on and correct any impression left by a previous speaker.

Number one is, I wanted to make it absolutely clear that the reason we have no high-level nuclear waste repository, a permanent disposal repository any place in the world, is not because of legal barriers, it is because of technical barriers. For generations, and generations, and generations after that come in the future, we want to protect those people from this terrible danger that we have unleashed, and because we need natural barriers to do that, because you simply can't engineer into geological time that degree, we have simply, technically, not yet been able to identify such natural geological barriers. That is the problem, not legal barriers.

Second, we have many times in the past, in Maine, enacted a law which effects nuclear power plants in some way, and all those laws have been upheld, and they are economic. As an example, they have to do with enacting laws regarding our utilities in Maine Utilities that are partial owners of Maine Yankee, and also for siting a nuclear power plant. We have many such laws on the books. Fortunately, beginning in 1983, we even required our utilities, who had in the past been able without regulation to purchase portions of out-of-state nuclear power facilities to even get approval of that from our Maine Public Utilities Commission, and that has not even been suggested. It could be successfully challenged.

Once again, I applaud what the minority of the members of the Energy and Natural Resources Committee have done, and I hope that we do enact this legislation.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Would the Secretary please read the Report?

Which Reports were **READ.**

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **TITCOMB** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

A Division has been requested.

Will all those in favor of the motion by Senator **TITCOMB** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **TITCOMB** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **FAILED.**

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Create a Semipermanent Semitrailer Registration" (Emergency)  
 H.P. 765 L.D. 1099  
 (C "A" H-306)

Tabled - May 23, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 23, 1991, **READ A SECOND TIME.**)

(In House, May 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306).**)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Chair laid before the Senate the Tabled and Specially Assigned matter:

**Emergency**

An Act to Appropriate Funds for the Save Loring Committee

H.P. 1239 L.D. 1805

Tabled - May 23, 1991, by Senator **DUTREMBLE** of York.

Pending - **ENACTMENT**

(In Senate, May 16, 1991, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 22, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Reduce Littering"

H.P. 909 L.D. 1306

Tabled - May 23, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**

(In Senate, May 23, 1991, **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. Bill **READ ONCE**.)

(In House, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.)

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

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you will reconsider this motion that is pending before us to Indefinitely Postpone a Bill that basically is an environmental issue. It is one that says that anyone intentionally, and that is the key word to the Bill, intentionally releases the balloon into the atmosphere, that there shall be penalties.

We all know the repercussions of what happens when these balloons return to earth after they have exploded in the atmosphere. We have seen this in our Coastal Clean-up Week as we have gone along the shore to do the pick-ups in the spring. So, I suggest to you that it is a very important Bill, it was one that was of great interest to Fred Nutter, on Channel 6 News when he was objecting to this Bill, and he gave it a thorough thrashing. He received eighty telephone calls that were completely of opposing

views to him, and many of them were from children. It is my understanding, if it has not already happened, that a group of children are preparing a rebuttal to his editorial that should be viewed, if it has not already gone through. So, I do hope that we will keep this Bill alive, and not allow it to be postponed. I ask for a Division, please.

Senator **HOLLOWAY** of Lincoln requested a Division.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise because I think it is important that a few issues be explained on this particular matter. This Bill had received a unanimous Ought To Pass Report out of the Committee on Energy and Natural Resources, when in fact, it was not a unanimous Report.

The good Senator from Aroostook, Senator Ludwig and myself, were not in favor of this Bill as it is drafted. It prohibits any outdoor release of a helium filled balloon, and adds a \$25 civil penalty, with exemptions of meteorological and scientific experiments, or under the direction of government agencies.

Mr. President, and members of the Senate, there was no evidence, whatsoever, in the Committee, to suggest that there was a problem with balloons being released into the atmosphere after coming down, or sea turtles, or sea mammals having a problem. There were studies that were done by a Florida researcher who determined that there was a possibility in the digestive track of sea turtles, that because their digestive track takes longer for the balloon to go through, that it might cause them to have heartburn. Then there were also studies to determine that they wouldn't have a problem. You have to remember in the seriousness of the economic issues that the state faces, to have us worried about whether any children in Portland or north are going to be releasing any balloons intentionally, and then proving intent in a court of law, I think is wasting a lot of time for the state.

The real hypocrisy of all of this is that the children that came down, came down from Wiscasset. The school program with the teachers involved, were on this program of collecting the balloons, and seeing that no animals ingest them. But they have this tremendous nuclear power plant, and these big transformers in their back yard. That to me seemed to be the biggest hypocrisy, when they are concerned about the release of a helium balloon in a generation of high-level/low-level nuclear waste, they have burned out transformers right in their back yard! I would hope, Mr. President, that we would Indefinitely Postpone this Bill and all accompanying Papers, and that our matters of state move forward. Thank you Mr. President.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Penobscot, Senator Baldacci, does speak from both sides of the issue. First we are pro, and we are

con, pending what the issue is. And it all evolves around that nuclear power plant in Wiscasset.

I stand before you as the Senator from Senate District 26, just before noon time today, who has received well over one hundred calls on this trivial little measure which doesn't merit the attention, if we are to listen to the remarks this morning of the distinguished Senators from Maine.

The fact of the matter is, if one is in the balloon business, and some of us are, particularly, during campaign time, one knows that when one buys ones balloons today, that are preplugged. Those preplugs are heavy plastic plugs in the end of the neck of the balloon. The newest version of them have a piece that extends beyond the neck of the balloon, almost one full inch, to which is attached either ribbon or a piece of string. That is the newest version of the balloons. I don't, frankly, know many people today who purchase large numbers of balloons that are not already preplugged, because it takes a lot of time, as well as effort, and it is not terribly effective, to have to make the tie at the end of the balloon, because you first have to knot it and you have to tie it on the string or the ribbon.

The fact of the matter is, that there is an amendment floating around somewhere in this Chamber that would amend the Bill before us, so that the numbers in the omission, I think, would be somewhere between 20 and 25. Organizations, for example, the Business and Professional Womens Club in the Brunswick area, would no longer be able to release 50 balloons in celebration of Business and Professional Womens Week in Maine. Those 50 balloons were released at the Daniel Stone Inn in the dark one evening, and it was fun! It was a wonderful occasion to watch them rush off into the darkness, landing we know not where. But, wherever they land, they have to be picked up, and after every campaign season, I receive, without exception, two or three letters, and sometimes there is an enclosure in the letters, and usually, it is one of my balloons that has been released, unintentionally, by either a zealous campaign worker, or a recipient, frequently, a young person.

This Bill focuses on the release of masses of balloons, all preplugged. They do impact on the debris that we allow to fall intentionally on this earth. They fill trees, just like they did at the South Freeport Church last August, when in order to draw attention to the South Freeport Church Fair, which is a money raising proposition, we released 50, multi-colored balloons. Unfortunately, the wind was in the wrong direction, and the balloons all landed in the maple tree. Most of them are still there, even though there are the good intentions of some not so nimble men and women who say that one of these days they are going to climb up and remove them. But, they have all pledged to remove them before the South Freeport Fair this year in August.

It is on the face of it, perhaps not the most serious issue that is to come before us this session, but, it is important to the people who asked that it be processed through this Legislature. It does have measurable impact on the debris, calculable, that is picked up in the coastal clean-up, and it is documented by, if none other, than my testimony, that

these balloons do fall to earth someplace, and many times, and most of us don't know how many times, they are ingested. And just like the cans and bottles that used to litter our highway, these take years and years before they revert to their natural ingredients. Some of them, perhaps, not within ten thousand years, if those plastic plugs are not biodegradable like our new plastic rings holding our famous six packs.

I don't wish to belabor this point, but I do wish that this Senate would seriously consider, this morning, defeating the pending motion and allowing the Senator who has an amendment to tender it. It is important not only because it does reflect the constituents in her District, but it is also important because it reflects the constituents in my District, that we make this Bill at least in its best form before we ultimately dispose of it, either positively or negatively. Certainly, we can extend that courtesy. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought I would stand up before this ballooned into something much larger than we want it to.

I had the pleasant experience this past weekend to be on my boat on the Saco River, parked at the dock there, and low and behold, caught between one of the boats there on the dock was a sea turtle. We released it, and pulled it up on the dock, it was a big, big sea turtle. I guess they hadn't seen anything like that in that area for 20 or 30 years. So I immediately looked up to the sky to make sure that there weren't any balloons coming down, so that we could protect this sea turtle.

I am going to support the Indefinite Postponement of this Bill, simply because I really believe that we could start over legislating in this Body. I just can't remember in my lifetime, walking around and seeing a balloon on the ground, or maybe I have and just haven't noticed it, or maybe they have already been eaten up. But, I just don't think that there is a problem there, and we could really get into a problem that we could over legislate, and get ourselves in a situation where a few years down the road we continue to say, "Why did we do that"? So, until I see a big problem, or somebody can show me where animal's menus include all these balloons, I am going to oppose this Bill, and Bills like this.

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

Senator **BALDACCII:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to clarify a point, because it was eluded by the good leader that I was speaking out of both sides of my mouth on this particular matter, having just debated the high-level nuclear waste issue, and I just want to assure the good leader and the members of the Senate, that the issue for me with the high-level nuclear waste, was a very legal issue, and was not the nuclear waste issue itself.

The issue with this particular matter, is the fact that we can do something about this, we can Indefinitely Postpone this Bill and all accompanying Papers. I have a report from Steve Campbell that was in this Sunday's Portland paper. It was on the clean-up of Maine's beaches, and it said, "Where would you go to find the kitchen sink, twenty bottles of cough syrup, a plastic bottle containing a postcard from a Russian sailor, and lots of underwear? Try Maine beaches." I read this entire article, there was not one reference to balloon fragments. They found over 18,000 cigarette filters, 12,000 glass pieces, 9,000 foam plastic pieces, and 8,000 pieces of plastic ropes. The list goes on. Then it also says they found wild life, including a dead horse, a dog, a cat, a baby dolphin, a porcupine, deer, and 41 seagulls. They also picked up a side rear view mirror out of a car, a keg of beer, a remote control rocket, a rubber eyeball, two short gun cartridges, a bathrobe, a motor cycle, 5 grocery carts, 8 surf boards, but, Mr. President, there were no balloons!

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

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to rebut the good Senator's statement, here I have a center of the Marine Conservation article, and it is telling me that they found the number of balloons in 1988 were 305, in 1989, it was 536, and in 1990, there were 642, and this was only on a very small portion, like a hundred miles of the Maine coast, when we actually have 3,000 miles of coastline. So in 100 miles, that was the number. I think people had better read some of the conservation reports. Thank you.

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Off-Record Remarks

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Baldacci, if he inquired to whether the contents of the stomach of any of those animals perhaps contained some balloons?

**THE PRESIDENT:** The Senator from Androscoggin, Senator Cleveland, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to answer the question of the good Senator from Androscoggin, Senator Cleveland, and point out that to my knowledge, no, it did not. And I would also remind the Senator that there are ways of transferring drugs through a balloon which you can ingest, and then digest later in another location, so it does pass through. The only problem that we have is the heartburn with the sea turtles.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To add to the response to the good Senator from Penobscot, Senator Baldacci, I would say that if the balloons are not being found, and clearly, we all know that balloons are being released, if they are not being found, than perhaps they have all been eaten, or perhaps they are waiting to be eaten. So, I think there is an issue to be made on both sides.

More seriously, we very often do not empower people to make changes when they recognize that changes need to be made. And clearly, this issue has become one that young children have recognized from their prospective as a problem. Obviously, those young children, as well as we, do not have a control, or a handle on protecting our environment, or our health from Maine Yankee. Very clearly this morning, even the issue of economics was one that was rejected. We don't even have a handle on that.

But this is an issue that young children have felt empowered about. They have felt that in some way they could make a change by speaking out and raising their concerns, that we might address that balloons are a concern they themselves have studied and looked at, and I am sure would debate with the good Senator from Penobscot, Senator Baldacci, as to what might have been inside those animals bellies.

I think we all live with indigestion just serving in this Legislature, and indigestion is par for the course, but it has been found more than that. One of the individuals who did not officially testify, that I did speak to in the hall outside our Committee Room, was a young woman from Florida who had worked at Sea World. She concurred that, in fact, there was a good deal of information that many animals that had been found dead, and many animals that had required medical treatment at their facility, had been there because of ingestion of balloons.

Although it has become kind of a humorous issue, frankly, I think I saw Committee members running out of the room when we were getting ready to vote, because it is a serious issue, and it is one that the press would raise havoc with, but, I think it is one that is serious enough, certainly, to look at an amendment that would entertain setting a limit. If someone releases more than 20 or 25 balloons, what they are doing is basically littering into the air, and you know that what goes up into the environment is going to come down, and it is going to land somewhere. If we are not finding it on the beach, maybe some animal ate it, and maybe we will find a carcass next time.

I would ask you to consider an amendment. If we do support this motion to Indefinitely Postpone, we will not have the opportunity to entertain at least some modification of the very hard stand that was originally taken on this Bill.

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



Senator **BALDACCI**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason why any amendment on this particular matter doesn't make sense is, that when you release 18, 20, 30, or 50 balloons, how do you know how many of them are up in the air? The problem is, you could never do it. You would have to sit there and count how many balloons, and then you have to prove that it was willful, and then you take them into court for a \$25 fine. That is the problem with determining a number of balloons. That is even more ludicrous. It just doesn't help the matter, so I would hope that we would support the pending motion. Thank you Mr. President.

**THE PRESIDENT**: The pending motion before the Senate is the motion by Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws"

S.P. 443 L.D. 1187

Tabled - May 23, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 8, 1991, **READ A SECOND TIME**.)

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-186) **READ**.

**THE PRESIDENT**: The Chair recognizes that same Senator.

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment has the unanimous approval of the Joint Standing Committee on Aging, Veterans, and Retirement, and the amendment is not intended to express any legislative intent with regard to the definition of "day"

currently used in the Retirement System. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-186) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

**Emergency**

An Act to Prohibit the Charging of Rent in Advance by Landlords

H.P. 370 L.D. 524  
(C "A" H-245)

Tabled - May 23, 1991, by Senator **DUTREMBLE** of York.

Pending - Motion by Senator **BOST** of Penobscot to **SUSPEND THE RULES** (Division Requested)

(In Senate, May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245)**, in concurrence.)

(In House, May 20, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

Senate at Ease

Senate called to order by the President.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **SUSPEND THE RULES**.

A Division has been requested.

Will all those in favor of the motion by Senator **BOST** of Penobscot to **SUSPEND THE RULES**, please rise and remain standing in their places until counted.

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

19 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion of Senator **BOST** of Penobscot to **SUSPEND THE RULES**, **FAILED**.

**THE PRESIDENT**: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I move that this Bill be Passed To Be Enacted, and I hope that you all vote against the motion which is an Emergency.

On motion by Senator **DUTREMBLE** of York, Tabled Unassigned, pending **ENACTMENT**.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy"

H.P. 486 L.D. 680

Tabled - May 23, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE** (Roll Call Ordered)

(In Senate, May 23, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. Bill **READ ONCE**.)

(In House, May 16, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-224).)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE** (Roll Call Ordered).

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

**ORDERS**

**Joint Resolution**

On motion by Senator **CLARK** of Cumberland (Cosponsored by: Senator **CAHILL** of Sagadahoc, Representative **CLARK** of Brunswick, Representative **WHITCOMB** of Waldo) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:  
S.P. 719

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE WOMEN'S HEALTH EQUITY ACT OF 1991**

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Women's Health Equity Act of 1991 is now pending before the Congress; and

WHEREAS, the Women's Health Equity Act of 1991 incorporates 22 proposals to improve women's health care and contains provisions that address current deficiencies in women's health care in the 3 critical areas of research, services and prevention; and

WHEREAS, that legislation would provide funding for a number of initiatives designed to end discrimination in health research, expand quality care and treatment and promote the prevention of health problems; and

WHEREAS, this Legislature has long demonstrated its commitment to preventative health programs, such as cancer screening, family planning services and mandated insurance coverage for mammograms; and

WHEREAS, this Legislature supports access to reproductive health services to all individuals and the right to choose reproductive health care options; and

WHEREAS, there is a critical need in Maine for the services which would be made available by the Act, as evidenced by a cervical cancer rate that is the highest in the nation; by a teen pregnancy rate that is among the 10 highest in the nation; and by the thousands of Maine women affected by infertility, osteoporosis, breast and ovarian cancer and other diseases suffered primarily by women; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact the Women's Health Equity Act of 1991; 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 Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

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

Sent down for concurrence.

**Off Record Remarks**

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Create the Maine Economic Recovery Trust" (Emergency)

H.P. 1320 L.D. 1906

Committee on **HOUSING AND ECONOMIC DEVELOPMENT**  
suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on  
**TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION**  
and **ORDERED PRINTED**, in concurrence.

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Off Record Remarks

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On motion by Senator **MILLS** of Oxford, **ADJOURNED**  
until Thursday, May 30, 1991, at 4:00 in the  
afternoon.