

# 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

The Senate RECEDED and CONCURRED.

In Senate Chamber  
Tuesday  
June 4, 1991

**Non-concurrent Matter**

Senate called to Order by the President.

HOUSE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act Regarding Public Exposure to Nonionizing Radiation"

H.P. 509 L.D. 703

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-351).

Minority - Ought Not to Pass.

Prayer by Reverend Russell Chase of the Vassalboro United Methodist Church.

REVEREND RUSSELL CHASE: Shall we be in a spirit of prayer together. O God, our heavenly Father, we thank You for the privilege of being who we are. And we thank You for who You are. We thank You for the opportunity that we may express our thanks as we would remember that as we go forth, we are not alone. Help us, our Father, and bless us as we would do that which we find before us, always remembering that our strength is in You, even as we lift up our eyes into the hills. So bless us our Father, we ask our blessings upon each and everyone of us. We ask Thy blessing upon all of those who make government go smoothly. And bless the hands, and the hearts, and the heads of everyone, for we pray in Christ's name. Amen.

In House, May 23, 1991, 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)**.

In Senate, May 28, 1991, the Minority **OUGHT NOT TO PASS** Report READ and ACCEPTED in **NON-CONCURRENCE**.

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

On motion by Senator **CLARK** of Cumberland, the Senate **INSISTED**.

**Non-concurrent Matter**

Reading of the Journal of Thursday, May 30, 1991.

Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale"

H.P. 812 L.D. 1166  
(C "A" H-204)

Off Record Remarks

In Senate, May 16, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204) AS AMENDED BY HOUSE AMENDMENT "A" (H-488)** thereto, in **NON-CONCURRENCE**.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

The Senate RECEDED and CONCURRED.

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)

In House, May 23, 1991, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

In Senate, May 28, 1991, **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Reduce Littering"

H.P. 909 L.D. 1306

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

In Senate, May 28, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255) AS AMENDED BY HOUSE AMENDMENT "A" (H-479)** thereto, in **NON-CONCURRENCE**.

The Senate **ADHERED**.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADHERED**.

The same Senator further moved to **RECEDE** and **CONCUR**.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor of the motion by Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**, please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

Subsequently, the Senate **INSISTED**.

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**Non-concurrent Matter**

Bill "An Act to Revise the Law Protecting Farmers' Rights to Farm"

H.P. 920 L.D. 1317  
(C "A" H-270)

In Senate, May 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270) AS AMENDED BY HOUSE AMENDMENT "A" (H-530)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

Bill "An Act to Amend the Laws Regarding the Labeling of Seafood"

S.P. 583 L.D. 1536

In Senate, May 16, 1991, **PASSED TO BE ENGROSSED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-487)** in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

Bill "An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent"

H.P. 910 L.D. 1307  
(C "A" H-289)

In Senate, May 22, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289) AS AMENDED BY HOUSE AMENDMENT "A" (H-502)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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**COMMUNICATIONS**

The Following Communication: S.P. 727

**115TH MAINE LEGISLATURE**

May 30, 1991

Senator Bonnie L. Titcomb  
Rep. Paul F. Jacques  
Chairpersons  
Joint Standing Committee on  
Energy and Natural Resources  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable James McBreairsty of Caribou for appointment and John F. Gibbons, M.D. of Cape Elizabeth for reappointment to the Low-Level Radioactive Waste Authority.

Pursuant to Title 38, MRSA Section 1512, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

May 30, 1991

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Senator Jeffery N. Mills  
Rep. Mark W. Lawrence  
Chairpersons  
Joint Standing Committee on Legal Affairs  
115th Legislature  
Augusta, Maine 04333

Which was **READ** and **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert R. Cooper, Jr. of Falmouth for appointment to the Maine State Lottery Commission.

Pursuant to Title 8, MRSA Section 373, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

The Following Communication: S.P. 728

**115TH MAINE LEGISLATURE**

May 30, 1991

Senator Gerard P. Conley, Jr.  
Representative Peter J. Manning  
Chairpersons  
Joint Standing Committee on Human Resources  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard B. Dalbeck of Cape Elizabeth for appointment to the Health Care Finance Commission.

Pursuant to Title 22, MRSA Section 383, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **LEGAL AFFAIRS**.

Sent down for concurrence.

The Following Communication:

**115TH MAINE LEGISLATURE**

May 20, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 139 of the Public Laws of 1991, we have appointed James A. Storer, of Brunswick, to the Special Commission on Governmental Restructuring. He will be replacing Jean Sampson who is unable to serve.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

The Following Communication: S.P. 731

**115TH MAINE LEGISLATURE**

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

The Following Communication:

**MANDATED BENEFITS ADVISORY COMMISSION**

May 30, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature  
State House Station 3  
Augusta, Maine 04333

Dear President Pray:

Pursuant to 24 M.R.S.A. §2325-B, I am pleased to provide you with the Annual Report of the Mandated Benefits Advisory Commission.

Copies of the report are also being provided to members of the House of Representatives and to the Governor as required by law.

Respectfully Submitted,

S/David R. Clough, Chair  
Mandated Benefits  
Advisory Commission

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

The Following Communication:

**MANDATED BENEFITS ADVISORY COMMISSION**

May 30, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature  
State House Station 3  
Augusta, Maine 04333

Dear President Pray:

Pursuant to 24-A M.R.S.A. §2751, I am pleased to provide you with a Report on Mandated Health Insurance Benefits for Breast Reconstruction.

Copies of the report are also being provided to members of the House of Representatives and to the Governor as required by law.

Respectfully Submitted,

S/David R. Clough, Chair  
Mandated Benefits  
Advisory Commission

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

The Following Communication:

**DEPARTMENT OF LABOR  
STATE HOUSE STATION 45  
AUGUSTA, MAINE 04333**

May 21, 1991

The Hon. John L. Martin  
Speaker of the House  
State House Station 2  
Augusta, ME 04333

The Hon. Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, ME 04333

Dear Speaker Martin and President Pray:

We are pleased to submit to the 115th Legislature the third Annual Report on the Status of the Maine Workers' Compensation System pursuant to Public Law 1987, Chapter 599. This document summarizes the results of data collection by the three agencies involved and is intended to present a profile of the workers' compensation system including costs, administration, adequacy and an evaluation of the entire system.

Like its predecessor, this report is organized into three sections. The report itself, however, is a cooperative effort.

Sincerely,

S/Joseph A. Edwards  
Superintendent  
Dept. of Professional & Financial Regulation  
Bureau of Insurance

S/James H. McGowan  
Director  
Dept. of Labor  
Bureau of Labor Standards

S/Ralph L. Tucker  
Chairman  
Workers' Compensation Commission

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

The Following Communication:

**UNIVERSITY OF MAINE  
105 WINSLOW HALL  
ORONO, MAINE 04469-0163**

May 30, 1991

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

Dear President Pray:

Pursuant to Public Laws of 1991, Chapter 9, Part F enclosed is the final report of the Commission to Study the State's Seed Farms.

The broad conclusions of the study are that, a) the good reputation and financial success of the Maine seed potato industry in recent years has been due in large part to the Maine Seed Potato Board and its Program Director and staff and, b) the Porter Farm facility and the Florida Testing Program are critical for the maintenance of the good reputation and future financial success of the Maine seed potato industry.

Some improvements can be made, however, in the structure and operation of the Maine Seed Potato Board to assure its continued viability and enhance efficiency. The report contains fourteen recommendations which the Commission feels deserves serious consideration. These recommendations, along with references to the supporting text, are found on pages IX-1 through IX-4. In addition, there is a large current budget deficit and the immediate need to begin setting aside a reserve for capital improvement. The Commission has identified four options from which to derive this temporary increase in funds. These funds are found on pages VIII-1 and VIII-2.

I would be happy to meet with you, other members of the Maine Legislature, or any legislative committee(s) to discuss this report in more detail.

Sincerely yours,

S/Wallace C. Dunham  
Dean

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Off Record Remarks

**ORDERS**

**Joint Resolutions**

On motion by Senator MILLS of Oxford (Cosponsored by: Representative LAWRENCE of Kittery) the following Joint Resolution:

S.P. 732

**JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S OPPOSITION TO FEDERAL LEGISLATION REQUIRING SUSPENSION OF LICENSES FOR INDIVIDUALS CONVICTED OF VIOLATIONS OF THE FEDERAL CONTROLLED SUBSTANCES ACT**

WHEREAS, the Federal Government has enacted legislation to withhold federal aid to highways in this State unless the Legislature and the Governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the Joint Standing Committee on Legal Affairs has considered proposed legislation consistent with the federal requirement and has voted to recommend that the legislation ought not to pass; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the Federal Government; and

WHEREAS, the federal law provides that a state may avoid loss of federal highway funds if the legislature enacts a resolution expressing its opposition to such legislation and the governor conveys the governor's disapproval and the legislature's resolution to the United States Secretary of Transportation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, express our opposition to the enactment of legislation required by the Federal Government to revoke or suspend the drivers' licenses of individuals convicted of violations of the Controlled Substances Act or any drug offense or to delay the issuance or reinstatement of a driver's license for a person so convicted; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor, for conveyance to the United States Secretary of Transportation.

Which was READ and ADOPTED.

Sent down for concurrence.

On motion by Senator MCCORMICK of Kennebec (Cosponsored by: Representative FARNSWORTH of Hallowell, Senator GILL of Cumberland, Representative RYDELL of Brunswick) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 733

**JOINT RESOLUTION REQUESTING THE HONORABLE  
GEORGE BUSH, PRESIDENT OF THE UNITED STATES AND  
LOUIS SULLIVAN, SECRETARY OF THE DEPARTMENT OF HEALTH  
AND HUMAN SERVICES TO ENSURE THAT THE CENTERS FOR  
DISEASE CONTROL'S SURVEILLANCE DEFINITION OF AIDS BE  
REVISED AND EXPANDED**

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 President of the United States and the Secretary of the Department of Health and Human Services, as follows:

WHEREAS, recognition of the Acquired Immune Deficiency Syndrome, or AIDS, epidemic as a set of serious and widespread diseases has grown in recent years; and

WHEREAS, the federal Centers for Disease Control's surveillance definition of AIDS has not been revised for over 4 years; and

WHEREAS, statistics reveal that women now make up the fastest growing population of people with AIDS; and

WHEREAS, black and Hispanic women are disproportionately represented among United States female adult and adolescent AIDS cases; and

WHEREAS, it is estimated that there are 100,000 women in the United States, between the ages of 15 and 49, who are infected with the AIDS virus and as women become sick faster and die sooner than men with AIDS; and

WHEREAS, as the proportion of females with AIDS continues to rise, so does the number of pediatric cases in children infected perinatally by their mothers; and

WHEREAS, the Centers for Disease Control's surveillance definition of AIDS continues to be centered on how AIDS is manifested in men and ignores the fact that women's first AIDS-related symptoms are often gynecological and therefore there is a different disease profile for women than for men; and

WHEREAS, the Centers for Disease Control's surveillance definition of AIDS does not include a single opportunistic infection that occurs in persons infected with the Human Immunodeficiency Virus, or HIV, and that is related specifically to women; and

WHEREAS, pelvic inflammatory disease, chronic vaginal candidiasis, rapidly progressing cervical cancer and human papillomavirus are only a few of the manifestations of HIV that are specific to women; and

WHEREAS, since the Centers for Disease Control does not recognize opportunistic infections specific to women, women are not accurately represented in national statistics on AIDS; if a woman dies of an opportunistic disease, even though she is HIV positive, her death is not registered in national statistics; and

WHEREAS, the American Medical Association has acknowledged that there are severe, life-threatening diseases specific to women that are not included in the current surveillance definition; and

WHEREAS, although early intervention is of critical importance in HIV treatment, educational programs targeted to women are particularly limited because they do not mention any of the symptoms specific to women; and

WHEREAS, women with AIDS have also been discriminated against in their ability to access treatment since researchers who investigate potential new drugs have made little or no effort to recruit women for their studies and since there are no federal guidelines to assure that subjects are representative of the entire infected population; and

WHEREAS, the Centers for Disease Control is a government agency and other government agencies, such as the AIDS Clinical Trial Group and the Social Security Administration, use the Centers' information to form policies and set agendas for research; and

WHEREAS, gynecological manifestations of HIV and other conditions common to women infected with the virus are not represented in case definitions, it is often more difficult for women than for men to qualify for federal, state and local HIV assistance; and

WHEREAS, from the beginning of the AIDS epidemic, women have been deeply involved in the disease as AIDS activists, health care workers, counselors, nurses, social workers, educators, primary caregivers, lovers, mothers and spouses; and

WHEREAS, in these roles women have provided care and support to people in all stages of HIV disease and opportunistic infections related to AIDS; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President of the United States and the Secretary of the Department of Health and Human Services to ensure that the Centers for Disease Control's surveillance definition of AIDS be revised and expanded so that opportunistic infections and indicator diseases with atypical outcomes in all immunocompromised people be added; and be it further

RESOLVED: That the Centers for Disease Control immediately institute a mechanism for review and revision of its surveillance definition on a quarterly basis to include newly discovered or developing opportunistic diseases in all affected people; and be it further

RESOLVED: That the Centers for Disease Control immediately revise its system for collecting and publishing AIDS statistics; and be it further



RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the Honorable Dr. Louis Sullivan, Secretary of the Department of Health and Human Services, 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.

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**COMMITTEE REPORTS**

**House**

**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:

From the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Establish the Maine Committee on Aging within the Department of Human Services and to Establish the Office of the Long-term Care Ombudsman as an Independent Entity"  
H.P. 1307 L.D. 1889

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**Change of Reference**

The Committee on TAXATION on Bill "An Act to Improve Records Management in Local Governments"  
H.P. 994 L.D. 1443

Reported that the same be REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

**Ought to Pass As Amended**

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Require the Department of Environmental Protection to Seek Authority to Administer the Provisions of the Federal Water Pollution Control Act"

H.P. 473 L.D. 667

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-432).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-432) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Laws Relating to Submerged Land"

H.P. 646 L.D. 920

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-433).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-433) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Shoreland Zoning Laws"  
H.P. 709 L.D. 1014

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-434).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-434) **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 to Make Emergency Changes to the Motor Vehicle Laws" (Emergency)

H.P. 816 L.D. 1170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-423)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-423) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Resolve, to Establish the Commission to Study the Safe Operation of Truck Tractors

H.P. 874 L.D. 1260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-426)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-426)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-426) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Clarify the Authority of the Department of Transportation to Acquire Property for Environmental Mitigation Purposes"

H.P. 956 L.D. 1383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-425)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-425) **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 to Require Minimum Training Standards for Construction Flaggers"

H.P. 1087 L.D. 1587

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-424) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Resolve, to Develop a Statewide Health Insurance Program (Emergency)

H.P. 1184 L.D. 1727

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-406)

Signed:

Senators:

KANY of Kennebec  
THERIAULT of Aroostook

Representatives:

MITCHELL of Vassalboro  
TRACY of Rome  
JOSEPH of Waterville  
CARLETON of Wells  
ERWIN of Rumford  
KETOVER of Portland  
HASTINGS of Fryeburg  
PINEAU of Jay  
RAND of Portland

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

Signed:

Senator:

BRAWN of Knox

Representative:

GARLAND of Bangor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406)**.

Which Reports were **READ**.

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

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to ask you to vote against this Bill, and I would like to take quite a few minutes to explain to you why. I will never forget, as long as I live on the face of the earth, the day of this Hearing. Number one, it was Welcome Back Day, and we couldn't be here because the Banking and Insurance Committee met in Room 113, and all morning the room was packed, hearing two separate Bills dealing with this issue. We went to lunch, when I came back from lunch, I thought I was in the wrong room. I walked in, and I walked back out. The Public Hearing that we had in the afternoon, in my opinion, after being here long enough, I understand what you call a "Dog and Pony Show", and this was

one of them. This was a Bill for Universal Health Care. In the Hearing Room there were buttons, posters, t-shirts, TV cameras, and large crowds of people. I can't tell you how many, but I know that they sat all afternoon and talked, which they have a right to do.

I want to stop a minute to say that my mother does not have health insurance coverage, and my grandmother is being taken to the hospital as we speak, and I care very deeply that everyone in the State of Maine has some kind of health insurance.

But, I am very angry that things are shoved down my throat, and people think that there is only one solution to a problem, because I don't believe that. I think if you will look carefully at the amendment, it seems very strange to me that only Banking and Insurance and Legislators are going to be on this Study Committee. I believe that there should be insurers, providers, medicaid directors, the Bureau of Insurance, the Bureau of Health, I think we should be talking to those people. I just think that this Study already has a predetermined conclusion, and I don't think that is right in any study that we do.

I have had more letters and phone calls about this, and the proponents of L.D. 1727 have made it very difficult for me to oppose this legislation. After all, all they say that they have done is to propose a study, and the arguments that we would make against the advisability of developing a Universal Health Care System in Maine alone, can be easily dismissed as something that the Committee would look at.

Nevertheless, I would like for you to argue against this Bill on two levels. Number one, level one deals with the Bill itself. I have two problems with this Bill. First, there is a presumption that a Maine Specific Universal Health Care is possible. Let's be realistic! We have got to go home and live with today's problems. I don't think that can happen overnight. I think that is a Federal issue. If the focus of this Bill was to study the faults of our Health Care Delivery System, and identify ways to improve it, or explore the possibility of a Universal Access System for Maine, I would jump on board wholeheartedly. I think that the charge to the Study Commission is faulty, and therefore, the results will be returned off the mark.

My second concern, is that only Legislators, as I mentioned, and three adjunct members are to serve on this Study Committee. I object to that for two reasons. First, since nine members of this Study Committee are from Banking and Insurance, it appears likely that people who are sympathetic to that legislation will be appointed. We have already made some progress in Maine dealing with our health care problems. In previous years, we have dealt with that. Consumers, providers, insurers, and payers were all invited to the table to participate as near equals in solving this big problem. Almost everyone agrees that we have had some results of good legislation in the past. Why can't we continue with that? That is the right way to go, I think.

It seems to me that the best legislation would have been legislation that created a very inclusive Committee established for the purpose of addressing

the problems of our current health care system. In looking for ways to extend more comprehensive health care coverage to more Maine citizens, as we look at this issue, we should remember that no Mainer needs to go without health care since they are assured coverage in all hospital emergency rooms. The second level on which we could address this legislation would deal with the problems of a Maine Specific Universal Access System. If in fact, it were recommended by the Committee, supporters of the legislation will say that the Committee will have plenty of time to address these problems, and likely, dismiss these arguments. But, I think that they are valid.

The first of these is, that a Maine Specific Universal Access System is likely to be very expensive. Proponents of the legislation suggest that 130,000 Maine people are uninsured, and more are underinsured. I believe that the cost of delivering comprehensive health care to those 130,000 uninsured Mainer's will cost a minimum of \$1,400 each. The cost, therefore, providing care for those individuals will be about \$182 million. I do not see sufficient Administrative savings resulting from a one-payer system amounting to nearly this much. Where are these extra dollars going to come from? Please bear in mind that this does not even include the 200,000 under insured individuals, which will probably add more cost to this system. By the way, that \$1,400 per individual is really conservative. Coverage on Blue Cross and Blue Shield Major Medical now costs \$1,800 per year per individual.

My second concern is, that a Universal Health Care solution will not address our fundamental problems with our health care system. In fact, it might make them worse. There are at least ten reasons why health care costs are rising. These include our own appetite for medical wizardry, the Medicaid and Medicare shortfalls, failure to shop intelligently for health care, Aids, the aging population, tort liability and defense medicine issues, and others. Simply layering a Maine Specific Universal Access Plan on top of these factors does nothing to make them go away. In fact, by insulating Maine citizens from the effect of their own behavior and purchasing decisions, we may even actually make things worse.

I believe a Maine Specific Program will attract thousands of medically indigent Americans to Maine. In many parts of the country, individuals are literally bankrupt by uncovered medical costs. It only stands to reason that individuals would be far better off to come to Maine, obtaining the most menial jobs in order to escape the crushing burden of medical costs for an extensive, uncovered illness or injury if they could get free care here in Maine.

I also believe that there is a state wide myth about the Canadian model of health insurance, which many proponents of the Universal Access is believed to be "free" health care. I would like to share a comparison of the taxes paid by Canadians and Americans to show the impact of that "free" Canadian style on Canadian taxpayers. It seems to me that we would not want to place these tax burdens on Maine citizens. What do we really want Maine businesses to be subjected to? The long waits that they have in Canada, would we be able to discipline ourselves politically to limit costs by rationing care as they

do in Canada? Just as an example, I am sure that all of you saw in the Portland Sunday Telegram, the article that told about the Canadians that are now coming across the boarder into Maine to do their shopping because their taxes have gone up so much. There are two pieces of information here. One is about the "free" Canadian System by Diane Atwood on WCSH television, she broke down the average income of the United States and in Canada. Just for the Record, for these facts, if someone in the United States had an income of \$26,000, the Federal income tax that they would pay would be \$6,000. That same \$26,000 in Canada, the Federal income tax would be \$7,000. The percent to health care is now zero in the United States, and is 20% in Canada. Now lets get to the sales tax. It is 5% in the United States, and 11% in Canada. Finally, the Goods and Services Tax, we don't pay that in the United States, but they pay 7% in Canada. And for those of you who did not see the Sunday, June 2, 1991, article in the Maine Sunday Telegram, it shows exactly what happens when Universal Health Care passes. Pinched by taxes, Canadian's cross United States borders to spend money on cigarettes, milk, gas and groceries. They save \$60 a week on cigarettes alone!

I think that we really need to think about this. Once the Genie is out of the bottle, it will be very hard to control the result. Witness what we have been through with the Maine Health Plan! It is easy to stand up and criticize what I have said, but I do have some suggestions. I think it is always important if you are not on one side, what would you do about it? These are some suggestions that I think we should do for the health care crisis in the State of Maine, which we all agree does exist. I think we need to aggressively move to eliminate cost shifting, thus making individual health insurance policies more affordable. It should be noted that a Maine Specific Universal Access Program will do nothing to effect the single largest cost of premium increases, the Federal Medicare cost shift. Second, I think we should eliminate mandated benefits, further lowering the cost to the individual policy owner. Third, medical malpractice tort reform should be enacted, enabling us to address the cost of medical malpractice insurance premiums, and even higher costs of defensive medicine. Many experts believe that 20% of our health care costs are the results of physicians and hospitals doing medical procedures purely to protect themselves in case of lawsuit. Next, we need to be aggressive in developing systems for managed care, to help or force individuals make intelligent purchasing decisions. We should enact additional tax incentives to encourage, and enable employers and individuals to purchase health insurance. And finally, we should defend, in fact, expand a Maine Health Plan. I am very thankful that we have kept it, and I think we do need it. We do need to expand it.

Finally, may I close by stressing to you that I do believe we need to address the health care crisis as I have said. But, it concerns me that with this Resolve, it is really a Universal Health Care endorsement. I don't believe that is the proper or the realistic way of dealing with the problem that we have. 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 do hope that the Senate goes along with the 11 to 2 nonpartisan/bipartisan Report of the Committee. There are a number of reasons why we came out with such a strong Report for this Study, which is really a Study working towards a Universal Health Care Plan, and perhaps using Maine as a laboratory for the nation. Many of the great experiments today are really going on in the states, and not at the national level. Although fortunately, we do have a Congressional Delegation, which is interested in addressing our health care at the Federal level.

I have a couple of reasons why it is imperative that we move forward now and not wait until we get National Universal Health Care. One, is that many strikes have occurred primarily because of the roll back on health benefits. Employees and employers throughout the state are facing skyrocketing costs of health care. Something like 80% of the strikes nationally are actually attributable directly to this problem. The only data that we have on uninsured occurred in 1986, and then, it was estimated that 13% of those in the employable years, believe it or not, were uncovered. Imagine what it is today. Just imagine what it is today, when then it was considered to be 130,000 people in the State of Maine, over 10% of our population uncovered with the problems that we have now with the recession, and the skyrocketing policy costs. We have a serious problem, and we are negligent if we fail to address it.

There is cost shifting to Workers' Compensation. And by the way, those out on Workers' Compensation are those that are not covered generally for health insurance. They generally cannot afford it! They are only covered for that particular injury or illness that occurred from the work place. Most of the people that are having serious problems in the state are among the working poor. Those people with jobs that have minimum wage and parttime jobs that are so prevalent in the State of Maine today.

I could go on and on, and you have heard others on the Senate floor go on and on about this topic, but I won't. I will just urge you to support this Study, and to remind you that it would be the Banking and Insurance Committee, three other Legislators, along with expert testimony, and we would of course be seeking out those who have an interest in this topic to share their wisdom with us. And we would be seeking monies from the Robert Wood Johnson Foundation, which has encouraged the State of Maine to apply for such funds, because they would like to see such a Study. I have actually been urged by one of their National Board Members to do just that.

We may get Universal Health Care at the Federal level, and ultimately, I believe we will. After all, most of the other civilized, industrial nations of the world have Universal Health Care. They do not allow their important people that are citizens to go uncovered. People are considering health care to be a right beyond being a privilege, and something that we owe each other, and we certainly owe the children, and the older citizens of this state. With that, I urge you to go along with the 11 to 2 Report.

Senator **CAHILL** of Sagadahoc requested a Division.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we pass this Bill, I would like to bring to the Senate's attention this issue and what kind of message we are sending to the citizens of the state by passing this type of opposed legislation.

We can't even afford the dozens of programs that we have on the books now that we passed during the good times here in the State House. In the last ten years, we have passed at least a dozen programs that we probably should be eliminating. We surely can't afford to pay for them anymore, and we really couldn't afford to pay for them when we passed them. And now we want to study this Universal Health Care Plan. It seems to me that it is an absolute waste of anybody's money, wherever it comes from. Frankly, the citizens of the State of Maine cannot even afford the Maine Health Care Program, which as I understand, is one of the few socialized medicine concept programs in this country. I surely don't want to be on Record, and I would hope that this Senate would not want to be on Record, as endorsing increased spending at a time when we can't afford to pay our bills. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to comment on one of the things that the Senator from Franklin, Senator Webster said about this program being the only socialized medicine in the country. Medicare is a socialized medicine.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to share something with the Senator from Franklin, Senator Webster, and that is that the Robert Wood Johnson Foundation is a private Foundation. It has in its possession about 150 million dollars, and it encourages Studies just like this.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to speak on this Bill since I was, in fact, the Senator who put in the first Bill to require Maine to offer a Universal Health Insurance Program. That is not the same Bill that was before us two years ago. That was folded into a Study, and that Study, along with some other Bills became the Maine Health Program. As the good Senator from Knox, Senator Brawn has stated, that is a very good program, and it is well needed.

A number of things have happened. One is, if you read the paper this morning, at least it was in the Kennebec Journal, there was indication that in a National Study, now its in Congress, indication that we ought to be moving toward a Universal Health Care

System. What they were basically saying in that Report was, that we should be taking some from the Canadian System, and some from what we are doing now. Just last night I went to the Kennebec Valley Regional Health Agency's annual meeting. The speaker was a very good speaker, I forgot the name of the speaker, and he has been doing a lot of the health investigatories. He was relating to us the difference between the Oregon System, and the Minnesota System, and the Canadian System, and the German System, as I was sitting with one of the Administrators of the Kennebec Valley Medical Center. What is striking with that is, the doctors that I have been talking to, the Medical Centers that I have been talking to, have been saying over and over again that we have got to do something about medical care. We have got to move in the direction of Universal Health Care. What this particular Bill does, is help us move in that direction. It helps us move in that direction with the help of a very good Fund, the Robert Wood Johnson Fund, who for years and years have established this Fund to assist us in making these kinds of decisions.

You might say that it is a "foot in the door", and you might say it is a "camel's nose under the tent". And I think that the Maine Health Program was that, thank goodness, I am glad that it was. I won't deny any of that. But, to not look at the issue of Universal Health Care, to not acknowledge that we have 134 million people in the United States that are not covered by health care, not to listen to my brother, who just told me this weekend that he has got a \$2,000 deductible policy, he pays \$300 a month for it, and raised six or seven kids, and he worked as a carpenter for all of his life, and he is getting along in years, and he limps because his knee hurts him, but he still climbs up on those roofs. He still exposes himself to many dangers. He is still producing income. He still has to pay a fee for his insurance that he cannot afford. But, he has to have it. I just referred him to the Maine Health Program, because I didn't know that he was in that kind of shape. But, it is something that is absolutely essential.

This Bill is not going to give it to us. But, it is going to help us to understand what it is that Maine can do to help its citizens all be covered with some kind of basic health insurance. As the good Senator from Penobscot, Senator Pearson has already stated, we, in fact, already has subsidized health care. He stated that it was Medicaid. Guess what, Employers Health Insurance is also. That is not a subsidy? That is a subsidy. It just happens to be on the backs of employers, that's all. So what we are talking about is to even that out, to give it an even playing field. Part of the Report this morning in the newspaper, was in fact, what I have stated here many times, but I had never actually seen it written from a Report other than from this Body, and that was, that if you took the Administrative costs for administering the health programs that we have today, that cost would fund all the people who are not currently covered by health insurance. That to me is the most telling sentence that you can have. Please vote for this Bill.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As we prepare for the final weeks of this session, to deal with the huge, massive Budget problems that we are faced with, I had hoped, perhaps naively, that at some point we would come to face reality. Our people, the taxpayers of this state, the working people of Maine, are among, without question, the highest taxed. We are without question, the lowest paid. And now, we are going to be a pioneer, and look into, which we already looked into two years ago in another Study, move in the direction, as the good Senator from Kennebec, Senator Bustin has stated, this Bill will help us move in the direction of Universal Health Care more than we already have. I think the difference between what we already have, when it comes to Medicaid, is that it only applies to the absolute, destitute people of this state.

But now, we are going to look into a system that everyone, I hope that everybody here in this Senate realizes that we can never afford to pay for. But, we are going to send another message to the poor guy out there who makes \$25,000 a year, and for those of you who don't know it, that is the majority of our citizens we are going to place more taxes on, because we think government can do everything! Well, ladies and gentlemen of the Senate, I thought, maybe only in my wildest dreams, that we had passed those days! But, evidently we haven't. We are going to go back to our constituents, and the poor, the everyday citizen, which I represent, that works in the woods, who is going to anticipate another tax bill, so that we can create another program he or she can't afford.

Ladies and gentlemen of the Senate, it seems to me that I have come to the realization, and I hope many of you have come to the realization that we cannot do everything for everybody. This is not the kind of legislation that we ought to be looking at, or considering. If the Federal Government in its wisdom believes that it can do this, then they ought to do it. But I don't want to stand and tell anyone out there that I would be proud of the fact that Maine was going to be the highest taxed, and among the lowest paid, and do everything for everybody, and meanwhile, we will be able to stand proud and say, "We have got Universal Health Care for Maine citizens. If you want to have health care, just move here, we will do everything for you." I am not sure that is the kind of message that I want to send, and I think that this Bill ought to go on its way to the "Deep 6", soon.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good words that we have heard from the Senator from Franklin, Senator Webster, are good reasons to vote for this Bill.

The middle and lower income Americans, and Maine citizens can't continue to afford the statusquo any longer. Employers cannot keep carrying the burden and the share. When we look at the Maine Health Program, and I harken back and remember the discussion, the long deliberations with all sectors on our society, the insurers, the state, the health people, private citizens, and others, we found that

it was unanimous. It was a coalition of employers, insurance, citizens, advocacy groups of the low income, everybody supported the Maine Health Care Program. We need to continue to find ways to make health insurance and health care accessible to all citizens, regardless of income, and find ways to pay for this system.

When you look at the Health Care System today, you find that those mentioned by the good Senator from Franklin, Senator Webster, called it socialized medicine. I don't believe that this is socialized medicine. When you look at the groups that have supported the Maine Health Care Program, and the need for the state to do these kinds of things, to try to find some new strategies to help the citizens with health care, you find the hospitals association, the doctors, the nurses, all health practitioners, and citizens in support of what we are doing here today.

So for the people that the good Senator from Franklin, Senator Webster, is concerned about here today, the average working men and women that make \$25,000 a year, that is the person that can't afford the insurance. We ought to be pursuing this issue and doing all we can to come up with strategies to make Maine health care affordable.

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

**Senator MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to touch on a couple of points. First of all, we seem to have heard complaints on both sides of the issue of this Study. One, that it is just another Study, and the other, that it is a Study too specific.

This issue does not need just another Study, and this is not just another Study. This is a Study, if you care to read the Bill, that sets out five criteria to present by next February 1st, a plan for us to decide, yes or no, up or down, if we want the State of Maine to embrace the idea of a Universal Health Insurance System. We can say no at that time, we can say yes, and in between that time you can be assured that there will be incredible amounts of discussion, and facts presented, and counter facts presented, but we do not need to reinvent the wheel, we do not need a Study to know that this Health Care System needs a lot of help. We know that. It doesn't need a bandaid. In my opinion, it needs a big operation! We also do not need to be told that we are only one of two, count them, two western countries in the world that do not have a National Health Insurance System. So, we have many choices to pick from.

The good Senator from Franklin, Senator Webster, gives the assumption that I want to call into question. The assumption that whatever we come up with be more expensive than what we have now. I think that is not so. If it is more expensive, we don't have to do it! If it is more expensive, why should we do it! I am the sponsor of this Bill, it is the proudest moment of my life to be able to be the sponsor of this Bill. It was the issue in my campaign. And my constituents, everywhere I go ask, "What's happening to the Universal Health Insurance Bill"?

If this Study comes out too expensive, then lets vote no on it. But, we have got to try something. The people are suffering. The good Senator from Franklin, Senator Webster, I have often heard comment about Workers' Comp and how ardently he wants to fix it, as do we all, the terrible plight of everybody that the system touches. Well, I submit to you, we have one of the answers. One-third of all Workers' Comp claims are medical. We have the potential if we do it right, and I know that the Banking and Insurance Committee is smart enough to do it right, to lower Workers' Comp costs in one fell swoop by up to 30 % with a Universal Health Insurance System.

Lastly, people seem to be afraid to have us be the first state to do this. I want to raise your comfort level about that. First of all, in September, there were at least twelve other states that had similar Bills. So probably by now, there are fifteen or twenty other states that are pushing Congress, pushing themselves, trying to find the solution to this terrible problem that we have with our health care system. The second model that we have is just to our north, and that is Canada, which in 1958, started on the road to the National Health Care System that we know that they have today. Where did it start? It started in one little Providence. It was so popular, it grew to the rest of the country. That is what we in Maine can do. As you all know, "As Maine goes, so goes the nation". This is an opportunity, and we should pass this Bill. Thank you very much.

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

**Senator BRAUN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not plan to rise again and have no written speech. But the good Senator from Kennebec, Senator McCormick, has really driven home what I had said to you earlier. It has been substantiated now that this is a Study on Universal Health Care, and is now just been pointed out that we can vote this up or down next time.

The health care crisis is really real today! Can we afford to spend this time, and then vote yes or no, and have done nothing? I think not. I would gladly be very supportive of this Bill if I could have assurances from even my own Committee that we don't go in with a predetermined conclusion. If we could go in and listen to all sides of the story and see what we are going to do, we would all be supportive of that! But, as I said to you earlier, there is a predetermined conclusion. It has just been substantiated for you.

I would like to briefly thank the good Senator from Kennebec, Senator Bustin, for drawing your attention in today's Kennebec Journal. With the business of the day, I did scan, and there were two articles, I do believe on a Health Care System that is being debated in Congress, that is not in my opinion Universal Health Care, but it looks at that system, discards the bad parts of the system, takes the good parts, and is going to look at that. I am supportive of those kinds of issues. If we are going to be doing something, lets do it right. But lets not go in with a predisposed idea that it is this or nothing. That is a waste of time and money, and we

in the State of Maine cannot afford to do that at this point and time.

Just two thoughts from the conversations of the other well respected Senators. I thank Senator Matthews from Kennebec, he is exactly right. People do need health insurance. I don't think that is an arguable point, they do. But, we have got to come up with a solution to the problem that is affordable. In my opinion, and I was here, we should have dedicated that money that we put on the taxes for the Maine Health Care System. We should have done that. Then we wouldn't have gone through the problems that we have gone through. Sure, lets come back with something that we are going to do, but lets fund it! That is the one thing that Senator Webster from Franklin is right on target with. We stand up here and we do all these things. Are we really at reality? I want to be at reality! I want to go home and really help my people. Not "pie in the sky", or not an up or down, and then we have done nothing. I would really like some assurances that this could be a fair Study, that we would look at all sides and not have that predetermined conclusion. I really ask for your consideration that we can do something that will help everyone in the State of Maine, and be able to know how we are going to pay for it.

My final thought is this, the good Senator from Kennebec, Senator McCormick, has told us the history of health care in Canada. I just showed you what wasn't my idea was in the Sunday paper about Canada today. Look at them today! How much tax are they paying? They have to drive across the border to buy their milk and other items. Is that the direction that we want America to go in? I am proud of this country! I love this country! I want to do something that is helpful. I know that you do, too. I hope that we can do something that is helpful for everyone. 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. My concerns about this Bill are very similar to the concerns that most taxpayers in this state have that I have talked to from Bangor to Kittery during the last few months.

This Bill, and this type of legislation reports to redistribute income. How are you going to pay for this? You are going to redistribute income, taxpayer dollars, from the same people as the good Senator from Kennebec, Senator Matthews talks about, the people who are lucky to make \$25,000. They are going to redistribute their income. Big brother is going to come in, take your money, and give it to the state. That is how we are going to get this, take tax dollars, taxpayers money, and create this socialistic government health care system that is going to bankrupt the state.

I am not about to take today, next week, or next year to support this kind of Bill or this concept, because very simply stated, the people that live in this state, the average citizen, doesn't make any money, we don't have the kind of resources to sustain this kind of program, and it doesn't face reality. People in this state can't even afford all the laws, all the commitments that we already have on our law

books. How in blazes, ladies and gentlemen of the Senate, are we ever going to conceivably support through the taxpayer system that we have, through a broad based tax, through the poor people in this state, to pay for this? It is ludicrous! It is unbelievable that we would even be talking about this!

Do you realize that there are some members of this Senate, including Senator McCormick of Kennebec, who is proud of this concept. There are other members of this Senate who would put in taxes, millions, and millions, and millions of taxes, taking away from the working people that the Senator from Kennebec, Senator Matthews talks about, who makes \$20,000 a year, give it to the government and let them redistribute it. Ladies and Gentlemen of the Senate, that is not what I am here fighting for. This is a bad idea. It is going to bankrupt Maine. And why, during these tough economic times are we even considering this type of proposal? Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the Senator from Franklin, Senator Webster. I have become quite confused with his comments. Does this Bill raise taxes at all? If we pass this Bill, would it impose a cost on the people of this state, or do we have to wait for the Study to be brought back to the Legislature next year?

**THE PRESIDENT:** The Senator from York, Senator Dutremble, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The answer to the question is no. It does not immediately raise taxes. But, I can tell you, having listened to the debate by the Senator from Knox, Senator Brawn, and others, that considering the make-up and the way that this Study Commission is stacked, I can assure you, ladies and gentlemen of the Senate, this proposal will come, and drain more money from the people of this state who work for a living, who are having a hard time, the school teachers, the factory workers, and secretaries of the State of Maine. All over this state, people are having a hard time meeting their oil bills. I can assure you right now, that the only way to pay for this, and if it isn't, I would like to have someone in this Senate tell me, how we are going to give 130,000 uninsured people health insurance without raising taxes? Well, maybe you are right, Senator Dutremble from York. This very moment it does not raise taxes. But anyone who is under any illusion that this isn't going to raise at least 400 or 500 million dollars in taxes, I would love to hear about it.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wish the good Senator from Franklin, Senator Webster, would have provided that great forecasting to us a year ago



when we had the \$500 million Budget brought up to us from downstairs.

If there is a secret ball somewhere that he can forecast what is going to happen, I wish he would provide it to us, because I think we need that sort of forecasting, if it is accurate. But it is not accurate. Obviously, this absolutely doesn't raise any taxes. It absolutely does nothing to the taxpayers in the State of Maine. It does nothing to the average income person, absolutely nothing. What it does do, is provide the opportunity for a lot of members in this Chamber to provide us with rhetoric.

I agree with one thing that the good Senator from Franklin, Senator Webster said. We should move on with the people's business. We are not doing that now, because we are talking about something that is not even here before us, it may not even happen! We are wasting the taxpayers time because of rhetoric. But, whenever rhetoric appears, you have got to get up and defend it! You have got to say something! You can't let that go unchallenged! You can't let rambling go on! I would hope that there is one thing that we have learned from the problems that we are facing this year with this Budget, is that even though we are facing a severe crisis, and even though we know that there are programs that are going to have to be cut, that there are people who are going to have to be hurt! I hope that we never forget that there are people being hurt! I hope that we never turn our backs on these people!

The good Senator from Franklin, Senator Webster, said we should ignore this Bill! Ignore these people! By God, I hope that we never ignore people like that! If we do, I will be the first one to put down my microphone, walk out this door, and go back home and stay there where I belong. Because the day we forget those people, is the day we forget the people of Maine!

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hadn't paid much attention to this Bill, but I got out the Bill, and the amendment and read it. The Bill for the Study costs \$93,920, which really isn't a Study. I think that is the most important thing I learned reading the Bill.

The Bill establishes a Committee to develop a plan! You develop a plan for statewide Health Insurance Program, and that means if you go back to the original Bill, it says, "Financing by public revenues through a progressive combination of the following: developing new public revenues". That does not take a mental giant to figure out that it is going to cost almost \$100,000 to write a Bill. Then you have this Bill for our consideration, and in order to finance it, from what I gather on page two of L.D. 1727, that you have to have a mechanism to finance the program.

I know that we have a Health Care System in the state that is just beginning, the Maine Health Care Program, and one would hope that we could continue with that, and see how that goes. This is not political rhetoric on my part. I am reading the Bill

and the amendment, and it would appear that is what it says. I think the Chairwoman is saying no, but am I not reading this right?

**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 just so that the Record will be accurate and correct. The correct reading of the amendment in the financing mechanism is, that there would be a maximum available of \$80,000, only if the Robert Wood Foundation monies become available for another funding source outside of State Government. In the event that this is not available, then, and only then, \$13,920 of General Fund money would be used. And then it says further, "If funds from the Robert Wood Johnson Foundation or other private sources become available, these funds may not be expended, and must lapse to the General Fund". The \$80,000 is only an allocation, not an appropriation, only an allocation of those private funds if they are received. So, the maximum amount spent would be \$80,000 from private sources, and only if they are received. Otherwise, the maximum would be \$13,920 from the General Fund, which would have to be returned to the General Fund, if private monies were made available, and we are almost assured that they would be available. I hope that is not confusing, and if you are still unclear, I will repeat myself.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was really hesitant to stand up on this Bill, I thought it would go through a lot easier than it has. I think we are forgetting the main reason for this Bill. The main reason for this Bill is for us to try to find a better way. I wonder if Christopher Columbus had to go through this same process when he was trying to convince Queen Isabella? Can you imagine what would have happened if he would not have convinced her? That is where we are right now! We are looking at the possibility of finding a better way. This better way is not going to emerge on its own and present itself to us unless we seek it, and this is what this Bill does, we are seeking.

There are two assumptions that have been made here I need to address. The first assumption is that the Bill says that we will establish a system. Well, let me assure you that not everybody on the Banking and Insurance Committee is a flaming liberal and believes in fairy tales. If it becomes quite apparent that this road we are pursuing is not feasible, and should not be pursued, rest assured that some members of that Committee are going to be opposed to it. We are making another assumption that this system, if one should ever be devised, is going to be more expensive than what we already have. We need to realize that we in this nation spend more on health care than any other nation in the world. We spend in the vicinity of 12% of our gross national product on health care. And you know what is so tragic? Even though we spend that much money, we have 37 million Americans who are not insured. Our philosophy is so screwed up that, we are not willing to spend 1,000 on prenatal care for an unborn child, but we are willing to spend at least \$100,000 in the

hospital for that child that might be born premature. Where are our priorities? Even though we are spending that much money in this country on health care, we rank twentieth in infant mortality. We rank with third world nations. I am proud of my country, too. But, I am certainly not proud of that fact.

I am sure that some of you know that there are only two industrialized nations in the world that do not have universal health care, and they are both USA's of the world, United South Africa, and the United States of the America. Rather nice company to be with, especially lately. Are we afraid of looking? Are we afraid to explore other possibilities? Are we afraid of what we might find? Those of you that are students of history will remember that the same arguments were used when Social Security was proposed in the 1930's. Now, in retrospect, that is probably the best system ever devised. Who says today we cannot be as innovative and find a better way? That is the real issue before us, allowing someone to look to find a better way, and I don't really know how you can vote against such a proposal. 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 light of the fact that the Senate picture was taken today, thereby making every member of this hallowed Chamber available, and since there is probably not an issue which defines both Party's as clearly as this one, one Party caring to look at this issue to come up with some answers for a problem afflicting our people, and one Party who always says "no", I think it is time I requested a Roll Call.

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

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

**Senator WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I couldn't pass by the opportunity to needle the good friend of mine from Cumberland County, Senator Conley. I would like to add into the Record for the purpose of this debate, that there is, indeed, two ways to look at this issue. I would paint it differently than the good Senator from Cumberland would. I would say that there is at least one side of the aisle who is concerned about how the truck drivers, and every day working men and women of this state, can afford this kind of program, considering that they, we must never forget, they are the ones that have to pay for it. Thank you.

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

**Senator GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel compelled with the dozens of other Legislators who feel they should voice their comments to at least add to this hallowed debate this evening. Mr. President, I

believe that it is the first full week of June, and I have lived in the state all my life, and I always thought that summer theater came to the state later on in the summer months, but I am a bit surprised this evening.

To some extent, obviously, any debate in terms of the efficacy of a Universal Health Care System, rightfully, will join the debate between conservatives and liberals. That is certainly true. But, I think that the point has been made by many speakers this evening, that the systematic underfunding of the American Health Care System of Finance, and the thousands of people in our state, and millions across the country who are truly underserved in our service delivery system, does merit significant consideration of the appropriateness of our Health Care System. This is not ultimately a liberal versus a conservative issue. Just in the last month for example, in the New England Journal of Medicine, it had provided a well thought out proposal for a system of Universal Health Care coverage. Many business groups, and government groups at the state and federal level have called for similar universal access approaches.

I am concerned by the underlining tenure of the debate this evening, as it relates to the alleged burden which is going to be thrust upon low and working class populations, if we were to adopt some type of a Universal Health Care System. It is implicit in the comments of the good Senator from Franklin, Senator Webster, the notion that somehow we have a reverse Robin Hood phenomenon going on in our state, and that somehow those people that control public office, have managed to extract the monies from low income populations, and transfer them to the wealthy people. I suspect that this is not going to occur if we adopt some type of a Universal Health Care approach. But more to the point, State Government has grown significantly over the last decade. But, what is apparent to this observer, and I think to many who have commented upon the financing of state and local government, is that to a large extent our national priorities have, in fact, been skewed. And to a significant extent, we have received less and less Federal monies to allow the states to discharge their important responsibilities.

When I came to Augusta some nine years ago, over a third of our Budget was Federal. Today, I believe, it is under 22%. So to a large extent, our State Government has had compassion, and the responsibility to assume important programs which the Federal Government, under conservative Administrations, have abandoned. That's what has happened. So we have not been involved in a system of irresponsible Willy/Nilly social spending, we have simply tried as best we can in our large, poor, rural state, to use what resources we can appropriate to try to begin to address some of the tremendous human needs in our society. Certainly, there will be major differences of philosophy amongst us. I am not given to a philosophy of social anorexia. I believe that government has, and should meet the compelling needs of its people. I think that for the small amount of money that we are being asked to appropriate today, some \$11,000 or \$12,000, coupled with a grant from the Robert Wood Johnson Foundation, I think that this is a reasonable overture.

I must confess I am somewhat concerned, the Robert Wood Johnson Foundation is a very well known, and very well respected private institute, and it has been on the forefront of leading health care initiatives in our country. In fact, in Maine, we now have in three different sites, we have a demonstration project as to the appropriateness of subsidies of small business, not some off the wall Foundation. I am a bit concerned, that some of the previous speakers really weren't with the workings of that Foundation. Granted, some of us will vote for this, and some will vote against this initiative tonight, based upon our philosophy. But I rise tonight trying to dispel some of the early rhetoric dealing with the appropriateness of State Government, funding a small initiative, to somehow, as the good Senator from Aroostook, Senator Theriault noted, explore the efficacy alternative delivery systems. I think that the money is well spent. Thank you.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. A lot has been said this evening about the Robert Wood Johnson Foundation, and I want to rise not to dispute that Foundation, because it is held in high esteem throughout the whole country. But, I think that the problem arises when we use their money for pilot programs, for instance, as we did in the pilot project for the business people, developing three pilot sites throughout the State of Maine. We had a three year Grant. We are going to reach the point very soon when we are going to have to go before the Appropriations Committee, and ask for assistance in either funding that Project, or not being able to fund that Project. I think that is the crux of the problem, the fact that we have three various programs going. We have the High Risk Pool Program, we have the Robert Wood Johnson Three Site Program, and now we have the Maine Health Program, which we can't fund to the extend that a lot of people would like to see it funded. I think that is the problem. The fact that there is not enough money to do the programs that we have in place right now, without looking at a Universal Plan for the future. I don't dispute that we are going to have to look at some way to handle insurance down the road, to see how we can help people get the services that they need in health care. But, this is certainly not the time to look down the road when we can't handle what we have on our plate now.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Aroostook, Senator Theriault asked a question. He asked if we were afraid to proceed. Frankly, ladies and gentlemen, I am, as one State Senator, afraid. I am afraid of the cost that this type of a program could put on the backs of our citizens. I am afraid of the cost that could burden our small and large businesses across the state, which are suffering right now in this economy. And most importantly, I am afraid that any type of a program that we might come up with, would mirror our northern friends, the Canadians. Frankly, I don't think that the Canadian

Health Care Plan is the panacea a lot of people in this Chamber would like to have us believe.

Today, we have mentioned in this Chamber that the United States is only one of two countries in the industrialized world that doesn't have a Health Care Plan. Perhaps this debate should be taking place, and it is, but perhaps it is more appropriate to take place in the United States Congress, rather than in the small State of Maine. This isn't the Congress. We aren't going to save the entire country by having a Universal Health Care Plan. And the small State of Maine, in my opinion, just cannot afford it. There are those of us in this Chamber, and perhaps I am the only one, that wouldn't support that today, or tomorrow, or next February, or two years from now, because it is simply too costly to be done in the State of Maine. 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 had expressed concern earlier about the cost, also. And I have heard many Senators express concern about cost, and about whether, as the Senator from Franklin, Senator Webster said, truck drivers of his District are going to be paying for such a plan. Well currently, and I refer you to an article that I got from our very own library downstairs, the Journal of Health Politics, Policy in the Law, Volume 15, Number 4, winter 1990, a fascinating article called "Expanding Health Care Coverage, Who will Pay?" Well, currently, who is paying for our Health Insurance System? They are truck drivers and under. They are disproportionately paying for our Health Care System. They spend much more percentage of their income on health care than do the rich people. What we are suggesting that we look at, is progressively financing our Health Care System, so that people who have more money, the rich people, would pay a greater percentage of their income than they are currently paying. The burden of paying for our Health Care System, will shift from the low income people in middle class, where it is now, to a more evenly distributed payment arrangement. Thank you.

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

A vote of Yes will be in favor of **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CAHILL** of Sagadahoc who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **CLEVELAND** of Androscoggin who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

**NAYS:** Senators BRAWN, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER,

**PAIRED:** Senators CAHILL, CLEVELAND

**ABSENT:** Senators None

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators having paired their votes, and no Senators being absent, the motion by Senator KANY of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-406) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **EDUCATION** on Bill "An Act to Amend the Determination of the Amount of a School District Budget when the Budget Amount Proposed Fails to Pass"

H.P. 1256 L.D. 1824

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

Signed:

Senators:  
ESTES of York  
MCCORMICK of Kennebec

Representatives:  
PFEIFFER of Brunswick  
OLIVER of Portland  
NORTON of Winthrop  
CROWLEY of Stockton Springs  
CAHILL of Mattawamkeag  
O'GARA of Westbrook  
O'DEA of Orono  
AULT of Wayne  
HANDY of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:  
BRAWN of Knox

Representative:  
BARTH of Bethel

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **ESTES** of York moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You have already heard more from me than you have wanted to. I have already spoke more this time than in any year I have been here, and I will be very brief, but I would like very much to ask you to vote against the pending motion, so that we can pass this Bill, and I have a very brief explanation why.

On the coast of Maine, in SAD 5, SAD 28, and SAD 34, every school budget was turned down. I would get lots of phone calls asking what do we do next. There was confusion. I had a Bill in earlier that I did submit at the request of a group that did come and testify, and that Bill did die. Representative Marsano, whose Bill this is, and he also had school budgets turned down, put in another Bill, and he just tried to get some help for people when school budgets are turned down. Things are different right now. We have already experienced frustration, we are all at a frustration level. It is different this year. With the recession and Budget concerns, and the less GPA that is being sent back to schools, it is a very difficult time. This is one time that this less GPA does not hurt us as much. We have always maintained that the school funding formula is not fair, and we are not crying as hard as other people, because we are used to that.

The reason that I ask you to vote against the pending motion and allow us just to put into statue what to do, I will end just by reading what this would say in the statute for people if your school budget is turned down. Maybe you already know, and don't have any problems with that, but we do on the coast. If this Bill were passed, it says this, "If the majority of voters voting a referendum reject that Budget, it is too high, and if time permits, the Board of Directors must submit an alternate Budget to referendum". However, if there is insufficient time, which often happens when you vote in June as we do, and you have a July 1st deadline, "If there is insufficient time to submit an alternate Budget to referendum, or if the alternate Budget is rejected at referendum, the previous years Budget is used". Thank you for your consideration.

Senator **GOULD** of Waldo requested a Division.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Thank you for standing while I debate this Bill, I am quite honored.

I urge the members of this Body to support the Majority Ought Not To Pass Report, and I believe that I have some very sound reasons why. We currently have school districts dangling out there waiting for us to resolve the final Budget here, so that they can make a decision about what their Budget is going to be for the next fiscal year. L.D. 1305, which has been Tabled, and we are awaiting another amendment, it is becoming sort of a Christmas Tree in order to help school districts deal with the current situation that we are in, and make sound decisions. This Bill is almost a duplicate of two other Bills that the Education Committee heard this session. The message that we had was loud and clear. What the Committee had voted to do is, that we have carried over a Bill that is all encumbering on education funding issues. We have kept alive about nine concepts for further discussion once we get beyond this first Budget situation, and the Committee can take time and reason at the beginning of the next session, and we will look at the issues that have been raised here. For us to send this Bill out, and to also pass it out, and to also pass 1305, which will help them deal with the immediate situation, what is extended on that Bill is a thirty day extension beyond the Legislature finalizing the State Budget, to allow them the flexibility.

I think it is going to create even more confusion. The concept is still alive in our discussion for the carry over Bill for next year, and I think that next year in calmer, more reasoned times, the Education Committee will take into serious consideration the issue that is raised in this Legislature. I urge you to support the Majority Ought Not To Pass Report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **ESTES** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **ESTES** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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.

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ESTES** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Committee of Conference**

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives  
H.P. 256 L.D. 347

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the House:

Representative **MAHANY** of Easton  
Representative **MAYO** of Thomaston  
Representative **ANDERSON** of Woodland

Signed on the part of the Senate:

Senator **CONLEY** of Cumberland  
President **PRAY** of Penobscot  
Senator **COLLINS** of Aroostook

Comes from the House with the Conference Report **READ** and **ACCEPTED**.

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

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**Senate**

**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:

Reported by Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Public Access Lands in Northern Maine"  
S.P. 231 L.D. 585

Reported by Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Initial Capitalization of a Public Mutual Insurance Company to Provide Workers' Compensation Insurance to Employers in this State"  
S.P. 392 L.D. 1069

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**Ought to Pass As Amended**

Senator **RICH** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act Relating to Registration of Electrologists"  
S.P. 561 L.D. 1465

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-244)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-244) **READ** and **ADOPTED**.

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

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Senator **RICH** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture" (Emergency)

S.P. 662 L.D. 1738

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-282)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-282) **READ**.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "A" (S-295) to Committee Amendment "A" (S-282) **READ** and **ADOPTED**.

Committee Amendment "A" (S-282) as Amended by Senate Amendment "A" (S-295) thereto, **ADOPTED**.

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

---

Senator **BRAWN** for the Committee on **EDUCATION** on Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (Emergency)

S.P. 154 L.D. 366

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-286)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-286) **READ** and **ADOPTED**.

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

Senator **MCCORMICK** for the Committee on **EDUCATION** on Bill "An Act to Amend the Laws Concerning Certification of Educational Personnel"

S.P. 326 L.D. 882

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-253)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

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

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Senator **MCCORMICK** for the Committee on **EDUCATION** on Bill "An Act Relating to Restructuring the Public Schools"

S.P. 445 L.D. 1189

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-246)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

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

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Senator **ESTES** for the Committee on **EDUCATION** on Bill "An Act Relating to the Education of Homeless Students"

S.P. 466 L.D. 1249

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-274)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-274) **READ** and **ADOPTED**.

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

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Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Assist in the Management of Biomedical and Associated Wastes"

S.P. 424 L.D. 1136

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-275)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-275) **READ** and **ADOPTED**.

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

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Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Relating to Unavoidable Equipment Malfunctions"  
S.P. 625 L.D. 1629

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-276)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-276) **READ** and **ADOPTED**.

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

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Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Establish a Public Solid Waste Facilities Loan and Grant Program"  
S.P. 641 L.D. 1689

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-277)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-277) **READ** and **ADOPTED**.

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

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Senator **BRANNIGAN** for the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1991 and 1992 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)  
S.P. 632 L.D. 1680

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-273)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-273) **READ** and **ADOPTED**.

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

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Senator **CONLEY** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Relating to the Long-term Care Ombudsman Program"  
S.P. 550 L.D. 1454

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-257)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-257) **READ** and **ADOPTED**.

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

---

Senator **BOST** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Increase Access to Federal Health Care Benefits"  
S.P. 658 L.D. 1734

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-243)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-243) **READ** and **ADOPTED**.

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

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Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act Relating to Court Security Personnel"  
S.P. 554 L.D. 1458

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-261)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-261) **READ** and **ADOPTED**.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act"  
S.P. 557 L.D. 1461

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-278).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-278) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator HOLLOWAY for the Committee on JUDICIARY on Bill "An Act to Clarify the Maine Juvenile Code"  
S.P. 588 L.D. 1541

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-267).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-267) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator HOLLOWAY for the Committee on JUDICIARY on Bill "An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases"  
S.P. 598 L.D. 1583

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-265).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-265) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle"

S.P. 599 L.D. 1584

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-262).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-262) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator HOLLOWAY for the Committee on JUDICIARY on Bill "An Act to Provide Due Process To Participants in the Driver Education Evaluation Program"

S.P. 614 L.D. 1618

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-263).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-263) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator HOLLOWAY for the Committee on JUDICIARY on Bill "An Act to Provide Additional Protection for Victims of Criminal Threatening and Terrorizing"  
S.P. 638 L.D. 1686

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-279).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-279) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information"

S.P. 672 L.D. 1786

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-264).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-264) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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Senator MILLS for the Committee on LEGAL AFFAIRS on Bill "An Act to Prohibit the Closing of State Liquor Stores"

S.P. 630 L.D. 1678

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-245).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-245) READ.

THE PRESIDENT: Thank you Mr. President. Ladies and Gentlemen of the Senate.

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know that I am violating the unanimous Committee Report, the unwritten rule that we have in this Senate, but I am going to proceed nevertheless.

This Bill, the title has been changed by Senate Amendment "A" (S-245), and instead of "An Act to Prohibit the Closing of State Liquor Stores", it becomes "An Act to Establish Location of State Liquor Stores". But if you read through the amendment, it basically does prohibit the closing of State Liquor Stores, unless, the Liquor Commission comes before the Legislature. The Bill makes it clear that the public policy decision to close or open a liquor store lies with the Legislature, by prohibiting the State Liquor Commission from closing State Liquor Stores without first requesting a statutory change. The amendment places in law the location of each State Liquor Store currently in operation, and requires the Commission to continue to operate into these stores.

The amendment also prohibits the Commission from operating stores, and municipalities not included on the list. I believe that this list contains 70 liquor stores. Basically, what the legislation and the amendments say is, that if for some reason,

whether it be fiscal or other reasons, and it is advisable to shut down a liquor store, it would have to come before the Legislature in order to do that.

Now there are those of us in this Chamber that believe the state shouldn't be in the liquor business to begin with. I happen to subscribe to that, and I have for a number of years now. For that reason, and for the reason that I believe, as many of you do, that we are in very tight fiscal constraints right now, and perhaps we will need to take some very drastic measures in the future, I would ask for a Division on this Bill.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator MILLS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to explain to you what this Bill as amended will change from current law. Current law states, that when the Liquor Commission decides that they would like to close any liquor stores in the State of Maine they need to have a Hearing before the Legal Affairs Legislative Committee, and the Committee makes a recommendation on the closing of those stores.

As many of you know, in the Governor's Budget of this session, he is recommending the closing of ten liquor stores. That issue came before our Committee, and we had a Hearing on it. And at that Hearing, we asked the Commissioners what would happen if we vote that those stores should not be closed, and you decide that they should be closed? We were told that under the current law, that if they decided even after we had the Public Hearing, that if they wanted to close those stores, that they could do so.

And to me, I thought that was not the way that the law should be written. If we are going to really be tough on OUI, and all of these other types of issues that we talked about in this Legislature, and set the alcohol policy for this state, when it comes to whether or not stores that sell alcohol, and how it is sold, it should be the Legislature that decides that as a policy making branch of government. I believe that is the way it should be, and that is the way that it is set up, and we should not have a democracy of a few Commissioners deciding that we possibly could be changing the system of alcohol in this state.

Now, I must point out that Commissioners told us in no uncertain terms that if we told them not to close those stores, that they would not close those stores. I think that is important to realize, also. We have nothing against the Liquor Commission at this time at all! As a matter of fact, they agree with the policy that we have set in the past, and hopefully, they will in the future. The point is, that we don't know what the future will have for the Commission, and we should not allow a few people to make that decision for the whole State of Maine. That should not be decided by those few people, it should be decided by us as a Legislature.

Just as, for example, the Maine Turnpike Authority, or most of the Authorities of this state, if they want to make major changes in policy,

such as widening the turnpike, or any of those types of decisions, they have to make their decision and come to the Legislative Committee, and then that Committee recommends to the Legislature what the policy will be for the state. It should not be any different for the Liquor Commission. If they want to close stores, they should have to come to us and justify the closing of those stores.

I want to make it clear that we are not trying to prevent the closing of State Liquor Stores. As a matter of fact, our Committee will be appearing before the Appropriations Committee and recommending the closure of five liquor stores. So, for anyone to say that we are against closure of liquor stores, it is not true. It is a case of who makes that decision, and it should be the Legislative Branch of Government that does that. I will hope that you will support this unanimous Report, both in the House and the Senate, and send it on its way for good government. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (S-245).

A Division has been requested.

Will all those in favor of the motion to **ADOPT** Committee Amendment "A" (S-245), please rise in their places and remain standing until counted.

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

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, Committee Amendment "A" (S-245) was **ADOPTED**.

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

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Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws"  
S.P. 687 L.D. 1828

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-268)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-268) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services" (Emergency)

S.P. 370 L.D. 995

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-271)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-271) **READ** and **ADOPTED**.

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

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Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission"

S.P. 508 L.D. 1346

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-281)**.

Which Report was **READ**.

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

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Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Northern Maine Regional Planning Commission, Inc. and the Northern Regional Planning Commission, Inc. Charter"

S.P. 593 L.D. 1565

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-270)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-270) **READ** and **ADOPTED**.

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

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (Emergency)

S.P. 660 L.D. 1736

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-269).

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Committee Report.

Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-280).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-280) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans"

S.P. 585 L.D. 1538

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-247).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-247) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act to Authorize Operation of a 6-axle Single Unit Truck and a Combination Vehicle with a 53-foot Semitrailer Resulting from the Experimental Vehicle Program"

S.P. 674 L.D. 1788

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-248).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-248) READ and ADOPTED.

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 Ban Smoking in Laundromats"

S.P. 215 L.D. 542

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-251)

Signed:

Representatives:

MANNING of Portland  
GOODRIDGE of Pittsfield  
SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
PENDEXTER of Scarborough  
TREAT of Gardiner  
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:

GEAN of Alfred  
DUPLESSIS of Old Town  
PENDLETON of Scarborough

Which Reports were READ.

The Minority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Protect Citizens from the Effects of Environmental Tobacco Smoke"

S.P. 422 L.D. 1134

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-252)

Signed:

Representatives:

MANNING of Portland  
CLARK of Brunswick  
GOODRIDGE of Pittsfield  
SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
PENDEXTER of Scarborough  
TREAT of Gardiner  
DUPLESSIS of Old Town

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:

GEAN of Alfred  
PENDLETON of Scarborough

Which Reports were **READ.**

The Chair moved to **ACCEPT** the Minority **UGHT NOT TO PASS** Report.

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

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we take action on this Bill, and I must, as the good Senator from Sagadahoc, Senator Cahill said, I must also beg the forgiveness of this Chamber, and this Body, of violating the three Senate Rules, or the two Senate Rules, or whatever it is that happens, but basically, to raise my concerns about the importance of protecting citizens from second hand tobacco smoke. We know very conclusively today, by the research from the private and public groups about the hazards of smoking, that those citizens that choose not to smoke, suffer the ill consequences, the ill health effects of those that choose to smoke, with respect to public areas.

This particular Bill is a Bill that I submitted, and I want to thank the Senator from Cumberland, Senator Conley, and the distinguished members of the Human Resources Committee, my seatmate to the left, removed by one seat, the good Senator from Cumberland, Senator Gill, and the Senator from Penobscot, Senator Bost, for an excellent Hearing. They worked hard that day, I know that these are very tough Bills. I know also that the progress that we have made here in Maine and across the country, with respect to protecting citizens from smoking, and the effects of smoke in the work place and in the public areas, has come as a hard fought battle against the Tobacco Lobby, a Lobby that exists with its tentacles in all fifty states, and I appreciate the members

of the Human Resources Committee, that I just mentioned, for their very hard work.

This is an extension, in my opinion, of that progress. We know now through a report from the EPA in Washington, that over 50,000 people have died due to the effects of secondhand smoke. We know from the studies that the risks of serious health effects are 20% higher of those that work in areas that have secondhand smoke. We know that the Tobacco Lobby must run to the hills, and leave town with their arguments. They are bogus, and we knew it from the start. It reminds me of the alcohol industry propaganda. This Legislature and our society, and government and citizens, have been strong in setting the record straight.

The amendment that is offered on this particular Bill will seek to protect the citizens from secondhand tobacco smoke. It has a number of exemptions that, again, are areas much, much too hard to nail down at this time. It provides the kind of flexibility that those that had some concerns from different segments of our state and society had with the legislation. So it is not as sweeping as it was intended to be in the beginning. It has been narrowed down in its focus, but, it goes to the heart of protecting the public health. Ladies and gentlemen, this is why I submitted this Bill, that is why I believe in this Bill. It is my right not to breath air that has secondhand smoke in it!

I just wanted to have an opportunity to discuss this issue. I know full well that we may have another day, but we may not. Having an opportunity to discuss this important public health issue, Mr. President, men and women of the Senate, I did want to put those remarks on the Record, and I ask for a Division. Thank you Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have talked a good deal this evening about health care, and health care costs, and this seems to me an area that we can talk about without putting dollars and cents into a Budget.

I have to tell you, first of all, that I am a reformed smoker, and these folks are probably the worst kind, as you know. I wanted to preempt anybody from saying that. I am happy to report that the last time I had a cigarette was in this Chamber, in 1978. It was about 4:00 in the morning, and all of a sudden a star appeared, and a great happening took place, and I threw away my cigarettes. I have been very happy about it ever since.

The thing that I think is particularly important about this Bill, is that as the good Senator from Kennebec, Senator Matthews has indicated, it is a case of secondhand smoke. It says in so many words that you ought not to smoke where other people can have the disadvantage of it. I would like to suggest a couple of things that I thought were rather interesting that I read recently. It said that, "Non-smoking children raised in homes where two adults smoke cigarettes, have twice the risk of

cancer in adulthood". I also noted that in the same piece that I read that it said, "Passive smoking", that is other people's smoke, "ranks behind direct smoking and alcohol as the third leading preventable cause of death in the United States". I thought that those statistics were rather interesting. We don't often think of what we are doing to other people, those of us that smoke, or used to smoke, we are really only thinking about ourselves. This suggests that we ought to think about the people who smoke our smoke.

The other statistic that I thought was rather interesting was this, it says, "Cigarette related causes kill more Americans daily, about 1,000, than two fully loaded 747 Jumbo Jet crashes". Environmental smoke effects all of us. As the saying goes, "Your smoke should end where my nose begins". Thank you Mr. President.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As a signer of the Minority Report, along with the other two Senators on the Human Resources Committee, I feel compelled at this point to rise and defend the Party's actions in reference to this piece of legislation.

In deference to the good Senator from Aroostook, Senator Collins, I have had a different experience with smoking. Most people I know seem to be trying to stop. I seem to be trying to start! It probably has something to do with the rebel era in which I was raised. The more people talked negatively about this stuff, the more interested I become. It is a very strange thing that is going on up in the Human Resources Committee. I don't think that we have had a Bill, or a series of Bills this session which have demanded more attention from the members of that Committee. They had a lengthy nine or ten hour Hearing where people from both sides took long periods of time to explain their strong feelings on this issue. The Bill prior to this one, sponsored by the good Senator from Kennebec, Senator Bustin, is but a small piece of what this Bill is all about.

I think that the wisdom of the Minority in reference to this Bill was guided by a number of factors. Yes, we are concerned about secondhand smoke, about smoke in the environment, and the impact that it would have on our citizens. I think that much evidence was generated at the Hearing, which would suggest at this point, the jury is still out on exactly what kind of an impact that smoke would have. But, the most important thing, I think, that we learned through these Bills, which came to our attention with these Bills, is the far reaching impact which this particular measure has. This Bill, if adopted, will ban smoking in almost every office place in the state, any office that the public has access to during the day will essentially be banned from smoking. We will be telling businesses what to do. Everything from pool halls, to barber shops, to Ma and Pa stores over fifteen hundred feet in area. We tell them, if we pass this Bill, that smoking is outlawed. I think it is about time we in this state, stop trying to tell businesses what they have to do, and what they should do.

I notice that the good Senator from Franklin Senator Webster, has finally perked up to hear a Democrat stand up for small business, but I believe in what I say. I will give you a couple of examples of about how smoking has been handled, at least in my area, and it shows you that businesses can use their head when they have to. I recently went to a concert at a small restaurant/bar in my town by the name of Raoul's, and they had two nights of appearances by a certain artist, and they advertised one night smoke free, and the other night, people could smoke if they chose. There is another restaurant in the Town of Gorham, by the name of Gorham Station, a well respected restaurant in the good Senator from Cumberland's District, Senator Esty, and they also take out adds in the newspaper. Monday night, smoke free night, people who enjoy dining out without having to be exposed to smoke, can go to that restaurant. And that is what they do to deal with this problem.

One of the things that really bothers me about this Bill, and you look at it carefully, and I happen to represent an area in a Senate District which has the most bars of any other District in the state, and I am proud of that in being able to represent a very worthy District. I try to do a good job for them. This Bill, if passed, would outlaw smoking in any bar or lounge that did not serve food, and primarily served alcohol, which I guess we would leave to the good people of the Department of Human Services to figure out what that means, and we know how things got turned around the last time we sent something down to them to work on. This Bill upsets me, and I think I really know what is going on under this, and in all of the smoking Bills, and I know that people will take great issue, but something that bothers me about this. It is not lost on me that this state is basically the birth place of any type of every movement to prohibit the consumption of alcohol. The prohibitionist movement started here, and there is a strong streak that still runs through the people of this state, and their desire to control people's behavior.

I know smoking is a dirty, nasty habit. But it also happens to be a lot of fun for some people, and they actually like to do it. For some reason, we feel compelled, and particularly here in New England, the northeast, to try to control people's behavior. We are going to tell them what to do. If we keep going down the path that we are going in relation to regulation of cigarette smoking, I believe we should just tax them mercilessly! Yes, the big "T", I am in favor of taxing these things as much as can be stood. That is where we should get the money to run our health programs. But, if we keep going down the path that we are going, we are going to end up having police checking to see if people are smoking. That is not a public policy we should pursue. For those reasons, I believe that we should adopt the Minority Report.

**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 clarify what the amendment does to the Bill, this amendment repeals the entire Bill, and substitutes a similar, narrower proposal that prohibits smoking in enclosed

areas of buildings to which members of the public are invited or permitted, and in rest rooms that are available for public use. Among the exceptions made to the prohibition are taverns, lounges, private offices, small owner/operated stores, beano games, and civic auditoriums. Restaurants, hospitals, and the work place continue to be governed by their own laws. Portions of the existing law that are duplicated are repealed.

Ladies and gentlemen, in response to my good friend, the Senator from Cumberland, Senator Conley, the big difference between the statement about trying to control behaviors, the problem that I have with smoking and secondhand smoking for those that feel that way, is that I have no control in public buildings of inhaling that secondhand smoke. That is the issue here. I think that one should not forget that this is the central issue. We are subjected, whether we want to be or not, in public areas to ill effects of secondhand smoke.

As far as the mention of the character of Maine people, the home of the temperance movement, and the abolition movement, and all kinds of good moral movements, my response to those that feel differently than I is, to play tennis, go jogging, and go hiking, those are good healthy kinds of things.

**THE PRESIDENT:** The pending question before the Senate is the motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

A Division has been requested.

Will all those in favor of the motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, please rise in their places and remain standing until counted.

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

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a State Municipalities Investment Pool"

S.P. 516 L.D. 1377

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

Signed:

Senators:  
BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives:

KERR of Old Orchard Beach  
NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union  
GRAY of Sedgwick  
WATERMAN of Buxton  
JOSEPH of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:  
BUSTIN of Kennebec

Representatives:

HEESCHEN of Wilton  
LARRIVEE of Gorham  
KILKELLY of Wiscasset

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill has for a title, "An Act to Create a State Municipalities Investment Pool". I would like to give you a few reasons why you should vote for the Bill, then I will give you my reasons why I voted against this proposal in Committee.

First of all, governmental entities, that is to say municipalities, towns, plantations, counties, could invest if they wanted to, use their monies and join a pool of investors through the Maine Municipal Bond Bank, thereby getting access to greater opportunities for higher interest, if the market so warranted. There is as much as 300 million dollars that could effectively be involved in this proposal. It also is one of the reasons for the Bill that would give the Maine Bond Bank an opportunity to make some money, as the Director told us in Committee. The municipalities could turn their money from other investments into this Bond Bank, rather than the local banks, and the State Treasurer could, if he or she wanted to, and if the municipality wanted to, direct deposit the monies that come from the state to any municipal entity. Those are some of the reasons that I found for the Bill.

Then there were other reasons why. Currently, municipalities can now join other investment pools, if they so wish, through whatever investment organization that they might have in mind. Presently, when they invest in the local bank, or the State of Maine Bank, they have access to interest which is compounded on a daily basis. I mention local banks because, the friendly bank in town does many things for municipalities, and people as a general rule as well. For one thing, they allow free checking accounts for municipalities, that is one of the many services that they give at the local level, which would obviously be lost if banks are allowed to

at least use the monies of the municipalities to invest. They make money, municipalities make money, and out of deference to them, they also allow these little services that they provide.

One bank that testified in our work session that came to give us some background said, that 90% of their assets are invested in loans. Of that 90%, 99% is reinvested in Maine, for whatever purpose those loans would be. The monies with the Bond Bank would leave the state in order to incur larger interest returns or dividends.

One thing that really impressed me, and I think that was the clincher, that we were told that there was no FDIC on the Bond Bank investments. I thought that was a key point. It would be optional. It is enabling legislation presently, but it could very quickly, very easily become mandatory on municipalities. There is nothing to preclude that. Rates could also be changed by the Bond Bank. Lastly, but not the least, I did not receive one single call from any of the municipal offices from the eight towns in the city that I represent. I would ask you to support the Majority Report of the Committee. Thank you.

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

**Senator BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought I was going to have to argue against the good Senator from Androscoggin, Senator Berube, but I find that I don't have to, because she has already stated all of the good reasons why this Bill should become law, so there is no need for me to repeat that. She stated, as it does in the Statement of Fact, if you read the Bill, that there is \$300 billion worth of investment funds. We are talking about municipalities being able to choose a different vehicle in order to save money for their towns, for the life of me, I cannot figure out with all that I hear about not passing state mandates down to towns, because they cannot afford to pay for it unless we want to send money down. Not asking towns to do this, not taking money away from them, giving them the ability to tax. We go on, and on, and on about how we are going to help municipalities.

Here is a Bill that can help our municipalities, and all of a sudden, we have got a Majority Report that says that we shouldn't do it. I really can't figure that out. What I see is, that this is another vehicle, another way for municipalities to work with their Maine Bond Banks, just enabling legislation so that they can come up with better agreements as how they are going to deposit and run their towns better with their monies. Mr. President, when the vote is taken I would ask for a Division.

Senator BUSTIN of Kennebec requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those in favor of the motion by Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

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

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

(See Action Later Today)

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### Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Resolve, to Implement the Final Report of the Commission on Maine's Future

S.P. 546 L.D. 1450

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives:

LARRIVEE of Gorham  
NASH of Camden  
KILKELLY of Wiscasset  
GRAY of Sedgwick  
WATERMAN of Buxton  
SAVAGE of Union  
LOOK of Jonesboro  
KERR of Old Orchard Beach  
JOSEPH of Waterville

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-283)

Signed:

Senator:

BUSTIN of Kennebec

Representative:

HEESCHEN of Wilton

Which Reports were READ.

On motion by Senator BERUBE of Androscoggin, the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Interest on Community Agency Accounts"

S.P. 575 L.D. 1529

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

Signed:

Senators:

BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives:

NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union  
GRAY of Sedgwick  
WATERMAN of Buxton  
KERR of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-272)**

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

LARRIVEE of Gorham  
HEESCHEN of Wilton  
KILKELLY of Wiscasset  
JOSEPH of Waterville

Which Reports were **READ.**

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Again, I find myself on the opposite side of the good Chairman from Androscoggin, Senator Berube. But, I think that before we have this Bill go down in defeat, that we ought to take a look at it. What this does is, allow the Community Agency Programs, who do not get paid timely, to collect interest on the money that they have not collected. It is an important Bill, and I do not understand why we wouldn't want to assist those agencies who we are really asking to do our work for us. When we ask them to set up homes for persons with mental illness, or homes for persons with mental retardation, or any of those other things, we ask them to do that in good faith. Then we say to them, we are going to send them a check in the mail. Well guess what? Sometimes the check isn't in the mail. When the check isn't in the mail, and you owe it to the state, what happens to you? You got to pay the interest. That is what happens to you. All this Bill says is, when the state doesn't put the check in the mail, we got to pay the interest. I think that is only fair, because what is

happening out there, is that the Community Agencies, then because they don't get the check in the mail, then have to go to their local friendly banker, and they have to then ask to borrow some money in order to carry them through, at interest. None of that makes sense to me. What makes sense is, that if state agencies are going to contract with agencies to do their work for them, then they ought to be able to pay them timely, and if they don't, they ought to pay the same kind of interest that we the state ask the people when they don't pay them. It only seems fair. I ask for a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

A Division has been requested.

Will all those in favor of the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, **PREVAILED.**

Sent down for concurrence.

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**Divided Report**

Seven Members on the Committee on **TRANSPORTATION** on Bill "An Act to Mandate the Use of Seat Belts"  
S.P. 381 L.D. 1058

Reported in Report A that the same **Ought Not to Pass.**

Signed:

Representatives:

STROUT of Corinth  
HUSSEY of Milo  
MARTIN of Van Buren  
HALE of Sanford  
TAMMARO of Baileyville  
RICKER of Lewiston  
BOUTILIER of Lewiston

Four Members of the Same Committee on the same subject reported in Report B that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249).**



Signed:

Senators:

THERIAULT of Aroostook  
MILLS of Oxford  
GOULD of Waldo

Representative:

SMALL of Bath

Two Members of the Same Committee on the same subject reported in Report C that the same Ought to Pass as Amended by Committee Amendment "B" (S-250).

Signed:

Representatives:

MACOMBER of South Portland  
BAILEY of Farmington

Which Reports were READ.

Senator THERIAULT of Androscoggin moved to ACCEPT Report B OUGHT TO PASS AS AMENDED Report.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. First, I would like to begin by commending the good Senator from Cumberland, Senator Brannigan, for keeping this issue before us, and also the good Senator from Aroostook, Senator Collins, for keeping this issue before us.

I want to explain very briefly what the three Reports do. Report A is Ought Not To Pass, so that means that the laws as we have on it the books would say that all passengers in a vehicle that are 15 inclusive and under, have to wear seat belts. That is the present law. Report B, which is the Report I moved, increases that age from 15 to 18 inclusive. They would be required to wear belts. Report C is full bore, everybody wearing a seat belt all the time when they are in a vehicle. You have your pick.

Senator WEBSTER of Franklin moved to INDEFINITELY POSTPONE Bill and Accompanying Papers.

Senator MILLS of Oxford requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator MILLS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you will defeat the motion that is before you at this time, and go with the Report B, which is the compromised Bill out of Committee. I feel that it would be a good policy for the State of Maine to continue to have seat belts being required to be worn by people up to the age of 18. I think that the current law, the way it stands now, encourages people to wear seat belts up the point where they can actually get a license. I think that it kind of discourages the use of seat belts, and perhaps for younger people it is the most important time of their life when they first get a license, up until they become an adult. I would hope that we would defeat the motion so that we could go on to pass Report B.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the fourth time that I have had to vote on seat belt legislation. I remember back six or eight years ago when we passed a law, a compromise Bill as the previous speaker has talked about. A compromise Bill that said, "If you are under the age of four, you have to have a seat belt". Then the next year we came in, and said, "We are going to have another compromise, because there is concern out there, and we need to take care of everybody". So we went to the age of twelve, and fourteen, and now we are at sixteen under current law.

It seems to me that this is another example of the Legislature passing a law, perhaps, that is really unnecessary. In 1987, the law was fourteen. If you can add, the way I understand it, it was under the age of thirteen, I did some research during the other lengthy debate we had, and in 1987, we passed a law saying up to the age of thirteenth birthday you had to have a seat belt. Well, a little adding and subtracting would tell you that anyone who is thirteen in 1987 would now be 17 or 18 years old, so this Bill just doesn't make any sense. I am not sure of the logic behind this. I am quite convinced that once we passed this, next year, we will have another Bill, which will make it 21, or who knows what.

I like the idea that young children, who can't make their own decisions, are required to have a seat belt. But I am not convinced this Bill is necessary, and I don't think we need it, and for that reason, I would just like to dispense with this Bill. I regret that the three members of the Committee, who serve in this distinguished Body, feel this is a good compromise. But after a while, ladies and gentlemen of the Senate, do we need to continue to compromise, and compromise, when most people understand the issue. I think that the current law is sufficient, and I would ask you to support my motion. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I continue to wear my white hat tonight, and I would suggest that we not Indefinitely Postpone this Bill. It has a great deal of merit in either of other two options. Of course the one that I prefer, is the one that would make it mandatory for all of us. I say that, and at the same time tell you that I generally am not a person that generally favors a lot of regulatory rules, but I make an exception when it comes to matters of health and safety. This certainly fills that requirement very well.

Some of the data that I discovered in the course of reading about seat belts, and seat belt laws, included a suggestion that one of the reasons that people didn't like it was, because they sort of considered it an invasion of their civil liberties. It seems to me that they really didn't think this out very well, because with respect to the operation of automobiles, we have been regulated for a long, long time. We determine how old you have to be before you have a license. We require testing. We require

insurance on your vehicle. We have speed limits. We tell you that you can't drink and drive. And there is a whole body of law that regulates our activity with respect to driving automobiles. And yet, we are concerned when somebody says, "You have got to fasten your seat belt". It doesn't cost any money, it is provided in your vehicle if you own a vehicle that is a dozen years or so old. Most of all, it saves lives. It saves lots of lives. The research on that is wide and significant, and I think it cannot be debated against. I would like to read to you, for example, what the Bureau of Highway Safety said in a press release last March. I will quote, "The annual report issued by the Bureau, explained that 166 of the victims who died in passenger vehicles, of that number, 84% were not using seat belts. Research has indicated that when used, lap and shoulder belts reduce the risk of fatal, or serious injury, by between 40% and 55%. Many of these victims would be alive if they had taken the time to buckle up."

Maine is one of twelve states that doesn't have a compulsory seat belt law. Thirty-eight states and the District of Columbia have that requirement. If you look to the north, in Canada, you will find it is compulsory there. In my neighborhood, if I drive on Loring Air Force Base, the first thing that they do is look to see if I have a seat belt on. If I drive off that Federal facility, they look to see if I am wearing it then. It seems to me that some of us, perhaps, have a mind set that says, "I just don't want to do this because somebody is asking that I do it". And I think that those of us that are in our middle and advanced years are most guilty of that, unfortunately. And perhaps, that is why I favor the mandatory seat belt law that would apply to all of us.

Mr. President, and members of the Senate, I hope you will defeat the motion pending, and then concern yourself with the other alternatives. Thank you Mr. President.

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The President requested that the Sergeant-at-Arms escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties as President Pro Tem.

The President retired from the Chamber.

Senate called to Order by the President Pro Tem.

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Waldo, Senator Gould.

Senator GOULD: Thank you Madam President. Ladies and Gentlemen of the Senate. I rise tonight to point out one particular thing. Our young people get their license at the age of 16. At the end of that year we say, "Now you don't have to wear seat belts". I really think that we should raise through the age of 18. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Madam President. Ladies and Gentlemen of the Senate. I appreciate the Senators' support for this Bill. I would just correct, that at the present time, we just raised the age to which a person can get a license from 15 to 16, but seat belts are only required for under 16. That would be one reason to support either B or C. I certainly am asking you, along with the Senator from Aroostook, Senator Collins, to defeat the pending motion, to kill this Bill, and then go on to deal with a requirement that we all wear seat belts.

A time was when we were pushing this Bill, we would have been one of the few that did, now we are one of the few that don't. I think there was a time when we were afraid that the people would rise up and say as they did in Massachusetts, "no", after the Legislature had said "yes". I don't think that is true anymore. Polls now show that the majority of the people in the state would accept a Universal Seat Belt Law, a law that says that we all wear our seat belts.

I would just like to comment on a couple of things regarding the so-called invasion of our privacy issue around seat belts. One of them I have a heck of a time with is blaze orange. Maybe I make too much of this, but the most independent people in our state who go hunting, at least the ones I used to hunt with, are in Bowdoinham and Topsham. When I was hunting as a young man, people were killed during the hunting season. Ten to fifteen were expected every year. One year, unfortunately, a record I believe, nineteen were killed. It is now down to one or two. Why? Because you can't go into the woods in hunting season with a gun to hunt unless you have blaze orange on. And, this Legislature, probably most of us don't know it yet, just passed a law that says now you cannot go hunting unless you have two pieces of clothing that are blaze orange. It really worked.

We are offering a Bill where people, I believe, will use the seat belt law, because the people of this state obey laws. All we have to do is pass this, and many lives will be saved, just as when we passed the law that says you have to wear blaze orange to go hunting. It doesn't cost anything. It will reduce health care costs and rehabilitation costs. The people, especially young people under 18, as well as over, who are hurt, paralyzed, we have to care for them the rest of their lives, humanistically we do, but they cost us a lot of money. There is no need of it!

One other issue about seat belts that is not often talked about, which I believe is very important is, as I drive along the highway. I want to see everyone that is coming at me being as safe a driver as they can be. The Senator from Aroostook, Senator Collins, named a number of things that we have to do to be safe. One he didn't name was, that we drive a safe vehicle. We have to have it inspected. But, do you realize that the person coming toward you, or a person that might be involved in an accident with you, who has a seat belt on, is a much safer driver than the one that does not? Once an accident begins to happen, if the driver is knocked out of position to break, to steer, to clutch, or to shift, they

become much more dangerous. The car becomes totally uncontrolled! Seat belts, often times in accident conditions, hold us in the place where we need to be, the place where we control that car. Now I don't care whether you don't care where your car happens to go once it starts to take off, but if it is coming towards me, I care. I care for myself, my kids, my wife, I don't have a dog, but everybody that would be in my car. I really care about that! So, this issue is one of safety for all of us, to one of health care for all of us, it is one of good sense and driving for all of us. I encourage you to defeat the pending motion, and go on to accept the universal report, eventually, as we work our way toward it. Thank you.

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

Senator **WEBSTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. As we deliberate, and look at passing new laws, putting new burdens on the citizenry of this state, we ought to be asking ourselves, is there logic behind that decision. No one that has spoken thus far has given me any statistics to indicate why we ought to be raising our law from 16 to 18. What we are doing, as far as I can see, is passing another law so that we can say we did something. But no one has proven to me, and I await the statistics to prove that there is a problem.

I think that the education system, the way that we have it today, is working well. When I go to pick up my child from day care, who is eight years old, the first thing that she does is buckle her seat belt, and because of her, I am now buckling mine. After a while you get tired of her saying, "Dad, buckle your seat belt". I hate to just pass another law so that we can appease whoever it is we are trying to appease. Frankly, no one has convinced me, no member of this Body, or anywhere else has proved to me that there is a reason to change current law. It makes you feel good, maybe. It makes you think that you are doing something. But I would dare estimate, or guess, or assume that most people in this age bracket are already buckling their seat belt because of years, and years of education in this area.

For that reason I think that Bill is unnecessary. It is just another law that we don't need, and I would ask you to follow, along with the Senator from Franklin, and defeat this Bill. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I guess it is about time I got my feet wet in here. I haven't debated any Bill yet, so I guess I will start with this one.

The good Senator from Franklin, Senator Webster, said he wanted some statistics. Therefore, I guess it is up to me to give them to him. My daughter, in Maryland, who twenty years and three days ago, was pregnant. She did, in fact, have an accident. She was wearing a seat belt, and because of that seat belt, I celebrated my twenty year old granddaughter's birthday three days ago. That is one life. If this Bill can save one life, than you should definitely vote for it.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to rise and respond to the good Senator from Franklin, Senator Webster's comments. He mentions that, if I understand it correctly, the motion on the floor right now is the motion he has made is to Indefinitely Postpone this Bill. Then, on the other hand, he mentions that if someone could just show him statistics to show that this would work, then he would be more in favor of voting for it. Well, if he really feels that way, all he has to do is withdraw motion, and make a motion to accept Report C, which would make it mandatory for everyone, if that is his argument. I do not think it is his argument. I think he is trying to raise an argument and defeat the Bill. But, if he really believes that, if he wants to be shown statistics and everything else, I don't think anybody here can argue the fact that mandatory seat belts for everyone in the state would be more safe. Then he can withdraw his motion and make a motion for Report C, which I don't think that he will do. So, I hope that you will defeat his motion so we can go on to pass Report B. And I hope that is what will happen. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Madam President. Ladies and Gentlemen of the Senate. I am very disappointed that I don't see the Senator from Franklin, Senator Webster, reading diligently. I have just given him a packet, which I will not share with everyone, because I am sure that not everyone needs it, but he has requested it of statistics that show over and over again the safety factors, the lifesaving factors, the numbers of states, the numbers of people, presented to us by Dr. Graham, who is our number one state doctor. If we want just one statistic, twelve peoples lives will be saved if we pass this Bill, twelve people in the next year.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the information given to me, but frankly, this is the type of information that I am sure that some high paid lobbyist has provided to this Body.

The good Senator from Cumberland, Senator Brannigan, has talked about twelve lives. I assume, that by changing this from 16 to 18, that twelve, 16 to 18 year old people will be saved, because those are the people we are talking about. We are not talking about Report C that this Senate has yet gone as far as to enact a law to mandate seat belts for everyone. I am not convinced that raising it from 16 to 18 is the only logical reason, because the only people in theory that would benefit from this type of law would be those people that fall in that bracket! I want to know how many people killed last year in Maine between the years of 16 and 18 that would have been saved by this law. I would guess that most

16 to 18 year old people today are already wearing seat belts, and this law would not apply to them. It is unnecessary. That is my whole argument right along. I would like to have someone tell me statistics that are important, not how many people died in Illinois, but how many people who would benefit from this law. We want to enact this law, I assume that everybody here is serious about enacting this piece of legislation. I just want to know, I think that the Senate needs to know, I think that the Legislature needs to know how many people benefit from this type of law, and who would actually be hurt if this law was on the books.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Madam President. Ladies and Gentlemen of the Senate. First of all, let me make it very clear that I was not just talking about people 16 to 18, or the Senator from Aroostook, Senator Collins talked, we are talking about everyone. When I talk about twelve people, I am talking about everyone.

Someone wrote me a note and said, "You want me to name the 12 people who are going to be saved". I am sure that they were kidding. But, I had a feeling that you were getting close there at one point. Statistics don't lie, always. Read that! Read that! You asked for it, doggone it, read it! The biggest killer of young people are automobile accidents. You don't really believe that all the young people riding around wear seat belts. I have difficulty with that logic. But, I am up here advocating for Report C, and will be pushing for it as long as I am a member of this Body. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I find that in order for someone to come up with a logical reason, or a conclusion, that you need to apply a little bit of intellect to the logic to come up with the conclusion. I feel that the two Senators that serve with me on the Transportation Committee put their finger on the real reason why we need to up this to 18. It is, I think, silly for us to stop requiring the use of seat belts when somebody gets a drivers license. Now, the logic behind this is this. We are creatures of habit. Once we do something so many times, they say 35 times, according to the experts it becomes a habit. What I am hoping, personally, is if we can get the passengers in the vehicle to wear seat belts until they are 18, inclusive, that it will become a habit for the rest of their lives. That is the logic behind the age 18. Thank you.

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

Senator **MCCORMICK:** Thank you Madam President. Ladies and Gentlemen of the Senate. The good Senator from Franklin, Senator Webster, wanted one reason to vote for this Bill, one reason why it is a good idea. And I, too, should preface my remarks by saying that I am speaking about Report C.

We have talked a lot about health care costs this evening, and that is the reason. If we pass Report C, we will save the cost of 540 hospitalizations. We will save money. So the answer to your question is, it saves money.

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

Senator **TITCOMB:** Thank you Madam President. Ladies and Gentlemen of the Senate. I would just like to enter a little commentary into the Record, and for what it is worth, it may just be another fly in the ointment.

I have always believed in the worth of seat belts, and frankly, my children are not allowed in automobiles unless they are strapped in. But, a couple of years ago, when I purchased a major investment, I got a new automobile, and I was quite excited about it, I decided to get a good size one so that it would be good and safe. I was rather disturbed to find that from one of the National Automobile Consumer Safety Reports that the particular type of automobile in which I had invested, had a major problem with head-on collisions. At 35 mph, it was practically the "kiss of death" to the driver. I can tell you that over the last couple of years I have wrestled with the idea of whether or not I want to strap myself in, because I am trying to decide if I can move fast enough, if I get in a head-on collision, to get out of the way of the steering wheel coming at me, or if I just decide to sit there and remain strapped in.

I would say for the Report that the good Senator from Cumberland, Senator Brannigan, would speak to, I would like to have a choice. As to the younger people in the car, that is a different issue.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A Division has been requested.

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

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

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Madam President. Ladies and Gentlemen of the Senate. It is difficult to argue against Report B, but for those who support Report B, we do so. We thought we would ask you again to defeat this motion, and then go on to Report C.

As everyone knows an intervening motion having been made, that we were so unfortunate as not have Report C passed, we could go back and go with Report B. So we have many options here. Please defeat the pending motion so that we can pass the universal Bill. Thank you.

Senator **BRANNIGAN** of Cumberland requested a Division.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **THERIAULT** of Aroostook to **ACCEPT** Report B **OUGHT TO PASS AS AMENDED** Report.

The Chair ordered a Division.

Will all those in favor of the motion by Senator **THERIAULT** of Aroostook to **ACCEPT** Report B **OUGHT TO PASS AS AMENDED** Report, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **THERIAULT** of Aroostook to **ACCEPT** Report B **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

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

**SECOND READERS**

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

**House**

Bill "An Act to Ensure Continuity in Liability for Ground Water Contamination" (Emergency)  
H.P. 1306 L.D. 1888

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

**House As Amended**

Bill "An Act to Provide Full Pupil Subsidies for Home School Students"  
H.P. 579 L.D. 830  
(C "A" H-356)

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

**Senate**

Resolve, to Establish a Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House  
S.P. 697 L.D. 1862

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"  
S.P. 58 L.D. 107  
(C "A" S-235)

Bill "An Act to Revise the Small Claims Laws"  
S.P. 134 L.D. 272  
(C "A" S-238)

Bill "An Act to Prohibit Retrofitted Lift Axles on 100,000-pound General Commodity Permit Vehicles"  
S.P. 152 L.D. 364  
(C "A" S-232)

Bill "An Act to Create a Maine "Dig-safe" System"  
S.P. 186 L.D. 495  
(C "A" S-224)

Bill "An Act to Amend the Laws Governing Sexual Assault"  
S.P. 217 L.D. 544  
(C "A" S-236)

Bill "An Act to Improve and Expand Job Training Opportunities for Maine Citizens" (Emergency)  
S.P. 366 L.D. 968  
(C "A" S-228)

Bill "An Act to Promote Economic Development"  
S.P. 515 L.D. 1376  
(C "A" S-230)

Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Memorial Bridge"

S.P. 530 L.D. 1408  
(C "A" S-234)

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (Emergency)

S.P. 538 L.D. 1436  
(C "A" S-231)

Resolve, to Conduct an Independent Review of the Department of Human Services

S.P. 551 L.D. 1455  
(C "A" S-240)

Bill "An Act to Require Country of Origin Labeling on Fresh Produce and Labeling of Produce Treated with Post-harvest Treatments"

S.P. 606 L.D. 1610  
(C "A" S-225)

Bill "An Act to Set Priorities in the Tax Setoff Program"

S.P. 647 L.D. 1692  
(C "A" S-227)

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

Sent down for concurrence.

Bill "An Act to Amend Certain Provisions of the Maine Bail Code"

S.P. 440 L.D. 1184  
(C "A" S-237)

Which was **READ A SECOND TIME.**

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-237).

On further motion by same Senator, Senate Amendment "A" (S-287) to Committee Amendment "A" (S-237) **READ.**

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is rather a technical Bill which harmonizes the provisions of post and preconviction bail, and the amendment simply adds a fiscal note to the Bill.

Senate Amendment "A" (S-287) to Committee Amendment "A" (S-237) **ADOPTED.**

Committee Amendment "A" (S-237) as Amended by Senate Amendment "A" (S-287) thereto, **ADOPTED.**

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

Sent down for concurrence.

Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws (Emergency)  
S.P. 673 L.D. 1787  
(C "A" S-233)

Which was **READ A SECOND TIME.**

On motion by Senator **DUTREMBLE** of York, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

On motion by President **PRAY** of Penobscot, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on:

Bill "An Act to Create a State Municipalities Investment Pool"

S.P. 516 L.D. 1377

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I stand before you as the Senator from Senate District 5, and the sponsor of L.D. 1377 that is before you, that we earlier on a Divided Report Accepted the Majority Ought Not To Pass Report of the Committee.

I would just like to share some information with the members of the Senate. The Maine Municipal Bond Bank is an organization that is kind of a quasi-governmental entity. It was established to reduce overall long term borrowing costs of government units within the state for Capitol improvement projects through lower interest rates, and reduce the processing costs of bond issues. This Bill, that we have before us at this time, L.D. 1377, was a proposal to expand the scope of their operation and allow them to create a Municipal Investment Pool. As we attempt to deal with the down turn in the economy, I see some significant advantages to municipalities of being able to pool their resources together. There is a lot of safeguards to the proposal that is before you, the communities that would make their investments and choose voluntarily to enter the municipal investment pool, would be accredited with whatever contribution that they make to that, and any monies that were made by the Municipal Bond Bank would go back to those communities.

Earlier, the Senator from Androscoggin, Senator Berube, made the comments in reference to the fact that there would be a lot of local banks that might lose some business. Well, lets look around the state and consider who, in many instances these local banks are, or maybe I should refer to who they used to be. They used to be local banks. I think we only have eleven local banks left in the state, or eleven state banks that are owned by people in the state. But, the vast majority of banking now goes with international or interstate banks, and the monies that are really made by those banks go to large out-of-state corporations. This provides an additional resource, and an additional entity, and would assist municipalities in lessening their costs presently to make major investments and capital improvements in their areas.

Madam President, I would move that the Senate, having reconsidered whereby we accepted the Ought Not To Pass Report, I would move that we accept the Minority Ought To Pass Report of the Committee.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Madam President. Ladies and Gentlemen of the President. I don't like to stand up here, obviously, I am at a great disadvantage opposing the Presiding Officer of this Chamber, but since I am a gluten for punishment from way back, I don't hesitate to stand up.

My arguments are my reasons for opposing it, as are the reasons of many people in our Committee that are valid, as valid now as they were a little while ago. I think that when you refer to local banks, there are many local banks, I know that in my city I have three or four that are still local banks. I remember years ago when I served in the other Body, there was a Bill one time that was before us that would have allowed out-of-state banks to bring in millions of dollars into Maine if we passed a certain law. I was one of the few who opposed it then, and as it turned out, the reverse was true. I guess, they did bring some money in, but they took a great more out. However, in this case, we have many banks that are still local. We have big banks that are that serve the people of Maine. We have the statistics that I have of Key Bank, which invests 99% of their 90% investments in loans that go locally in the State of Maine. That is to say, the Bond Banks will not necessarily leave the money to develop the State of Maine, or assist business men and women to expand and keep their heads above water. The monies will go where the stakes are highest, and that will be out-of-state. The interest and dividends will be borne by the current market rates.

For that reason, I voted against the Bill in Committee, and we were, as you can see by the Report, a sizable majority. We heard the argument both ways. I did not get one call, as I said before, from municipal offices, nor did they come. So, I ask you to stand firm if you believe that there were only three or four reasons to vote for it, but at least eight or nine to vote against it. I ask that you support the motion of Ought Not To Pass. Thank you.

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

Senator **BUSTIN:** Thank you Madam President. Ladies and Gentlemen of the Senate. I rise again to speak on this Bill, and pleased that we can reconsider this because I have some additional information that I really didn't have when I stood up to speak for the first time.

The good Senator from Androscoggin, Senator Berube has raised some good questions about why she has voted against this Bill. But I think they are exactly the reasons why you should vote for the Bill. What she is indicating is, that because local banks fund municipalities, loan them money, then the municipalities invest in the banks, that all sounds well and good. But understand, that most of our banks, as has been stated, are under the Interstate Banking System now. They are not local banks! You are not dealing with local banks! You are dealing with banks whose most of the money, indeed, does go outside the state. It does not stay in, whether or not the municipalities participate in that bank is somewhat immaterial.

But more than that, let me indicate to you that 25 other states have similar organizations that we have here. They are listed here all the way from Arizona to Wyoming, including Wisconsin, West Virginia, Massachusetts, North Carolina, and California. And the number of participating districts in that, for instance, California - 1,115, in Illinois - 1,467, in Maryland - 112, in Massachusetts - 588. They found something to recommend this program to the local municipalities. It makes some kind of sense. The biggest sense that it makes is, that the higher rates of return that you are able to put in because of the higher amount of money that you get in a pool, you are able to earn that higher rate of return, and the liquidity that is available to you isn't available to you in other bank products, for instance, CD's. CD's, if you cash them in early, as the municipality may find themselves in the position of doing, they would lose some money because they would have to pay a penalty on it. With these issues you wouldn't have to because you have more.

I have been given a note, I would be happy to make a motion to recommit this to Committee so that we can work on it further. I would appreciate that. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

#### ENACTORS

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

An Act to Amend the Law Concerning Family Medical Leave

H.P. 75 L.D. 103  
(S "A" S-166 to C  
"A" H-254)

An Act to Reclassify Spenser Stream  
 H.P. 307 L.D. 437  
 (C "A" H-301)

An Act Concerning Energy Efficiency Standards for  
 Subsidized Housing  
 S.P. 204 L.D. 531  
 (C "A" S-151)

An Act to Clarify Provisions Relating to  
 Pharmacies  
 H.P. 432 L.D. 615  
 (C "A" H-290)

An Act Relating to Violations Involving the  
 Disregard of Red Flashing Lights on School Buses  
 H.P. 443 L.D. 633  
 (H "A" H-371 to C  
 "A" H-106)

An Act to Improve the Disbursement of Funds for  
 Municipal Roads  
 H.P. 487 L.D. 681

An Act to Improve the Disbursement of Wages to  
 Municipal Employees  
 H.P. 538 L.D. 775  
 (C "A" H-299)

An Act to Provide Information to Persons Voting  
 on Bonded Indebtedness Proposals  
 H.P. 565 L.D. 808  
 (C "A" H-298)

An Act Concerning the Lease or Lease-purchase of  
 School Bus Garage and Maintenance Facilities and  
 School Administrative Office Space  
 H.P. 690 L.D. 989  
 (C "A" H-292)

An Act to Amend the Laws Governing the Office of  
 Information Services and the Information Services  
 Policy Board  
 H.P. 737 L.D. 1041  
 (C "A" H-302)

An Act to Revise the Laws Concerning Innovative  
 Educational Grants  
 S.P. 377 L.D. 1054  
 (C "A" S-152)

An Act Relating to the Finalization of Divorces  
 S.P. 388 L.D. 1065  
 (C "A" S-142)

An Act to Allow the Suspension of Fines in  
 Certain Cases  
 S.P. 399 L.D. 1075  
 (C "A" S-144)

An Act to Ensure Voter Participation in the  
 Siting of Both Storage and Disposal of Radioactive  
 Waste  
 S.P. 407 L.D. 1083  
 (H "B" H-308 to C  
 "A" S-100)

An Act Concerning Public Representation on  
 Professional and Occupational Boards or Commissions  
 S.P. 444 L.D. 1188

An Act to Foster Marine Research  
 S.P. 450 L.D. 1226  
 (S "A" S-164 to C  
 "A" S-148)

An Act Regarding the Exclusivity of an Authorized  
 Aquaculture Lease Site  
 S.P. 456 L.D. 1232  
 (C "A" S-149)

An Act to Enhance the Trapping of Beaver  
 S.P. 535 L.D. 1424  
 (C "A" S-145)

An Act to Include Land Surveyors in the Lien Laws  
 H.P. 1036 L.D. 1509

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

An Act to Codify the Rules of Maine  
 H.P. 1 L.D. 1  
 (H "A" H-200 to C  
 "A" H-195)

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

An Act Relating to the Restoration of Drivers'  
 Licenses  
 H.P. 447 L.D. 637  
 (C "A" H-281)

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



An Act to Increase the Availability of Sign Language Training

H.P. 661 L.D. 940  
(C "A" H-291)

Senator **BRAWN** of Knox moved to **SUSPEND THE RULES** for the purpose of **RECONSIDERATION**.

President **PRAY** of Penobscot requested a Division.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **BRAWN** of Knox, to **SUSPEND THE RULES** for the purpose of **RECONSIDERATION**.

A vote of Yes will be in favor of **SUSPENDING THE RULES** for the purpose of **RECONSIDERATION**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEAS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, HOLLOWAY, KANY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER**

**NAYS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, MCCORMICK, MILLS, PEARSON, PRAY, TITCOMB, VOSE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK**

**ABSENT:** Senators **CLEVELAND, MATTHEWS, TWITCHELL**

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **BRAWN** of Knox to **SUSPEND THE RULES** for the purpose of **RECONSIDERATION, FAILED**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Knox, Senator **Brawn**.

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have never stood and never asked you to Suspend the Rules. This is the third term that I have worked hard to hold this seat, and feel I have the same courtesy extended to me, as I have to others....

**THE PRESIDENT PRO TEM:** The Senator from Penobscot, Senator **Pray**, has a point of inquiry. The Chair recognizes that same Senator.

Senator **PRAY:** Thank you Madam President. The question before the Senate at this time is Enactment, is that correct?

**THE PRESIDENT PRO TEM:** The Chair would answer in the affirmative. The Senator from Knox, Senator **Brawn** will speak to the pending motion. The Chair recognizes that same Senator.

Senator **BRAWN:** Thank you Madam President. I will speak to the pending motion, Madam President. I appreciate the opportunity to address the Senate on the Record concerning this very important matter.

I have never requested Suspension of the Rules. This is my third time here....

**THE PRESIDENT PRO TEM:** The Senator from Knox, Senator **Brawn**, is out of order, and the Chair cautions her please to contain her remarks to the pending motion of Enactment.

Senator **BRAWN:** Thank you Madam President. I apologize profusely. I would like to make one comment, I have very few words that I would like to share, and perhaps I appear angry, and I am angry, and I am crying as I am angry, and by the way, I did know this was going to happen...

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On motion by **THE PRESIDENT PRO TEM, RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Knox, Senator **Brawn**.

Senator **BRAWN:** Thank you Madam President. I am opposed to only one part of this legislation, and I have tried to amend it unsuccessfully. I am a big enough person to ask you to allow to pass this Bill. Thank you.

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

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, RICH, SUMMERS, THERIAULT, TITCOMB, VOSE, WEBSTER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

**NAYS:** Senators None

**ABSENT:** Senators CLEVELAND, TWITCHELL

33 Senators having voted in the affirmative and no Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects

H.P. 728 L.D. 1032  
(H "A" H-310)

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

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An Act to Broaden the Crime of Criminal Mischief  
H.P. 854 L.D. 1220  
(C "A" H-288)

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

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An Act to Amend and Improve the Laws Relating to Education

S.P. 469 L.D. 1252  
(C "A" S-153)

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

An Act Regarding Training Costs of Police Officers  
H.P. 890 L.D. 1287  
(C "A" H-303)

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

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An Act to Establish a Seasonal Permit for the Sale of Deer Hides

S.P. 519 L.D. 1397  
(C "A" S-146)

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

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An Act to Limit Major Third-party Payor Status to Governmental Payors and Make Other Technical Changes in the Laws Affecting Hospital Financing

S.P. 594 L.D. 1579  
(H "A" H-367)

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

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An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance

S.P. 688 L.D. 1829  
(H "A" H-362)

On motion by Senator **BALDACCI** of Penobscot, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS LEGISLATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from Penobscot, President **PRAY** to the Rostrum where he resumed the duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator **CLARK** to her seat on the floor.

Senate called to Order by the President.

**Emergency**

An Act to Clarify the Laws Relating to the Election or Appointment of Assessors

H.P. 548 L.D. 785  
(C "A" H-297)

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

**Emergency**

An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees

S.P. 540 L.D. 1438  
(C "A" S-143)

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

**RECALLED FROM ENROSSING**

Bill "An Act to Provide for Changes to the Membership of the Electricians' Examining Board"

H.P. 912 L.D. 1309  
(C "A" H-313)

(In Senate, May 23, 1991, **PASSED TO BE ENGROSSED**, as **Amended**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 725, in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby this Bill was **PASSED TO BE ENGROSSED, AS AMENDED**.

On further motion by same Senator, Senate Amendment "A" (S-258) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, as **Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine"

H.P. 1322 L.D. 1913

Bill "An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries"

H.P. 1324 L.D. 1916

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Grants and Loans to Municipalities and Regional Associations for Recycling Equipment and Facilities and to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills"

H.P. 1325 L.D. 1917

Come from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River"

H.P. 1329 L.D. 1920

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Generate Revenue by Raising Certain Taxes" (Emergency)

H.P. 1326 L.D. 1918

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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**ORDERS OF THE DAY**

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

Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers"  
H.P. 615 L.D. 875

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, May 22, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324).**)

(In Senate, May 23, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**)

(In House, May 28, 1991, that Body **INSISTED.**)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **FURTHER CONSIDERATION**.

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

**HOUSE REPORT** - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (Emergency)  
H.P. 825 L.D. 1179

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-394).**

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, May 30, 1991, Report **READ** and **ACCEPTED**. Subsequently, **RECONSIDERED ACCEPTANCE.**)

(In House, May 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394).**)

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

Committee Amendment "A" (H-394) **READ**.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "A" (S-298) to Committee Amendment "A" (H-394) **READ** and **ADOPTED**.

Committee Amendment "A" (H-394) as Amended by Senate Amendment "A" (S-298) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

**SENATE REPORT** - from the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"  
S.P. 571 L.D. 1525

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, May 30, 1991, Report **READ.**)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **ACCEPTANCE** of Committee Report.

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

**SENATE REPORTS** - from the Committee on **LABOR** on Bill "An Act to Raise the Family Allowance in Unemployment Compensation Benefits to a Reasonable Dependent Support Level"  
S.P. 468 L.D. 1251

Majority - **Ought Not to Pass.**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-229)**

Tabled - May 30, 1991, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 30, 1991, Reports **READ.**)

On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending ACCEPTANCE OF EITHER  
REPORT.

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

SENATE REPORTS - from the Committee on STATE AND  
LOCAL GOVERNMENT on Bill "An Act Regarding Investment  
of State Funds in Corporations Doing Business in  
Northern Ireland"

S.P. 446 L.D. 1190

Majority - Ought to Pass as Amended by Committee  
Amendment "A" (S-241)

Minority - Ought to Pass as Amended by Committee  
Amendment "B" (S-242)

Tabled - May 30, 1991, by Senator CLARK of  
Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, May 30, 1991, Reports READ.)

Senator CONLEY of Cumberland moved to  
INDEFINITELY POSTPONE Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes that same  
Senator.

Senator CONLEY: Thank you Mr. President. Ladies  
and Gentlemen of the Senate. The very lovely  
carnations that have been distributed to the members  
of this Body, which contain the colors of the Irish  
Flag, and represent a tradition that has been  
followed in this Chamber ever since the original  
MacBride Principles Bill were introduced some three  
or four sessions ago, these have been distributed to  
you as a gift from myself and Senator Pearson from  
Penobscot, a co-sponsor of this Bill.

The papers which are before the Body, which I  
have now moved to have Indefinitely Postponed, bear  
no relation whatsoever to the original Bill that was  
before this Body, and introduced into the  
Legislature. The two Reports from the Committee are  
very different from the original Bill, and I would  
like to speak to the Body as to why I seek to have  
these papers Indefinitely Postponed. My good friend  
from Penobscot, Senator Pearson would certainly  
rather see me up here trying to substitute the  
original Bill for the Report, but I think of these,  
and he is a little upset with me for maybe losing a  
little bit of will to fight on this issue. But I  
believe that the eggs have been scrambled so badly in  
the Committee in reference to the two Reports that  
have come out, that I think at this point, it makes  
more sense to perhaps make a fresh start sometime in  
the future. I see these carnations now, not as  
symbols of a fight, but as symbols of peace, which is  
what the people who have been supporting the original  
MacBride Principles, and the people who have  
introduced that Bill to this Body, and the other Body

over the course of the last four sessions, want for  
that war torn land, which is peace. That is what is  
behind MacBride Principles.

Some people have been here for the entire  
history, and I am not going to review the entire  
history, but to suffice it to say, we have on the  
books in this state a measure which calls for us to  
support the MacBride Principles. Instead of  
divesting any stocks which the State Retirement Fund  
invests in with companies doing business in Northern  
Ireland, which is what the original Bill called for,  
and what this Bill called for, we have, in fact,  
instructed our retirement system to vote our shares  
by proxy at any shareholders meetings, and to  
instruct those companies to follow the MacBride  
Principles.

The Minority Report in this particular Bill,  
would call for a report to be made back to us to let  
us know how things have been going with that Bill.  
The Majority Report is a different matter. Although  
I feel that the Minority Report is a nice step, I  
think at this point, it makes no sense to do that. I  
think we can get the Treasurer in the Retirement  
System to report back to us under any set of  
circumstances.

What upsets me most about what has happened in  
the process with this Bill, and the good lobbyist who  
has done an excellent job for his client, the  
Government of Britain, sits in the rear of the  
Chamber, and has a cash flow no less than \$13,000  
worth of checks to fight the good battle for them.  
He did a good job for them. Because this Bill, the  
Majority Report, if it were adopted by this Body,  
would make the State of Maine the first state in the  
country to repeal the MacBride Principles, a step in  
the direction of discrimination, and it would be  
condoning the discrimination, which has gone on  
against Catholics in Northern Ireland for centuries.  
I am a little disappointed, because I do believe that  
the Committee did receive some misinformation as they  
were debating this measure. I don't believe that the  
Committee was given correct information to make an  
informed decision.

For all those reasons, I don't believe we should  
invest any time in this. If we are going to fight  
discrimination, I believe that we should do it with  
something that will work, and I would ask that these  
papers be Indefinitely Postponed. Thank you Mr.  
President.

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

Senator PEARSON: Thank you Mr. President.  
Ladies and Gentlemen of the Senate. The Irish have  
always had a fight on their hands that has been going  
on for hundreds of years with one government or  
another. It is now with the British Government. I  
feel that although this battle that we were hoping to  
wage this year is not to be won, it is also not to be  
lost. We will come back for another day, and the  
next time we will win.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was not going to rise on this Bill, and I am certainly not going to ask you to vote against the pending motion, because I concur with the motion.

But, I do have to rise, only because there was an allegation made that perhaps the Committee got some misinformation. I do not think that the Committee got misinformation. I think that we got the right information. I think that we made some decisions with that information, and that decision didn't particularly set well with those people who wanted the Bill, which is fine. I don't have a problem with going back to the law the way that it is. But, to indicate that there was misinformation given to the Committee, I think is wrong, because it wasn't. I left my file upstairs knowing this motion was being made, so I can't give it to you.

Further than that, I had some problems with keeping the MacBride Principles in law, just so that you know where I am coming from. Not because I don't believe that there isn't discrimination over there, because I certainly do. And not because I don't always vote for anything that shows discrimination, because I always do. But, because even in this country, I heard on a National Public Radio show about a survey that discussed people of equal values. The example used was two males, both twenty-one, the same education, except one was white and one was black. They did this in a number of other instances, not just with twenty-one year old white and black males, but with other ways of discriminating. They found that even in this country we ourselves are not meeting our Fair Employment Standards Act. That is why we have a Human Rights Commission. If I am going to look at Ireland, I must look at myself.

I am happy to let the Bill go the way that it is going, on its merry way, but I am not going to sit and listen to the fact that we got misinformation, because I don't happen to think that we did.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

The Chair ordered a Division.

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

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

29 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **CONLEY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (Emergency)

S.P. 507 L.D. 1345

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

Minority - **Ought Not to Pass.**

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 30, 1991, Reports **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

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

Bill "An Act Regarding Liability for Persons Responding to Oil Spills"

H.P. 53 L.D. 74  
(C "A" H-360)

Tabled - May 30, 1991, by Senator **GAUVREAU** of Androscoggin.

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

(In Senate, May 30, 1991, **READ A SECOND TIME**.)

(In House, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360)**.)

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

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

Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program"

H.P. 557 L.D. 800  
(C "A" H-350)

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 30, 1991, **READ A SECOND TIME.**)

(In House, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350).**)

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **HUMAN RESOURCES** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Clarify the Status of Employee Benefit Excess Insurance"

H.P. 814 L.D. 1168  
(C "A" H-355)

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 30, 1991, **READ A SECOND TIME.**)

(In House, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355).**)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-355).

On further motion by same Senator, Senate Amendment "A" (S-285) to Committee Amendment "A" (H-355) **READ** and **ADOPTED**.

Committee Amendment "A" (H-355) as Amended by Senate Amendment "A" (S-285) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act Concerning State Education Mandate Waivers"

H.P. 908 L.D. 1305  
(C "A" H-358)

Tabled - May 30, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 30, 1991, **READ A SECOND TIME.**)

(In House, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358).**)

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:

Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment"

H.P. 1051 L.D. 1524  
(C "A" H-349; H "A" H-431)

Tabled - May 30, 1991, by Senator **BOST** of Penobscot.

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

(In Senate, May 30, 1991, **READ A SECOND TIME.**)

(In House, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349) AND HOUSE AMENDMENT "A" (H-431).**)

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

The same Senator, requested a Division and subsequently withdrew his request for a Division.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It had been my intent to retain my motion of Indefinite Postponement of this Bill and Accompanying Papers, and I spoke too quickly when I asked for a Division.

Senator **CONLEY** of Cumberland requested a Division.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to debate this issue before we take a vote on it. So I will offer for you my position with respect to the pending motion.

My understanding is, that L.D. 1524 before the Senate at this moment would, if enacted, end the states' Certificate of Need Program to the proposed acquisition of all major medical equipment pieces of \$1 million or more in value. As many of you I suspect already know, the State of Maine currently does have, and has had for several years, a Certificate of Need Program. But, the CON Program is limited to reviewing the appropriateness of acquiring major pieces of medical equipment, or adding new services within hospital environs. So, the proposed expansion of the CON Program, I think, does merit some consideration by this Body before we take a vote on L.D. 1524.

I recognize in the course of a lengthy evening of debate, that perhaps, health care finance might not have the intrinsic excitement of other issues which from time to time capture our attention, like hot air balloons. But nevertheless, this is an important piece of legislation. I find myself in a somewhat uncomfortable position of urging this Body to take a stance in opposition to the good Senate Chair of the Committee on Human Resources, the Senator from Cumberland, Senator Conley, and has counterpart from the same County, Senator Gill.

Let me start off my presentation with the following analogy. At first blush, it certainly seemed logical to extend the arm of health planning beyond the environs of hospitals to major private for profit enterprises. The rationale, I suspect, will be offered to us this evening, that if we can just extend the CON, we can somehow get a handle on burgeoning health care costs, and therefore, somehow make the cost of health care for all Maine citizens somehow more affordable.

Well, for some reason, and I am not sure why, the discussion on extending CON to private parties, to me, is somewhat analgesic to the Rule Against Perpetuities that I studied in my first year in law school. Now perhaps, only Senator Conley from Cumberland, and I know what the Ruling of Perpetuities is. But, for those of you who, unfortunately, have not had the blessings of Dean Godfrey's course on property, let me enlighten you. Under the Rule Against Perpetuities, any interests shall vest, if at all, within twenty-one years of life in being at time of its creation. Now, perhaps you understood what I said. I know I didn't! It took me a whole year to learn the Rule Against Perpetuities, and it finally dawned on me, that there are very affluent attorney's practicing probate law, who know far more than I do about the Rule Against Perpetuities, and have made a fairly good lifetime of practice learning and practicing the Rule Against Perpetuities. That is, because what at first appeared to be a very simple and straightforward Bill for legislation, designed to prevent wealthy families from creating in perpetuity trusts, which would take land out of the system and repose that in a private preserve of wealthy families for generations to come, in fact, didn't work out that way. The Ruling Against Perpetuities begat many, many exceptions. In

fact, sometimes Wills failed because courts had to strike down Wills because they violated the Rules Against Perpetuities. Legislators around the country adopted anti-lapsed statutes, again, perhaps only of interest to probate attorneys. I suspect that the same sort of mischief would occur if we were to extend the Certificate of Need Program to all private providers. This is not an issue of first impression, but it is an issue we have to discuss this evening.

The Legislature has studied at least three times in the course of the last seven years a whole issue of Certificate of Need. In fact, I had the privilege of Chairing two panels which studied the issue in some detail for four years, and ultimately, was recommended against extension of CON beyond hospital environs. We did recommend legislation which ultimately was adopted, which did achieve that goal, which we all aspire to quote/unquote, "Level the playing field", whatever that means. The notion being that hospitals were, and are disadvantages against their competitors in the private sector, because hospitals have to go through a lengthy and difficult process of health care planning, and if they succeed in winning the approval from the Department of Human Services on CON, they have to compete with limited funds on the Hospital Development Account, while their private competitors were under no such constraints. This Legislature did, in fact, take positive action upon recommendations which our Study Committees recommended. Perhaps the most significant, we now allow hospitals which provide major equipment earmarked primarily for outpatient volume, that is to say, earmarked for volume 80% or more outpatient, hospitals can avoid completely the CON process, and can bring those items on to bear.

Moreover, there have been many legitimate concerns raised about access to health care. It was argued, I think with some cogency, that whereas in Maine our hospitals take all comers, regardless of financial circumstance. That is truly one of the strongest aspects of the Maine Health Care Delivery System. It was argued that for that profit providers were under no such obligation, and in fact, did not often times take low income people, or people without insurance. As a result, this Legislature, in 1990, adopted legislation which does require for-profit corporations to meet the so-called Hill-Burton Standards. As you may recall, under the Hill-Burton Act of 1956, the U.S. Congress required all hospitals which accept Federal Funds in part of Capitol Development, have to, in fact, provide services for indigent care. We have now extended that Hill-Burton requirement to for-profit prior providers. Maine is unique in the nation in that regard. So we have taken significant action to insure that people can be served, either in hospitals, or in for-profit providers outside hospital environments. In so doing, we have really addressed the issue of the level playing field, and we really have addressed the issue of providing equal access either to equipment for testing, either outside or inside hospitals.

But, there are some other real problems that I see with L.D. 1524. First of all, it presumes and implies that the same sort of linkage which exists between Maine's rather complicated esoteric health care financing system for hospitals, and CON, also obtains with respect to private providers. Such is



not the case. As you know, in Maine, we have a Rate Setting Commission which regulates what rates hospitals charge for their services. Hospitals are basically reimbursed on a cost-base system. Now that is not the case in the private market. There is no such regulation. It makes very little sense to apply a model which works well on a cost-base system to the private market. It simply does not match up.

There is another concern which I think is far more grave. When I read L.D. 1524, I thought I simply didn't read the Bill correctly, because I had assumed that the drafters of that Bill certainly had made arrangements to expand the Hospital Development Account. It just stands to reason that if we are going to put more projects under the realm of CON, we are going to have to expand the Hospital Development Account. If there is one complaint which I heard thousands of times, in letters and calls, and visits from doctors, and consumers, and everybody, was a concern of the perceived tendency of the Health Care Finance Commission to under size the Development Account. In fact, I believe two or three years ago, this Legislature adopted legislation to overrule the Health Care Finance Commission, and doubled the Development Account. I was truly surprised to realize that the Bill before us proposes the Development Account be sized the same. We are going to exasperate tremendously the competition for the limited pool of money in the Hospital Development Account.

The concern is more serious than that. In my experience sitting on the Committee of Human Resources, we found many occasions when variances were granted to previously approved hospital projects. The effect of those variances was to undermine, erode substantially the available credits in subsequent financial years for the Development Account. So, it is very possible for a hospital to have fought tooth and nail for years to get a project approved by a CON, then finally, to get approved with a limited pool of money under the Development Account, and then have that all simply set aside by a variance granted on a previous years project.

I truly am surprised, and I am very, very concerned that we would try to compress all new equipment in the same limited pool available in the Hospital Development Account. I really want to hear from Legislators on the Committee of Jurisdiction as to what the Committee's rationale was in maintaining constant the Development Account, while obviously, was expanding the number of projects to come under the CON.

Another concern that I have is, that Maine has adopted a multifaceted approach to try to accomplish the twin goals of expanding access and trying to rein in burgeoning health care costs. As far as hospital financing is concerned, we have opted for a more competitive model, a market driven model instead of in years past. Hospitals with slow and rural areas, or with stable areas, or stable and declining volumes, those hospitals are in a total revenue account, and basically, has safe harbor under our regulatory scheme. Hospitals in more competitive markets, where volumes are increasing, can go into the rate per case, per adjusted admission mode. That is a much more competitive system, and we intentionally establish that dichotomy in rate

setting between rural and urban hospitals with true appreciation for the vagaries of the market. This wasn't done over night, this was done in a period of five years. So now I see the very carefully crafted compromise which won unanimous consent in both Body's.

Let me back up just a little bit. When I went on the Human Resources Committee, there was probably no issue that was more controversial than the issue of health care finance. I truly admired the people who served as Commissioners on the Health Care Finance Commission, because their sanity and their integrity was under daily question by members of the public. Over a period of four or five years, we developed consensus, and we developed a unanimous report. That was not easy to accomplish. Members of the payer community, provider community, consumers, physicians, all worked together to craft this package. There were compromises along the way, some of which I alluded to. Now, it seems to me, that L.D. 1524 will take a different thrust. It would turn away from those compromises. It would turn away from the policy decisions that we made in the last three or four years on health care financing and go in a different direction. That in itself is not bad. We certainly can make decisions, we can change our policy. But the concern I have here is, we are simply tampering with the very, very complicated system of health care financing, and we simply have not allowed the system to take effect. We are just now beginning to phase in the new regulations under the two-tiered rate setting system that we set in. We have a Study Commission that will report back to the Legislature in three years, that will, in fact, review the appropriateness and the efficacy of the more market driven system that we have adopted. It will report back to us on whether or not the system we have adopted now allowing hospitals, if they market their technology for outpatient volumes to escape the health planning process, that we will look at that in three or four years. Perhaps we may find that our assumptions were erroneous. We may find that what we recommended did not address the issues, and did not appropriately allow for market forces to come to bear, to have some salutary effect upon escalating health care costs. But you know, you will never know if you don't give the process a chance!

These are concerns that I think are tangible, they are not mine, they are concerns that many people have in the health care community. Now I have tremendous respect for the Legislators who serve on the Human Resources Committee. I certainly understand the laudable goals which really underpin L.D. 1524, which is to provide some kind of universal or comprehensive health care planning. I think that in the appropriate reimbursement system it would make some sense if we had a global system, a single payer system, it would, in fact, make some sense. But, we have a number of providers and a number of payers, and you simply can't use this model on the current system of health care financing, it doesn't match up. What we have now may not be what I want, but I am willing to accept what we have and make it better.

These are very real concerns that I have, but the foremost of all my concerns, is the one about the Development Account. I simply cannot understand how we can logically talk about spanning the pool of projects to come under CON, and not provide expansion of the Development Account to accommodate the

projects that will come under the health care planning process. So these are some of my major concerns regarding L.D. 1524, and for these reasons, I would support the motion of the good Senator from Penobscot, Senator Bost, and urge that this Body move to Indefinitely Postpone L.D. 1524 and all Accompanying Papers. Thank you Mr. President.

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

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My good friend from Androscoggin, the former Chair of the Human Resources Committee, and actually a member of more than one panel to look at and address this CON issue, his comments are not taken lightly by me.

As a matter of fact, although he would like to talk about the Ruling Against Perpetuities, I would like to return to a subject that I know that he is much more fond of, which is baseball. I truly see his emergence onto the field in this fray at this time, sort of like someone bringing Roger Clemens up to the mound. I would like to tell the good Senator, Senator Gauvreau, that I was in Boston on Sunday, and he was shelled. I would say to the good Senator, although I would like to have him on my team, I believe in this issue, even though he is experienced and has considerable knowledge in this area, I think he may be in left field in examining this issue of whether or not we should extend the CON provisions to doctors and their purchases of medical equipment. I don't see this issue as an issue similar to the Ruling Against Perpetuities. I see it as a much simpler issue, and maybe in that way I have missed something very significant. But I think not. Blue Cross and Blue Shield has come out forcefully in favor of this. Are they in favor of raising our health care costs? I don't think so. The MCPHIC Board came to our work session, and they regulate hospitals, and they said that this was an excellent idea for keeping health care costs down. People concerned about consumer costs for health care are in favor of this Bill. Why? It is simple. Why should a group of doctors who set up a little shop a hundred yards from the Maine Medical Center be able to escape review for putting a machine that costs more than \$1 million in, and the Maine Medical Center has to go before the review process? It just doesn't make any sense. The review process should be extended. It is only right that it should be extended.

Sitting on the Human Resources Committee, which I have done with the good Senator from Cumberland, Senator Gill, and I know that the good Senator from my rear, Senator Gauvreau has had great experience in this. You sit day in and day out, telling people they can't have things, because we cannot afford it. There is no process in place to tell these doctors that we don't need what they want, except the MCPHIC process. It is only logical, and people much more logical than myself, and much more involved in the process even than the good Senator from Androscoggin, have said that this brings health care costs down.

Now I am not stupid. I saw some of the people that stood up when the Division was requested. It is amazing the way a long weekend will make sound judgment from just a few days ago, all of a sudden people appear stupid or foolish. I am a nose

counter, but who wants to sit here and listen to the Ruling Against Perpetuities or anything else this time of night. Not many! Many don't even want to listen to baseball, which I know my good friend from Androscoggin, Senator Gauvreau would take issue with. But, I see my good friend sitting in the back, who has worked this issue hard, a lobbyist who I have had both agreements with and disagreements, perhaps he is going to win today, but it won't be because this isn't the right thing to do. I think that doctor's in this state have a great deal of power. We all respect our local physicians. They carry great credibility with us. Incredible how much more credibility than lawyers do. But, when they ask their Senators to do something, I guess they think Senators think twice about it. I can only say this, I really believe, and I don't think that the majority of the Committee would have signed out this Bill unless they also believed that this will help bring down our health care costs, and get the system under control. I don't think that we would have this before this Body unless we believed that this is what it would accomplish. For those reasons, I think you should stick with the majority of the Committee. Thank you.

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

**Senator BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I realize that the hour is late. I certainly couldn't let the remarks from the good Senator from Cumberland, Senator Conley, not be responded to. I also want to thank him before I begin for requesting a Division. He did that so well.

The term hospital cost and health care containment has been thrown around both in this debate, and perhaps more extensively, in the debate that we had last week on this Bill. I think that we need to clarify what health cost containment is within the context of this particular Bill. I was given an article recently from American Medical News which quoted a study which was called "An Analysis of Hospital Expenditures and Revenues from 1979 through 1989", and it examined the trends of more than 6,000 community hospitals on a per case and per capita basis. It was prepared for the Federation of American Health Systems. I would like to quote ever so briefly from this article. "The Study found that hospitals in competitive states", and we would be among those, Minnesota, California, Oregon, Delaware, and Colorado, and the ones that were cited in this particular study, "experienced lower rates of increase and expenditures, and maintained higher profit margins than facilities in six regulatory states". Those regulatory states were Maryland, Massachusetts, New Jersey, Washington, Connecticut, and New York. "Hospital expenditures in the regulated states rose an average of 9.5% from 1986 to 1989, while in the five competitive states, they rose 7.1%", according to this Study. "The spending increase in the regulated states also outpaced the 8.5% average reported for hospitals nationwide." So it would seem to bear out what the good Senator from Androscoggin, Senator Gauvreau, has so eloquently stated on the floor tonight, that the current system, as crafted by the previous Committee on Human Resources, is working, and needs time to work, more importantly.

The mechanism to access this particular component is, in fact there. It was passed in 1990 by this Legislature, I believe unanimously, in L.D. 2435. The Commission to study certain provisions of the CON Law, will, in fact, be doing what needs to be done in order to maintain some accountability, and come back to this Legislature and report exactly what it is that has happened, and where it would recommend we go from that point forward.

I think it is important, and I realize he is leaving the Chamber, but it is important that before he leave, he recognize that people can develop on any given issue. They can be provided additional information, and I think that has been done over the last few days. I don't think it is necessarily been because physician A, or B, or C has been contacting any particular legislator, that may have been happening. But, I also assume that people who are involved on the opposite side of the argument have been doing an equally vigorous amount of work for those who are in question.

The Hospital Development Account issue, it seems to me, is the most critical issue that should govern ones vote on L.D. 1524. I would wholeheartedly agree with the good Senator from Androscoggin, Senator Gauvreau, that we really are doing a disservice to the entire medical community, if we do not simultaneously expand the Hospital Development Account to take into consideration the new constraints that will be put on that if this Bill becomes law. With that, I would once again ask that you support the motion to Indefinitely Postpone this Bill and all Accompanying Papers. 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. Just a few points. The good Senator from Androscoggin, Senator Gauvreau, has raised a point about the Hill-Burton Act, and says that if we did have Hill-Burton in place, we don't need to do this. Well, the Hill-Burton Act deals with access. It does nothing to contain rising costs, and therefore, does not help to provide a level playing field in this instance. Once again, to reiterate the debate of the other day, costs are rising, health care costs are rising, due to a cost shifting to outpatient services. In fact, that is the largest component of rising health care costs, the shift to outpatient services. Where do outpatient services happen? They happen in doctor's offices. Studies have shown that doctors with an ownership interest in imaging equipment like Magnetic Resonance Imagers, use that equipment 4.5 times more often than those who do not have it. That is why our health care costs are going up. What this Bill asks us to do is to extend a simple proven cost containment measure, a measure that has kept the increase in Maine's hospital costs at 9%, whereas in many other states, it has been 11%. We are asking you to extend that to doctors who want to buy equipment that costs more than 1 million dollars. It is the least we can do to contain health care costs, and I urge you to do it. Thank you.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When CON was put into place, it was put in dealing strictly with hospitals. Some may say that it was erratic and not a well planned out move because of the health care industry. The health care dollars were spent in other places other than hospitals. True, the large portion of health care dollars were hospital based dollars. But, what's happened with our unique system, and Maine has a system like no other state, there is not one other state in the whole United States that has a system similar to Maine. I see no problem with looking at where the bumps have come out from the present system that we have in place. The system has reduced health care costs in hospitals, but it has bumped out so that the physicians percentage of the health care dollars has increased. I think it is important to remember, nobody has mentioned a million dollars here tonight, we are talking about capital projects that cost 1 million dollars. I don't think that is going to be any more of a hardship than it was on hospitals. I think that we have to even this playing field. Those health care dollars are crucial right now, we are looking everywhere we can to find dollars. This is an area where we can put some constraints on new technology and being placed in out of hospital settings.

The Maine Health Care Commission has certain factors that it looks at, and as far as economic trends are concerned, and a couple of those deal in changes in technology. We have seen the changes in technology and the hospitals having to go before the regulatory process with their CON's. But, we are now seeing technology going out to the doctor who may be only two blocks away, or the group of doctors who may be two blocks away from the Medical Center or some other facility. The other thing that we have to look at, and the Commission looks at, is changes in medical practice. How can we get a handle on the changes that are going on in medical practice unless we include the doctors in the CON process? I think that the CON Development Account issue was raised, and in the Bill, L.D. 1524, there is a CON Development Account, and how the Commission actually establishes that account. There are nine criteria that the Maine Health Care Commission looks at to look at the possibility of increasing that account. I have to say, if for instance they don't look at these and say yes, we need an increase in the account, than perhaps a Legislator can come in with legislation as I did several years ago to increase the Maine Health Care Development Account. There are options in either raising it through the Commission process, or coming in with legislation. I am not offering that this is the sole way to do it, but it is a way to do it, and it has been done in the past, so there is precedence for it. I don't have any concern about that.

As far as the Report that is due in three years, that the good Senator from Androscoggin, Senator Gauvreau spoke about, if we get a Report back in three years that tells us that things are out of wack, then it is going to be two more years before we can do anything about it legislatively. That is five years down the road! Do you know where the health care dollars go in five years? A long, long way, and I think we ought to look at it before then. I would urge you not to adopt the pending motion and support the Ought To Pass Report of the Committee.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just in brief rebuttal to the comments from my friend and colleague from the County of Cumberland, Senator Gill, as to the later point she raised in her presentation as far as we can't wait too long. We had in the Study Commission, which I was a Chair, and had the world's longest name for a title, but is known as the Interim Study Committee, for obvious reasons. We considered the appropriate length of time to review this issue, and a Panel consisting of Representatives from hospital communities, from private physicians, from payers, consumer representatives, Department of Human Services, and all believed that we needed three years to get the type of reliable data in which you could make informed, disinterested judgments on the efficacy of the type of quasi competitive model that we have adopted.

But, before we end this debate tonight, it is really important to me that we clarify, and we underscore the factors that are really driving health care. Obviously, the cost of equipment is a factor. It is probably in the top ten. It isn't in the top five. It is not the major factor, by any stretch of the imagination, which is driving health care costs in our society. The fact of the matter is, that demographics in the employer base system of health care financing in our system are dysfunctional.

As I mentioned in a somewhat lengthy presentation a year or two ago, which I will not repeat this evening, we are an aging society. And the Senator from Knox, Senator Knox mentioned that in her comments on what is driving up health care costs. By the time that my baby boom generation retires, we will have fewer than two or under in the work force who will be supporting me in my retirement years. A thought that does not give me great solace, unless, I move to Florida to watch spring training. When my parents begat me, there were thirty-five people in the work force to support them when they retired. As we ask our friends in the employer community to take on a disproportionate share of financing health care costs, recognizing full well that our business community has to compete in global markets, markets in which health care is subsidized, you need not be a rocket scientist to know that what is really causing our system to break down is that people are getting older, they are requiring greater care, they are no longer in the work force, and they are requiring those of us who are working to support them. One-half of all health care expenditures in our society are paid to people after they retire and no longer contribute to the work force. Two-thirds of all the people in the history of mankind who reach age 65 are alive today. So let's really look at what is driving health care costs!

I make these comments in rebuttal to the comments of my colleague and friend from Cumberland, Senator Gill, to point out that yes, our system is dysfunctional, and yes, it is in need of major surgical repair, but we have given the type of deliberate thought which is required in this discreet area on major medical equipment. We should look at other areas, for example, the initiative being discussed earlier this evening, on the

appropriateness of a study to consider a Universal Payer System. I support that, it makes sense to consider that as one of the options available to us. It makes sense. I recognize the political debate, but that notwithstanding, it still makes sense. But, I really believe that the approach being invited in L.D. 1524, obviously, well intentioned, obviously put forth by people who care greatly about health care in our society, but I believe that the reasons that I described earlier is simply fraught with mischief, and I would support the motion of the good Senator from Penobscot, Senator Bost, to Indefinitely Postpone this Bill.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to share a little bit of history, and my good friend from Cumberland, Senator Conley, reminded us of the example of the baseball game and being in left field. I want to thank and extend my gratitude to the good Senator from Androscoggin, Senator Gauvreau, for putting this issue in context and bringing home some of the intricacies of this legislation and what it will do. It reminds me of the story of St. Patrick. St. Patrick drove the snakes out of the State of Ireland. Senator Gauvreau, the Senator from Androscoggin, has driven the demons out from this Bill, and put it in prospective. Thank you Mr. President.

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

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

A vote of yes will be in favor of the motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CLARK** of Cumberland who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **CLEVELAND** of Androscoggin who would have voted **YEA**.

President **PRAY** of Penobscot who would have voted **NAY** requested and received leave of the Senate to pair his vote with Senator **BERUBE** of Androscoggin who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators BALDACCI, BOST, BRAWN, CAHILL,  
CARPENTER, DUTREMBLE, FOSTER, GAUVREAU,  
GOULD, MATTHEWS, RICH, SUMMERS, WEBSTER

NAYS: Senators BRANNIGAN, BUSTIN, COLLINS,  
CONLEY, EMERSON, ESTES, ESTY, GILL,  
HOLLOWAY, KANY, LUDWIG, MCCORMICK,  
MILLS, PEARSON, THERIAULT, TITCOMB,  
VOSE

PAIRED: Senators BERUBE, CLARK, CLEVELAND, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TWITCHELL

Senator PEARSON of Penobscot requested and received leave of the Senate to change his vote from YEA to NAY.

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators having paired their votes and 1 Senator being absent, the motion of Senator BOST of Penobscot, to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, FAILED.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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On motion by Senator CONLEY of Cumberland, ADJOURNED until Wednesday, June 5, 1991 at 9:00 in the morning.